Agency Legislative Proposal - 2022 Session

Document Name: 090921_DEEP_Streamlining

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

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Lead agency division requesting this proposal: Sec. 1: Water Planning and Management; Sec. 2: Land and Water Resources; Sec. 3-4: Air Bureau; Sec. 5-9: Forestry; Sec. 10: Pesticide Management Program; Sec. 11: Waste Engineering and Enforcement Division; Sec. 12: Water Permitting and Enforcement; Sec. 13: Land and Water Resources; Sec. 14-19: Radiation.

Agency Analyst/Drafter of Proposal: Sec. 1: Jennifer Perry; Sec. 2: David Blatt; Sec. 3-4: Paul Kritzler; Sec. 5-9: Chris Martin, Rick Jacobson; Sec 10-11: Diane Jorsey; Sec. 12: Ozzie Inglese; Sec. 13: David Blatt; Sec. 14-19: Jeff Semancik, Paul Kritzler.

Title of Proposal: An Act Concerning Minor Revisions to Environment-Related Statutes and Streamlining

Statutory Reference: Sec. 1: 22a-416d; **;** Sec. 2: 22-11h(c); Sec. 3: 22a-73; Sec. 4: 22a-174; Sec. 5: 23-37(d); Sec. 6: 23-53; Sec. 7: 23-65g(a)(b); Sec. 8: 23-65h(c); Sec. 9: 23-65i; Sec. 10: 22a-54(f); Sec. 11: 22a-50(g); Sec. 12: 22a-6f; Sec. 13: 22a-354aa; Sec. 14: 22a-152; Sec. 15: 22a-153; Sec. 16: 22a-154; 17: 16a-102; Sec. 18: 16a-158; Sec. 19: 22a-6b(a).

Proposal Summary:

Sec. 1: This proposal is to amend statute and regulations to remove the reference to DEEP's proctoring of electronic wastewater treatment facility operator certification exams (in favor of modernized, more streamlined on-line approach used by DEEP using 3rd parties pursuant to the authority under CGS 22a-6(a)(2)), revise existing regulations to incorporate a Class 4 Operator In Training classification, and allow an operator to retain certification through appropriate continuing education after leaving the field and allow transition of administration of an operator certification renewal program to the New England Interstate Water Pollution Control Commission (NEIWPCC) which administers wastewater certification programs for other New England States.

Sec. 2: This proposal would make clear that aquaculture structures approved by the Army Corps of Engineers are exempt from state permits under sections 22a-359 through 22a-363f, in accordance with existing practice and legislative intent.

Sec. 3: Repeals the requirement that Connecticut municipalities obtain approval from the Department of Energy and Environmental Protection (DEEP) prior to the adoption of a municipal noise control ordinance. This simplifies the process for municipalities and eases an administrative burden for DEEP.

Sec. 4: Provides DEEP the authority to require a source of air pollution required to obtain a permit under Title V of the Clean Air Act to comply with 40 Code of Federal Regulations Part 62. This corrects an inconsistency between the statute and its implementing regulations and maintains the viability of the CT's federally approved Title V program rather than the threat of a Federally implemented Title V program.

Sec. 5: Technical Revision to Sec 23-37(d) eliminating statutory conflict with Sec 23-35 and 23-55 whereby the State Fire Warden has the ability to maintain trained and equipped fire crews for BOTH in-state and out-of-state forest fire response.

Sec. 6: Technical Revision to Sec 23-53 inserting Article XV which extends Article IX liability provisions to other Forest Fire Compacts.

Sec. 7-9: Proposed technical revisions to statutes pertaining to Connecticut's Forest Practices Act which clarifies the Governor's and Legislative appointment authorities for the Forest Practices Advisory Board and streamlines professional occupational licensing renewal and reciprocity with similar forest practitioner state licensing requirements.

Sec. 10: To enable the holder of a pesticide certification that has lapsed for less than one year to renew their certification without re-examination and to establish late fees for the late renewal.

Sec. 11: Currently, state statutes establish a 5 year cycle for pesticide registration and renewal. This proposal would give the Commissioner the flexibility to register, renew and collect fees on an annual basis. This flexibility is needed as the department works toward moving the pesticide registration process to e-licensing or other similar electronic filing system. This proposal does not change the amount of the registration fee registrants currently pay. It only adds flexibility to the schedule by which the Commissioner registers and renews pesticides.

Sec. 12: Establish the authority to set annual fees for General Permits.

Sec. 13: This proposal would make DEEP's preparation of a strategic groundwater monitoring plan under section 22a-34aa optional rather than mandatory.

Sec. 14: Makes a minor revision to the radiation statutes to comply with a Nuclear Regulatory Commission (NRC) request for Connecticut's Agreement State status. The change acknowledges that NRC is not relinquishing authority on licenses but discontinuing authority.

Sec. 15: Makes a minor revision to changes adopted in 21-02 to establish Connecticut as an agreement state. This is required to clarify that any NRC retains authority on licenses not regulated by the state.

Sec. 16: Makes a minor revision to changes adopted in 21-02 to establish Connecticut as an agreement state. This is required to clarify that any NRC licenses under the Agreement will be subject to Connecticut regulatory authority upon the effective date of the Agreement.

Sec. 17: Makes a minor revision to changes adopted in 21-02 to establish Connecticut as an agreement state to allow the Commissioner to make agreements with NRC to administer radiation licenses. This change establishes the authority of the Commissioner to enter into other agreements with the NRC and other states and governmental entities required by section 274i of the Atomic Energy Act. These agreements are used by the NRC to provide funding for training and travel for Agreement State personnel and to contract with the state to perform specific inspections not covered by the agreement when required. This has been used by NRC to contract the Agreement States to conduct certain time critical security inspections following specific threat identification.

Sec. 18: Makes a minor revision to changes adopted in 21-02 to establish Connecticut as an agreement state specifically to amend the definition of "person" to exempt federal agencies.

Sec. 19: Adds the radiation statutes to the authorities granted under 6b, allowing the radiation program to adopt a schedule of penalties for violations of licensing authorities adopted in 21-02.

PROPOSAL BACKGROUND

- ◊ **Reason for Proposal**

Please consider the following, if applicable:

1. *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
2. *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
3. *Have certain constituencies called for this action?*
4. *What would happen if this was not enacted in law this session?*

Sec. 1: Current exam requirements are established by statute and regulation. No renewal requirements are associated with certification. Program administration requires approximately 160 hours per year in exam preparation, coordination and finalization as well as staff resources to physically proctor exams twice per year. NEIWPCC's statutory authorities include developing standards and administering programs of training and certification for personnel necessary to the proper operation of sewage and other waste treatment plants. NEIWPCC has established a wastewater operator certification program for other New England states including Massachusetts and Maine and has the ability to administer a similar program for Connecticut including electronic exams. Connecticut's wastewater operator stakeholder groups are supportive of this proposal.

Sec. 2: Public Act 99-93 intended to make the Department of Agriculture, Bureau of Aquaculture the lead agency for regulating aquaculture structures in the state's waters, and sought to exempt aquaculture projects from DEEP structures and dredging regulation. However, if read literally, the language of 22a-11h(c) contradicts this intent. The exemption applies to "individual structures used for aquaculture . . . which do not otherwise require a permit under federal Army Corps of Engineers regulations . . ." However, placement of virtually any structure in U.S. waters requires some type of Corps permit, although many activities are authorized almost automatically by general permit. It is believed that the statute was intended to apply only to individual Corps permits, which are used only for the most complex or controversial applications. In practice, the Interagency Aquaculture Working Group has followed this interpretation, and not required a DEEP permit under sections 22a-359 through 22a-363f for Corps-authorized projects. The proposed language change would codify this practice and provide certainty for agencies, applicants, and the general public.

Sec. 3: This makes amendments to the state's noise program to providing municipalities the option to adopt a noise program without obtaining approval from DEEP. Funding for the state noise program was eliminated over 30 years ago. As such, DEEP does not have staff trained for noise related issues nor does DEEP have the equipment to test and enforce noise regulations. Regulation of noise has been transferred to local authorities. Noise events are highly localized, limited in duration and often occur outside of normal working hours. Making the state's noise control program smarter and more flexible by providing municipalities the opportunity to adopt a program that best serves their need is a reasonable and responsible approach to this issue since local governments are the authorities best situated for effective enforcement.

Sec. 4: In response to federal mandates under the Clean Air Act, DEEP promulgated a Title V operating permit program, recognizing that the state was more appropriately positioned to regulated Connecticut sources of air pollution than the federal government. The Title V operating permit program consolidates the myriad of statutory and regulatory air pollution control requirements applicable to the State's largest air pollution emitters into a comprehensive document, enabling those sources and DEEP to more easily assure compliance and limit emissions for benefit of the environment and human health. Through

this program DEEP is delegated the authority to implement multiple federal requirements codified in Title 40 Code of Federal Regulations Parts 60, 61, 63, 72-78 and many others. Title 40 Code of Federal Regulations Part 62, is explicitly included in this list in the implementing regulations, as it should be, but was omitted from the Connecticut General Statutes Section 22a-174(c) the governing statute. This statutory omission has resulted in a deficiency in Connecticut's Title V Program and the inability to issue state-level permits which include the federal Part 62 requirements. This deficiency impacts the status of Connecticut's Title V Program with EPA, and impacts DEEP's ability to issue a series of permits to sewage sludge incinerators subject to the Part 62 requirement.

Sections 111 and 129 of the Clean Air Act require states and EPA to work collaboratively to limit emissions from existing large sources of air pollution, principally various types of incinerators, landfills, oil and gas pipelines and other significant sources of air pollution and greenhouse gasses. The state has the option to either promulgate its own implementing regulations based on federal program requirements or to adopt the EPA promulgated regulations codified at Title 40 Code of Federal Regulations (CFR) Part 62. The authority to implement and enforce the EPA promulgated regulations codified at Title 40 CFR 62 as part of the Connecticut's Title V operating, provides a streamlining opportunity for the Department rather than having to promulgate regulations or having the few industries subject to these requirements submit to overlapping federal and state oversight.

While no constituency has specifically requested that DEEP seek this authority, it is apparent based on the implementing regulations promulgated nearly 20 years ago, that this streamlining opportunity was intended. Furthermore, Connecticut sources would prefer to have complete Title V permits and to work with state staff to assure compliance with environmental requirements. Absent this change, regulated facilities would be subject to state oversight for some requirements and EPA for others. DEEP's only other option would be the development and adoption of a regulation for each specific source category, a time consuming effort that would tax limited regulatory development resources.

Sec. 5: Sec 23-35 and 23-55 authorize the State Fire Warden to maintain trained and equipped fire crews for in-state and out-of-state forest fire response. Public Act 19-37 An Act Concerning Qualified Forest Firefighters inserted language into Sec 23-37(d) "in this state" which appears to create a conflict for the Agency to hire qualified temporary emergency workers to provide obligated mutual aid to the Northeastern Interstate Forest Fire Protection Compact, state to state (and/or province) requests, and national response through requests from the USDA Forest Service.

Sec. 6: To reduce the risk exposure to the state and allow the exchange of life-saving resources across compacts. The Northeastern Interstate Forest Fire Protection Compact, established in 1949, was the nation's first Congressionally authorized regional forest fire compact establishing a mechanism for resource sharing between member states (and later Canadian provinces). Since then, eight Forest Fire Compacts have been created across the United States and Canada, including 45 states and all Canadian provinces. As the first, without any other compacts with which to exchange resources, no language was included addressing liability coverage for inter-compact (compact-to-compact) resource exchanges. According to the National Association of State Foresters (NASF), four compacts created later addressed this issue, and adopted language on liability coverage for resources exchanged between compacts. In order to share life-saving resources across compacts, it is critical that such language be included in the Northeastern Compact now. Unless Connecticut is able to pass this amendment, the ability to summon

necessary assistance from other compacts in the event of a wildfire becomes nearly impossible.

Sec. 7-9: The Forest Practices Advisory Board (FPAB) was established by section 23-26h in 1991 and is charged with periodically reviewing applicable regulations concerning forest practices and certification of forest practitioners. The FPAB also periodically reviews programs and policies of the Department regarding forests, forest health, and the technical proficiency of forest practitioners. FPAB members are appointed for a four-year term and serve until their successor is appointed. FPAB appointments are very specific to the appointing authority as well as the background, representation, and professional experience of the Board members themselves. This ensures a well-balanced advisory body to the Department. Currently, CGS 23-65g(b) states: "Vacancies on the board shall be filled in the same manner as the original appointments." and that members shall be appointed for a term of four years. Appointments are made by the Governor and General Assembly leadership. As considerable time has passed since the original appointments were made and the appointing authorities are currently not explicitly stated in statute, some confusion has ensued. Since 1991, the Agency has forwarded FPAB recommended vacancy refills to the appointing authority based upon membership criteria and the original appointment. This process was recently questioned and a recent vacancy refill resulted in membership criteria duplication, continued absence of a board member meeting essential criteria, and confusion as to who the appointing authority is. This proposal reestablishes these authorities as they always have existed by explicitly stating the membership criteria that the Governor and General Assembly leadership have, based upon the original FPAB appointments.

This proposal updates Section 23-65h which creates a 60-day grace period whereby forest practitioners who fail to submit a complete application for renewal on or before the expiration date of their forest practitioner certification may submit such completed application and achieve forest practitioner certification without also having to submit to re-examination. Late applications would be subject to a late fee. Currently, forest practitioners that fail to renew in a timely basis must also submit to the certification examination. This places an unnecessary burden on the Department as the practitioner has already proven their ability by a previous examination. In addition, the practitioner might wait up to six months before the next available examination is offered. Non-compliance with the certification requirement in the meantime could cause an additional enforcement burden on the Department. At least six states that have Forester licensing have similar provisions (Alabama, Maine, New Hampshire, North Carolina, South Carolina and California). Late fee penalties ranged from $3.25 per month up to 100% of the original cost of the application and registration fees.

This proposal authorizes the Commissioner to grant forest practitioner certification pursuant to section 23-65h without examination to persons possessing either a license or certification from another state or professional organization such as the Society of American Foresters (SAF). The purpose is to grant certification to persons who already have proven their ability and knowledge through a credible credentialing process. By recognizing credentialed practitioners the Department would be relieved of maintaining reciprocity agreements with other entities and the responsibility of examining persons who have already proven themselves in a similar venue. This would result in DEEP staff time savings and allow the private sector a quicker transition into a forestry position. The existing statute only provides

that the Commissioner may certify without examination any person who is certified in another state under a law which provides substantially similar qualifications for certification and which grants similar privileges of certification without examination to residents of Connecticut. When this statute was created, many states did not have professional forest practitioner licensure and SAF had not yet developed its Certified Forester program. Georgia, Maine, South Carolina, and Vermont currently accept the SAF CF exam as a substitute for their state administered forester licensure exams.

Due diligence including written confirmation of good standing from the certifying/licensing state or organization and an attestation of knowledge and understanding of Connecticut's forest practices laws and regulations by the applicant would be required prior to Connecticut forest practitioner certification issuance.

This revision simplifies the requirement that forest practitioners obtain and report their required continuing education credits (CEUs). The proposal would remove the biennial schedule of CEU obtainment while keeping the current total number of CEUs the same for a four year certification. Tracking biennial forest practitioner educational achievements places an unnecessary burden on both the forest practitioner and DEEP. Biennial educational requirements also penalizes forest practitioners that take classes offering more continuing education units than required during a single biennial period. For example, a Supervising Forest Products Harvester must submit four continuing education credits (CEUs) each biennial period for a total of eight CEUs over the four- year certification period. A forest practitioner taking the full Game of Logging training, approved for twelve CEUs, would still be required to participate in an educational workshop in the second biennial period despite having exceeded the four-year requirement. Removing the biennial education requirement will reduce DEEP's administrative burden tracking forest practitioner CEU attainment for both biennial periods to just one four-year certification period.

This revision also simplifies the CEU evidentiary reporting requirement from annual to once every four years upon recertification application with an attestation provided on required annual activity reports. Annual educational record keeping for forest practitioners is an excessive administrative burden and subjects the Department to a continuous stream of requests by practitioners who seek an accounting of their attained CEUs. This proposal shifts CEU record keeping responsibility to the practitioner. RCSA 23-65h-1(c) requires the forest practitioner provide a CEU attainment record upon applying for recertification. Should this proposal be adopted the Forestry Division will pursue regulatory changes to RCSA 23-65h-1(c) requiring evidence of sufficient CEU attainment.

Sec. 10: This proposal is for a one year grace period and late fees for the renewal of lapsed pesticide certification (commercial supervisor, commercial operator and Private Applicator). In circumstances where a person's certification has lapsed, staff expends significant resources to re-administer the appropriate exam when the need for re-examination does not otherwise exist. This proposal will enable more efficient processing of applications for certification renewal as well as provide for consistency in the way that these certifications are managed compared to holders of arborist certification for which

Regulations of Connecticut State Agencies (RCSA Sec 23-61a-4(c) already provide for a grace period.

Sec. 11: Currently, the department processes pesticide registration applications manually. There are currently over 1,000 registrants and approximately 13,000 products registered. Due to the volume of registration and renewal applications received, workload is spread out and pesticides are registered and renewed in five year cycles based on the first letter of the registrant's name. However, registrants find this schedule very confusing and often submit the incorrect fee. Therefore, a significant amount of staff time is spent working with registrants to collect the correct fee and issuing refunds for overpayments. The department is now working to move the pesticide registration process to e-licensing or other similar electronic filing system. Electronic submission of registration and renewal applications will reduce the staff time required to process these applications and allow the department to register and renew products on an annual basis, thereby eliminating the confusion currently created by the current 5 year registration cycle. Because the department does not know exactly when electronic filing of pesticide registration and renewal applications will be available, state statutes must give the commissioner the flexibility to maintain the 5 year registration cycle until an electronic filing system is up and running. All of the other New England states currently register and renew products on an annual basis and have found that this registration schedule greatly simplifies the pesticide registration and renewal process. Registrants prefer an annual registration cycle. Registrants who are not sure how long their product will be distributed do not want to pay the registration fee five years in advance. If a registrant discontinues a product during the 5 year registration cycle, the department must, pursuant to regulations, issue a refund which adds to the staff workload. In addition, many registrants, particularly small businesses, find it difficult to pay the registration fee for multiple years up front. If the proposal is not enacted into law this session, the department will not be able to take full advantage of receiving pesticide registration and renewal applications electronically. In addition, moving the pesticide registration application process to an electronic filing system will be much more complicated because it would have to accommodate a complex 5 year registration cycle rather than a simple annual registration and renewal.

Sec. 12: This proposal amends section 22a-6f to establish authority to set annual fees for General Permits. As more individual permits move to general permits, the application fees become lower and the department loses annual fees which are intended to support the agency's costs for monitoring compliance with the terms and conditions of authorization. This proposal would allow annual fees to be established in the development of a general permit and would help cover the cost of compliance monitoring.

Sec. 13: This proposal would make DEEP's preparation of a strategic groundwater monitoring plan under section 22a-34aa optional rather than mandatory. Due to lack of resources, no plan has ever been undertaken.

Sec. 14-19: These changes are revisions to statutes necessary for the administration of licenses that will be transferred to the State of Connecticut from NRC to the State of Connecticut under the agreement state status. The addition of the authority to enter into 274i agreements with NRC allows NRC to pay for all training for state staff.

◊ **Origin of Proposal** ☒ **New Proposal** ☒ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

Sections 1-12 have been included in prior legislation, such as 2021 HB-6501 which passed the House but was not brought up for a vote in the Senate because of a lack of time; or 2019 SB 998 which passed the Senate but was not brought up for a vote in the House because of lack of time. No concerns have been identified regarding these sections apart from timing. Section 2 of HB-6501 has been deleted because circumstances have changed and it no longer necessary. Many of these sections were also included in 2020 HB 5497 which did not receive a public hearing because it was cancelled due to COVID-19.

Sections 13-20 are new.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Sec. 2: Bureau of Aquaculture, Department of Agriculture; Sec. 14: Department of Motor Vehicles
Agency Contact (*name, title, phone*): Sec. 2: David Carey, Director (203) 874-0696; Sec. 14: F. Eyvonne Parker-Blair, Esq. 860-833-8337
Date Contacted: Sec. 2: July 15, 2019 and in regular contacts afterwards; Sec. 14: DEEP has coordinated with DMV on several dates from 9/9/21 through 9/24/21.

Approve of Proposal ☒ **YES** ☐ **NO** ☒ **Talks Ongoing**

Summary of Affected Agency's Comments
Sec. 3: DA/BA has been supportive of the proposal. Sec. 14: DMV has expressed questions whether this proposal creates any additional obligations or responsibilities for their staff. As this proposal would shift the collection of fees for the AIS stamp away from DMV to be fully with DEEP, it would only require a small investment of time to shift the coding for collection of fees from DMV to DEEP. Discussions continue between DEEP Boating staff and DMV Legal.

Will there need to be further negotiation? ☒ **YES** ☒**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
Sec. 1: None

Sec. 2: None

Sec. 3: This proposal eases administrative burdens for towns and would decrease the time spent by municipal staff and legal counsel on the approval process.

Sec. 4: None

Sec. 5: None

Sec. 6: None

Sec. 7: None

Sec. 8: None

Sec. 9: None

Sec. 10: None

Sec. 11: None

Sec. 12: In accordance with CGS Section 22a-6(b), municipalities seeking coverage under a general permit would pay 50% of the annual fee.

Sec. 13: None

Sec. 14-19: None.

State
Sec. 1: None

Sec. 2: Potential savings through avoided costs to DEEP for staff resources that might be spent on duplicative regulatory proceedings and hearings.

Sec. 3: Eliminates the time DEEP staff spend to review and amend the approximately 3-5 municipal ordinances that are submitted each year. DEEP would realize savings in staff time, which could be redistributed to efforts such as meeting climate change goals.

Sec. 4: No impact. The addition of 40 CFR 62 to the Title V program authorities would be implemented with existing resources.

Sec. 5: None

Sec. 6: None, until and unless Connecticut experiences a wildland fire(s) that exceeds the capacity of instate and within Compact resources. Any costs incurred to secure additional resources from beyond those available within the Northeast Compact to address such wildland fire(s) must be considered and weighed against the significant cost and destructive aftermath to life and property absent these resources being made available. Article IX of CGS section 23-53 requires 100% reimbursement to Connecticut by the requesting agency should state resources be deployed out of state. It is fair and equitable to maintain reciprocal liability provisions to cover any lawfully incurred expenses in the exercise of these services from out of state providers to extinguish forest fires.

Sec. 7: None

Sec. 8: None

Sec. 9: None

Sec. 10: Generation of revenues due to the collection of late fees and cost savings due to the streamlining of the renewal process.

Sec. 11: The purpose of this proposal is to give the Commissioner authority to charge annual fees in advance of moving the current manual pesticide registration process to an electronic filing system. This move, coupled with collecting fees annually, will streamline the current registration process and reduce the demand on staff resources and ensure a consistent flow of revenue.

Sec. 12: Regulated activities have historically been authorized under individual permits which are required to pay annual fees sufficient to cover the costs for compliance monitoring. Over the past two decades, such regulated activities have predominantly been authorized under general permits which do not require payment of an annual fee. This bill would seek to recover the resulting loss of annual fees revenue to cover the cost of compliance monitoring activities. To illustrate this fiscal impact, an average loss of $1.5 million/year would be realized as individually permitted activities under the pretreatment program (industrial and commercial discharges to the sewer) become regulated under general permits. With respect to fiscal impacts to other state agencies, CGS Section 22a-6f(a) provides that any agency, board, commission, council, or department of the state seeking coverage under a general permit, may have an annual fee waived provided the DEEP is compensated in-kind in an equal amount to such fee pursuant to a written agreement.

Sec. 13: None

Sec. 14-19: There would be expected to be a small increase in penalty revenue due to adoption of a penalty schedule for licensing and registration penalties. However, according to NRC data from past years there have been only 1-2 infractions per year.

The adoption of authority to enter into 274i agreements with NRC would allow for NRC to pay for training for all state radiation staff. The value of this change will be determined based on the number of staff working in the program but this is an anticipated cost savings for the state.

Federal

Sec. 1: None

Sec. 2: None

Sec. 3: None

Sec. 4: Addressing this minor revision will assist CT in maintaining a federally approvable Title V permitting program and avoid jeopardizing associated funding collected through the program.

Sec. 5: None

Sec. 6: None

Sec. 7: None

Sec. 8: None

Sec. 9: None

Sec. 10: None

Sec. 11: None

Sec. 12: Any federal facility seeking coverage would be required to pay the annual fee specified by the general permit.

Sec. 13: None

Sec. 14-19: Under agreement state status the NRC will pay for all costs associated with training of state staff. This anticipated to be a cost to the federal government, however it is a cost associated with all agreement states.

Additional notes on fiscal impact

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◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Sec. 2: Aquaculture projects are currently reviewed on a cooperative basis by staff of DA/BA, DEEP, and the Army Corps. Opponents of certain aquaculture projects have discovered the

flaw in the 22-11h(c) language and have pressed for the full DEEP permit process to apply, potentially including time-consuming hearings. The proposed language would codify current practice, in which the Corps is responsible for public notice and comment procedures for aquaculture projects.

Sec. 3: The Connecticut noise program has not been funded for at least 30 years. Repealing the need for municipalities to receive DEEP approval would better align noise control policies to allow for local control and enforcement. It would provide municipalities with more flexibility in addressing their local concerns regarding noise and ease administrative burdens. Programmatically it would allow DEEP to reallocate the time staff spends on noise approvals to higher priority goals within the Department.

Sec. 4 This proposal supports continued satisfaction of DEEP's clean air goals to maintain and reduce air pollution and greenhouses gases in the state. Maintaining the Title V permit program authority current with federal requirements is an important component of DEEP's tools to maintain clean air for Connecticut's citizens.

Sec. 5: This proposal will allow the private individuals that the Department of Energy and Environmental Protection provides specialized annual wildfire response training to, and maintains an annual roster for, their intended purposes: both for instate fire suppression, and for mutual aid response to other states and provinces through Compact and/or individual state or province requests, as outlined in Sec 23-35 and 23-55, and as committed to in Article VIII of Sec. 23-53 the Northeastern Interstate Forest Fire Protection Compact.

Sec. 6: Amending Section 23-53 by including extended liability coverage for resources exchanged between compacts will reduce the state's risk exposure and will allow other Compacts to provide assistance to Connecticut if needed. Often when Connecticut experiences increased wildfire activity, the potential for wildfire is occurring regionally, usually as a result of widespread drought conditions. This limits the ability of Northeast Compact member states and provinces to provide mutual aid to Connecticut, as their resources may be needed in their home states or provinces.

Sec. 7-9: This proposal also acknowledges other state and non-state forest practitioner certification programs that require examination and offers existing practitioners whose certification has lapsed a grace period to renew without reexamination. These changes will improve efficiency and save staff time. Additional programmatic simplifications will provide increased efficiencies administering the Forest Practices Act Program and improve customer service for certified practitioners.

Sec. 10: This proposal is anticipated to result in greater agency efficiency for DEEP staff by eliminating the need to re-administer exams for individuals that have not submitted their

renewal applications in a timely manner.

Sec. 11: This proposal will have a positive impact on the Pesticide Program. The ability of the commissioner to register and renew pesticides on an annual basis, coupled with receiving registration and renewal applications electronically, will significantly reduce the demand on limited staff resources.

Sec. 12: This proposal will provide additional flexibility to DEEP permitting programs while keeping revenue neutral. General Permits are an efficient way of permitting certain type of activities and we continue to look for opportunities to cover activities under general permits. By allowing annual fees in general permits, we can eliminate a large fee at the start of a general permit cycle and even out revenue, similar to what is done with individual permits.

Sec. 13: This proposal will remove an unfunded mandate and allow a strategic groundwater monitoring plan to proceed when resources and priorities allow.

Sec. 14-19: These minor revisions are necessary for the administration of the Agreement State status for radiation sources. This is consistent with the Governor's letter of intent to become an agreement state and with the provision to enact agreement state that were adopted in 21-02 during the special session in 2021.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

N/A

Insert fully drafted bill here

Section 1. Subsection (d) of section 22a-416 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) As used in this section the terms "class I", "class II", "class III" and "class IV" mean the classifications of wastewater treatment plants provided for in regulations adopted by the Department of Energy and Environmental Protection. The Commissioner of Energy and Environmental Protection

may establish requirements for the presence of approved operators at pollution abatement facilities. Applicants for class I, [and] class II, class III and class IV certificates shall [only] be required to pass the relevant standardized national examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators. [Applicants for class III and class IV certificates shall only be required to pass the relevant standardized national examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators supplemented with additional questions submitted by the commissioner to such board. Operators with certificates issued by the commissioner prior to May 16, 1995, shall not be required to be reexamined.] The commissioner, or the commissioner's designated agent, shall administer and proctor the examination of all applicants. The qualifications of the operators at such facilities shall be subject to the approval of the commissioner. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, [requiring all operators at pollution abatement facilities to satisfactorily complete, on a regular basis, a state-certified training course, which may include training on the type of municipal pollution abatement facility at which the operator is employed and training concerning regulations promulgated during the preceding year. Any applicant for certification who passed either the examination prepared and administered on December 8, 1994, by the commissioner or the examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators and administered on December 8, 1994, by the commissioner shall be issued the appropriate certificate in accordance with the regulations adopted under this section.] concerning application, examination, certification, renewal and continuing education requirements. On and after October 1, 2018, each certified operator shall obtain not less than six hours of continuing education each year. A record of such continuing education shall be maintained by the certified operator and by the facility employing the operator and shall be made available for inspection upon request by the commissioner.

Section 2. Subsection (c) of section 22-11h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Individual structures used for aquaculture as defined in section 22-11c, including, but not limited to, racks, cages or bags, as well as buoys marking such structures, which [do not otherwise require] have received a permit under federal Army Corps of Engineers regulations and do not interfere with navigation in designated or customary boating or shipping lanes and channels, shall be placed in leased or designated shellfish areas and shall be exempt from the requirements of sections 22a-359 to 22a-363f, inclusive.

Section 3. Section 22a-73 of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) To carry out and effectuate the purposes and policies of this chapter it is the public policy of the state to encourage municipal participation by means of regulation of activities causing noise pollution within the territorial limits of the various municipalities. To that end, any municipality may develop

and establish a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and its development and adoption of a noise control ordinance.

(b) Any municipality may adopt, amend and enforce a noise control ordinance which may include the following: (1) Noise levels which will not be exceeded in specified zones or other designated areas; (2) designation of a noise control officer and the designation of an existing board or commission, or the establishment of a new board or commission to direct such program; (3) implementation procedures of such program and the relation of such program to other plans within the jurisdiction of the municipality; (4) procedures for assuring compliance with state and federal noise regulations; (5) noise level restrictions applicable to construction activities, including limitation on on-site hours of operation.

(c) **[**No ordinance shall be effective until such ordinance has been approved by the commissioner. No**]** Municipal ordinance standards shall be **[**approved unless it is in conformity with**]** at least as stringent as any state noise control plan, including ambient noise standards, adopted pursuant to section 22a-69 or any standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding the provisions of this subsection, any municipality may adopt more stringent noise standards than those adopted by the commissioner**[**, provided such standards are approved by the commissioner**]**.

Section 4: Subsection (c) of section 22a-174 of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The commissioner shall have the power, in accordance with regulations adopted by him, (1) to require that a person, before undertaking the construction, installation, enlargement or establishment of a new air contaminant source specified in the regulations adopted under subsection (a) of this section, submit to him plans, specifications and such information as he deems reasonably necessary relating to the construction, installation, enlargement, or establishment of such new air contaminant source; (2) to issue a permit approving such plans and specifications and permitting the construction, installation, enlargement or establishment of the new air contaminant source in accordance with such plans, or to issue an order requiring that such plans and specifications be modified as a condition to his approving them and issuing a permit allowing such construction, installation, enlargement or establishment in accordance therewith, or to issue an order rejecting such plans and specifications and prohibiting construction, installation, enlargement or establishment of a new air contaminant source in accordance with the plans and specifications submitted; (3) to require periodic inspection and maintenance of combustion equipment and other sources of air pollution; (4) to require any person to maintain such records relating to air pollution or to the operation of facilities designed to abate air pollution as he deems necessary to carry out the provisions of this chapter and section 14-164c; (5) to require that a person in control of an air

contaminant source specified in the regulations adopted under subsection (a), obtain a permit to operate such source if the source (A) is subject to any regulations adopted by the commissioner concerning high risk hazardous air pollutants, (B) burns waste oil, (C) is allowed by the commissioner, pursuant to regulations adopted under subsection (a), to exceed emission limits for sulfur compounds, (D) is issued an order pursuant to section 22a-178, or (E) violates any provision of this chapter, or any regulation, order or permit adopted or issued thereunder; (6) to require that a person in control of an air contaminant source who is not required to obtain a permit pursuant to this subsection register with him and provide such information as he deems necessary to maintain his inventory of air pollution sources and the commissioner may require renewal of such registration at intervals he deems necessary to maintain such inventory; (7) to require a permit for any source regulated under the federal Clean Air Act Amendments of 1990, P.L. 101-549; (8) to refuse to issue a permit if the Environmental Protection Agency objects to its issuance in a timely manner under Title V of the federal Clean Air Act Amendments of 1990; and (9) notwithstanding any regulation adopted under this chapter, to require that any source permitted under Title V of the federal Clean Air Act Amendments of 1990 shall comply with all applicable standards set forth in the Code of Federal Regulations, Title 40, Parts 51, 52, 59, 60, 61, **62,** 63, 68, 70, 72 to 78, inclusive, and 82, as amended from time to time.

Section 5. Section 23-37 subsection (d) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage)*:

(d) If the state forest fire warden determines that additional state forest fire control personnel are required to assist in extinguishing a forest fire either in this state**[**,**]** or in another state that is a member of a compact authorized to provide reciprocal aid, the state forest fire warden may temporarily supplement state forest fire control personnel with temporary emergency workers who meet the training and qualification requirements of the National Incident Management System: Wildland Fire Qualification System Guide published by the National Wildfire Coordinating Group, as amended from time to time. The Department of Administrative Services shall assist the state fire warden in developing appropriate classifications for such temporary emergency workers.

Section 6. Section 23-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage)*:

The Governor on behalf of this state is authorized to enter into a compact, substantially in the following form, with any one or more of the states of Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont and with such other states of the United States or provinces of the Dominion of Canada as may legally join therein:

NORTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

ARTICLE I

The purpose of this compact is to promote effective prevention and control of forest fires in the northeastern region of the United States and adjacent areas in Canada by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the states of the region and for procedures that will facilitate such aid, and by the establishment of a central agency to coordinate the services of member states and perform such common services as member states may deem desirable.

ARTICLE II

This agreement shall become operative immediately as to those states ratifying it whenever any two or more of the states of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York and the Commonwealth of Massachusetts have ratified it and the Congress has given its consent. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact. Subject to the consent of the Congress of the United States, any province of the Dominion of Canada which is contiguous with any member state may become a party to this compact by taking such action as its laws and the laws of the Dominion of Canada may prescribe for ratification. In this event, the term “state” in this compact shall include within its meaning the term “province” and the procedures prescribed shall be applied in the instance of such provinces, in accordance with the forms and practices of the Canadian government.

ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby designated as the Northeastern Forest Fire Protection Commission. One shall be the state forester or officer holding an equivalent position in such state who is responsible for forest fire control. The second shall be a member of the legislature of such state designated by the commission or committee on interstate cooperation of such state, or if there be none, or if said commission on interstate cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third member shall be a person designated by the governor as the responsible representative of the governor. In the event that any province of the Dominion of Canada shall become a member of this commission, it shall designate three members who will approximate this pattern of representation to the extent possible under the law and practices of such province. This commission shall be a body corporate with the powers and duties set forth herein.

ARTICLE IV

It shall be the duty of the commission to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the prevention and

control of forest fires in the area comprising the member states, to coordinate the forest fire plans and the work of the appropriate agencies of the member states and to facilitate the rendering of aid by the member states to each other in fighting forest fires.
The commission shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the entire region covered by the compact which shall serve as a common forest fire plan for that area.
The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor and to the legislature of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the interests and purposes of this compact.
The commission shall consult with and advise the appropriate administrative agencies of the states party hereto with regard to problems connected with the prevention and control of forest fires and recommend the adoption of such regulations as it deems advisable.
The commission shall have power to recommend to the signatory states any and all measures that will effectuate the prevention and control of forest fires.

ARTICLE V

Any two or more member states may designate the Northeastern Forest Fire Protection Commission as a joint agency to maintain such common services as those states deem desirable for the prevention and control of forest fires. Except in those cases where all member states join in such designation for common services, the representatives of any group of such designating states in the Northeastern Forest Fire Protection Commission shall constitute a separate section of such commission for the performance of the common service or services so designated provided that, if any additional expense is involved, the state so acting shall appropriate the necessary funds for this purpose. The creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities or duties of the states participating therein as embodied in the other articles of this compact.

ARTICLE VI

The commission may request the United States Forest Service to act as the primary research and coordinating agency of the Northeastern Forest Fire Protection Commission, in cooperation with the appropriate agencies in each state and the United States Forest Service may accept the initial responsibility in preparing and presenting to the commission its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the commission and of groups of member states.

ARTICLE VII

The commission shall annually elect from its members a chairman and a vice-chairman. The commission shall appoint such officers or employees as may be required to carry the provisions of this compact into effect, shall fix and determine their duties, qualifications and compensation, and may at its pleasure, remove or discharge any such officer or employee. The commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

A majority of the members of the commission representing a majority of the signatory states shall constitute a quorum for the transaction of its general business, but no action of the commission imposing any obligation on any signatory state shall be binding unless a majority of the members from such signatory state shall have voted in favor thereof. For the purpose of conducting its general business, voting shall be by state units.

The representatives of any two or more member states, upon notice to the chairman as to the time and purpose of the meeting, may meet as a section for the discussion of problems common to those states.

Sections established by groups of member states shall have the same powers with respect to officers, employees and the maintenance of offices as are granted by this article to the commission. Sections may adopt such rules, regulations and procedures as may be necessary for the conduct of their business.

ARTICLE VIII

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and to take such measures as may be recommended by the commission to integrate such forest fire plan with regional forest fire plan.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combatting, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Each signatory state agrees to render aid to the Forest Service or other agencies of the government of the United States in combatting, controlling or preventing forest fires in areas under their jurisdiction located within the member state or a contiguous member state.

ARTICLE IX

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.
The commission shall formulate procedures for claims and reimbursement under the provisions of this article.

Aid by a member state to an area subject to federal jurisdiction beyond the borders of such state shall not be required under this compact unless substantially the same provisions of this article relative to powers, liabilities, losses and expenses in connection with such aid are embodied in federal laws.

ARTICLE X

When appropriations for the support of this commission or for the support of common services maintained by the commission or a section thereof under the provisions of article V are necessary,

the commission or a section thereof shall allocate the costs among the states affected with consideration of the amounts of forested land in those states that will receive protection from the service to be rendered and the extent of the forest fire problem involved in each state, and shall submit its recommendations accordingly to the legislatures of the affected states.

The commission shall submit to the governor of each state, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory states as may be duly constituted for that purpose. On or before the first day of December of each year, the commission shall submit to the respective governors of the signatory states a full and complete report of its activities for the preceding year.

ARTICLE XI

The representatives from any member state may appoint and consult with an advisory committee composed of persons interested in forest fire protection.

The commission may appoint and consult with an advisory committee of representatives of all affected groups, private and governmental.

ARTICLE XII

The commission may accept any and all donations, gifts and grants of money, equipment, supplies, materials and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XIII

Nothing in this compact shall be construed to authorize or permit any member state to curtail or diminish its forest fire fighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member state to maintain adequate forest fire fighting forces and equipment to meet normal demands for forest fire protection within its borders.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the

enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

ARTICLE XIV

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

ARTICLE XV

The provisions of Article IX of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Section 7. Subsections (a) and (b) of section 23-65g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) There is established a Forest Practices Advisory Board consisting of the State Forester or his designee, and nine public members **[**six of whom shall be appointed one each by the president pro tempore of the Senate, the majority leader of the Senate, the minority leader of the Senate, the speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives and three of whom shall be appointed by the Governor. The members appointed shall include a professional forester in private practice, a representative of the forest products industry, an officer of an environmental organization headquartered within the state which is concerned primarily with forests, a professor of forestry or natural resources from a college or university within the state, an owner of not less than ten nor more than two hundred fifty acres of forest land, a representative of an environmental organization not primarily concerned with forests and a member of an inland wetlands agency.**]** appointed as follows: (1) three appointed by the Governor, one of whom shall be an officer of an environmental organization headquartered within the state which is concerned primarily with forests, one of whom shall be a representative of an environmental organization not primarily concerned with forests, and one of whom shall be a member of an inland wetlands agency; (2) one appointed by the speaker of the House of Representatives who shall be an owner of not less than ten nor more than two hundred fifty acres of forest land; (3) one appointed by president pro tempore of the Senate, who shall be a

professional forester in private practice; (4) one appointed by the majority leader of the House of Representatives, who shall be a representative of the forest products industry; (5) one appointed by the majority leader of the Senate who shall be a professor of forestry or natural resources from a college or university within the state; (6) one appointed by the minority leader of the House of Representatives who shall be a member of the public; and (7) one appointed by the minority leader of the Senate who shall be a member of the public.

(b) The appointed members of the initial board shall be appointed so that the terms of two members shall expire on December 31, 1993, the terms of two members shall expire on December 31, 1994, the terms of two members shall expire on December 31, 1995, and the term of one member shall expire on December 31, 1996. Thereafter, each member shall be appointed for a term of four years. **[**Vacancies on the board shall be filled in the same manner as the original appointments.**]** Each member of the board shall serve until his successor is appointed.

Section 8: Subsection (c) of section 23-65h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) An application for the certification as a forest practitioner shall be made to the Commissioner of Energy and Environmental Protection and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the commissioner deems necessary.

(1) The commissioner shall require the applicant for forester certification to demonstrate, upon examination, that **[**he**]** the applicant possesses adequate knowledge concerning the proper application of forest management techniques, the ecological and environmental consequences of harvesting activity and mitigating measures to be employed to minimize possible adverse impacts on environmental conditions within the harvest area.

(2) The commissioner shall require the applicant for supervising forest products harvester certification to demonstrate, upon examination, that **[**he**]** the applicant possesses adequate knowledge concerning techniques and procedures normally employed in the conduct and supervision of a harvest operation, the safe and environmentally responsible operation of harvesting equipment, and mitigating measures to be employed to minimize possible adverse impacts of harvesting activity on environmental conditions within the harvest area.

(3) The commissioner shall require the applicant for forest products harvester certification to demonstrate, upon examination, that **[**he**]** the applicant possesses adequate knowledge concerning techniques and procedures normally employed in the conduct of a harvest operation and the safe and environmentally responsible operation of harvesting equipment, except that an applicant who demonstrates to the satisfaction of the commissioner that **[**he**]** the applicant has engaged in

commercial forest practices at least once per year for the ten years immediately preceding October 1, 1991, shall be exempt from such examination requirement.

(4)(A) If the commissioner finds that the applicant is competent with respect to the required qualifications, including those provided in section 23-65o, [he] the commissioner shall certify the applicant to perform such forest practices as appropriate to the requested certification. The certification shall be valid for a period not to exceed five years and may be renewed by the commissioner with or without further examination. The commissioner may establish regulations for forest practitioner certification so that one-fifth of the certificates expire each year. The commissioner may certify a forest practitioner for less than five years and prorate the registration fee accordingly to implement the regulations established pursuant to this subsection.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the commissioner may grant a sixty-day extension for any forest practitioner who failed to submit a complete application for renewal prior to the expiration date of such forest practitioner's certification. Such forest practitioner shall submit a complete application for renewal within such sixty-day extension period. Any renewed certification issued by the commissioner pursuant to this subparagraph shall not require reexamination by such forest practitioner prior to such issuance but shall require the submission of an additional fee, as determined by the commissioner.

(5) If the commissioner finds that the applicant is not competent with respect to the requirements for the requested certification, the commissioner shall refuse to issue the applicant a certificate. The commissioner shall inform the applicant of the refusal in writing, giving the reasons for such refusal. Any person aggrieved by such refusal may, within thirty days from date of issuance of such denial, request a hearing before the commissioner, which hearing shall be conducted in accordance with chapter 54.

(6) The commissioner may certify without examination any person who is certified: [in] (A) In another state under a law which provides substantially similar qualifications for certification, [and which grants similar privileges of certification without examination to residents of this state certified under the provisions of this section] or (B) through examination by the Society of American Foresters, or a similar organization, that provides substantially similar qualifications for certification provided such person can demonstrate knowledge of the forestry laws of this state to the commissioner's satisfaction.

(7) The commissioner may, by regulation, adopted in accordance with the provisions of chapter 54, prescribe fees for applicants to defray the cost of administering examinations and carrying out the provisions of this chapter. A state or municipal employee who engages in activities for which certification is required by this section solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a state or municipal employee for which a fee has not been paid shall be void upon termination of such government employment.

(8) The commissioner may require the display of a decal or other evidence, indicating that a commercial forest practitioner has met the requirements of sections 23-65f to 23-65o, inclusive, in a prominent place on any licensed motor vehicle used in the practitioner's operations. A fee may be charged to the certified practitioner to cover the cost of the decal or other evidence.

(9) The commissioner shall require all forest practitioners certified under sections 23-65f to 23-65o, inclusive, to participate **[**biennially**]** in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University or the Connecticut cooperative extension system, or participation in another program approved by the department. Professional education shall take place during the recertification cycle and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o.

Section 9. Section 23-65i of the general statutes is repealed and the following in substituted in lieu thereof:

(a) Each certified forester, except any state employee who engages in activities regulated by sections 23-65f to 23-65o, inclusive, solely as part of his employment, shall submit an annual report to the Commissioner of Energy and Environmental Protection on or before June first of each year in a form prescribed by the commissioner. Such report shall include, but not be limited to, the following information:

(1) The number of forest management plans completed and acres covered by said plans;

(2) The number and type of timber stand improvements completed and acres so improved;

(3) The number of acres planted in reforestation, afforestation and in Christmas tree plantations;

(4) The number of commercial forest product sales, the total number of acres harvested in such sales, the type and total volumes of products generated by such sales and total annual expenditure for the purchase of such sales;

(5) **[**Evidence**]** Attestation of **[**biennial**]** participation in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University or the Connecticut cooperative extension system, or participation in another program approved by the department, provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o; and

(6) Other information which the commissioner deems necessary.

(b) Each certified supervising forest products harvester shall be required to submit an annual report to the Commissioner of Energy and Environmental Protection on or before June first of each year in a form prescribed by the commissioner. Such report shall include, but not be limited to, the following information:

(1) The number of commercial forest product sales harvested, and the type and total volumes of products generated by such sales;

(2) [Evidence] Attestation of [biennial] participation in a relevant program of professional education to improve or maintain forest products harvesting skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, the University of Connecticut, Yale University, the Connecticut cooperative extension system or is otherwise approved by the department, provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o; and

(3) Other information which the commissioner deems necessary.

(c) All certified forest products harvesters shall be required to submit to the Commissioner of Energy and Environmental Protection, on or before June first of each year, annual reports in a form prescribed by the commissioner. Such reports shall include, but not be limited to, the following information:

(1) [Evidence] Attestation of [biennial] participation in a relevant program of professional education to improve or maintain forest products harvesting skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University, the Connecticut cooperative extension system or is otherwise approved by the department, provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o; and

(2) Other information the commissioner deems necessary.

Section 10. Subsection (f) of section 22a-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) The commissioner may by regulation adopted in accordance with the provisions of chapter 54 prescribe fees for applicants to defray the cost of administering examinations and assisting in carrying out the purposes of section 22a-451, except the fees for certification and renewal of a

certification shall be as follows: [(1)] (A) For supervisory certification as a commercial applicator, two hundred eighty-five dollars; [(2)] (B) for operational certification as a commercial applicator, eighty dollars, and [(3)] (C) for certification as a private applicator, one hundred dollars. A federal, state or municipal employee who applies pesticides solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a federal, state or municipal employee for which a fee has not been paid shall be void if the holder leaves government employment. The fees collected in accordance with this section shall be deposited in the General Fund.

(2) Not less than sixty days before the date of expiration of a certification, the commissioner shall provide notice of expiration and a renewal application to each licensee. If a signed renewal application accompanied by the applicable renewal fee is not received by the commissioner on or before midnight of the expiration date, or if the expiration date is a Saturday, Sunday, or a legal holiday, on or before midnight of the next business day, the license shall automatically lapse. Failure of a licensee to receive a notice of expiration and renewal application shall not prevent a lapse of a license.

(3) The commissioner may renew any certification issued pursuant to this section for the holder of a certification that has lapsed less than one year, provided the holder of such certification submits to the commissioner a signed renewal application, payment of the applicable renewal fee and any late fee. Such late fee shall be calculated as follows: Beginning on the first day that such certification lapses, ten per cent of the applicable renewal fee plus one and one-quarter per cent per month, or part thereof, for a period not to exceed one year. Any holder of a certification that has lapsed more than one year shall be examined in accordance with the requirements of this section and any regulation adopted pursuant to the provisions of this section.

Section 11. Section 22a-50(g) of the General Statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

The registrant shall pay a fee of [nine hundred forty dollars] one hundred and eighty eight dollars per calendar year, or any portion thereof, for each pesticide registered and for each renewal of a registration. [A registration shall expire after five years.] The commissioner may register a pesticide annually or for a period of five years or less. [The] For a five year registration period, the commissioner shall establish regulations to phase in pesticide registration so that one fifth of the pesticides registered expire each year. The commissioner may register a pesticide for less than five years and prorate the registration fee accordingly to implement the regulations established pursuant to this subsection. The fees collected in accordance with this section shall be deposited in the General Fund. There shall be no refund of a registration fee if a product is voluntarily withdrawn or cancelled before the end of its registration period.

Section 12. Section 22a-6f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Each annual fee charged by the Commissioner of Energy and Environmental Protection pursuant to the general statutes shall be due on or before July first of each year, unless otherwise specified in the general statutes or in regulations adopted pursuant thereto. The fee for late payment of an annual fee charged by said commissioner pursuant to the general statutes shall be ten per cent of the annual fee due, plus one and one-quarter per cent per month or part thereof that the annual fee remains unpaid. Each permit fee and permit application fee charged by the commissioner pursuant to the general statutes is due upon the submission of the permit application, unless otherwise specified in the general statutes or in regulations adopted pursuant thereto. Each permit fee and permit application fee payable to the commissioner shall apply equally to the issuance, renewal, modification and transfer of a permit unless otherwise specified in the general statutes or in regulations adopted pursuant thereto. The commissioner may waive any fee payable to him as it applies to the activities of an agency, board, commission, council or department of the state, provided such agency, board, commission, council or department compensates the Department of Energy and Environmental Protection in an amount equal to such fee pursuant to a written agreement.

(b) Notwithstanding any provision of the general statutes or any regulation adopted under this title, on and after August 20, 2003, each fee in effect pursuant to regulations adopted pursuant to any section of this title that is greater than one hundred dollars shall be increased by fifty per cent and all such fees of one hundred dollars or less shall be doubled, provided no such fee shall be less than one hundred dollars.

(c) Notwithstanding the provisions of subsection (b) of this section: (1) The fees and annual adjustment for Title V emissions shall be assessed pursuant to the regulations adopted under section 22a-174; (2) each fee imposed pursuant to a general permit, in effect on or before August 20, 2003, shall be double the amount specified in such permit; and (3) each fee imposed pursuant to a certificate of permission, issued in accordance with section 22a-363b, shall be double the amount in effect on or before August 20, 2003.

(d) Notwithstanding any provision of the general statutes or any regulation adopted under this title, on and after October 1, 2009, any fee in effect pursuant to regulations adopted pursuant to any section of this title that is greater than one thousand dollars shall be increased by two hundred fifty dollars, any such fee that is greater than or equal to one hundred fifty dollars, but less than or equal to one thousand dollars, shall be increased by twenty-five per cent and rounded up to the nearest whole five-dollar increment and any such fee of less than one hundred fifty dollars shall be doubled. Any such fee contained in this title shall not be less than one hundred dollars.

(e) Unless otherwise specified in a general permit, the registration fee for a general permit shall be as

follows: (1) If the person intending to engage in the regulated activity is required to register with the Department of Energy and Environmental Protection and obtain approval of the registration before the activity is authorized, one thousand two hundred fifty dollars; or (2) if the person intending to engage in the regulated activity is only required to register with the Department of Energy and Environmental Protection before the activity is authorized, six hundred twenty-five dollars. No registration fee for a general permit shall exceed six thousand two hundred fifty dollars.

(f) Unless otherwise specified in a general permit issued on or after October 1, 2022, any person or municipality authorized to engage in a regulated activity covered by a general permit pursuant to any provision of this title shall pay an annual fee as follows: (1) If the person or municipality engaged in the regulated activity is required to register with the Department of Energy and Environmental Protection and obtain approval of the registration before the activity is authorized, two hundred dollars; or (2) if the person or municipality intending to engage in the regulated activity is only required to register with the Department of Environmental Protection before the activity is authorized, one hundred dollars. No annual fee for a general permit issued on or after October 1, 2022 shall exceed one thousand dollars.

[(f)**]**(g) Unless otherwise established by regulations adopted pursuant to section 22a-354i, the fee for a permit of a regulated activity, as described in section 22a-354i, shall be one thousand dollars and the fee to register such regulated activity with the Department of Energy and Environmental Protection, pursuant to section 22a-354i, shall be five hundred dollars.

[(g)**]**(h) The fee for a consolidated general permit issued in accordance with more than one section of this title shall be specified in such general permit and shall not exceed the total sum for individual general permits, as authorized pursuant to subdivision (2) of subsection (c) of this section.

Section 13: Section 22a-354aa of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Public Health, water companies, and business and industry, **[**shall**]** may develop a strategic groundwater monitoring plan to be implemented in aquifer protection areas not more than one year after completion of level A mapping pursuant to sections 22a-354b to 22a-354d, inclusive.

Section 14. Section 22a-152 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Governor, on behalf of this state, is authorized to enter into agreements with the **[**government of the United States**]** U.S. Nuclear Regulatory Commission providing for **[**relinquishment**]** discontinuance of certain of the programs of the government of the United States with respect to sources of ionizing

radiation and the assumption thereof by this state, as provided for in the Atomic Energy Act of 1954, as amended.

Section 15. Section 22a-153 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection shall supervise and regulate in the interest of the public health and safety the use of ionizing radiation within the state.

(b) Said commissioner may employ, subject to the provisions of chapter 67, and prescribe the powers and duties of such persons as may be necessary to carry out the provisions of sections 22a-151 to 22a-158, inclusive.

(c) Said commissioner shall adopt regulations, in accordance with the provisions of chapter 54, concerning sources of ionizing radiation and radioactive materials, including, but not limited to, regulations:

(1) Necessary to secure agreement state status from the United States Nuclear Regulatory Commission pursuant to section 274 of the Atomic Energy Act of 1954, 42 USC 2021, as amended from time to time;

(2) Relating to the construction, operation, control, tracking, security or decommissioning of sources of ionizing radiation, including, but not limited to, any modification or alteration of such sources;

(3) Relating to the production, transportation, use, storage, possession, management, treatment, disposal or remediation of radioactive materials;

(4) Relating to planning for and responding to terrorist or other emergency events, or the potential for such events, that involve or may include radioactive materials;

(5) Necessary to carry out the provisions of sections 22a-151 to 22a-158, inclusive;

(6) Establishing fees for the licensure of sources of ionizing radiation, that, in conjunction with the fees collected pursuant to section 22a-148, shall be sufficient for the administration, implementation and enforcement of an ionizing radiation program; and

(7) To reciprocate in the recognition of specific licenses issued by the United States Nuclear Regulatory Commission (NRC) or another state that has reached agreement with the NRC pursuant to 42 USC 2021(b), as amended from time to time.

(d) The Governor, or the commissioner, is authorized to employ such consultants, experts and technicians as are necessary for the purpose of conducting investigations and reporting on matters connected with the implementation of the provisions of sections 22a-148 to 22a-158, inclusive.

(e) Any fees collected in accordance with section 22a-148 or 22a-150, or any regulations adopted pursuant to subsection (c) of this section, shall be deposited in the General Fund.

(f) The commissioner may establish radiation exposure guidelines for emergency responders and the public for the management of emergencies involving radioactive materials. Any such guidelines shall be compatible with the recommendations of the federal government and the National Council on Radiation Protection and Measurements.

(g) This section does not confer authority to regulate materials or activities reserved to the NRC under 42 U.S.C. § 2021(c) and 10 C.F.R. Part 150.

Section 16. Section 22a-154 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection may provide by regulation for general or specific licensing of by-product, source, special nuclear materials and other sources of ionizing radiation, or devices or equipment utilizing such materials, and for amendment, suspension, or revocation of licenses issued pursuant thereto.

(b) Said commissioner may exempt certain sources of ionizing radiation or kinds of uses or users from the licensing requirements set forth in this section when he makes a finding that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the occupational and public health and safety.

(c) Until such time as regulations governing licensing are promulgated in pursuance of an agreement between the government of the United States and this state as authorized by section 22a-152, registration shall be deemed to satisfy any licensing requirements arising under sections 22a-151 to 22a-158, inclusive.

(d) Any person having a license immediately before the effective date of an agreement under section 22a-152 from the federal government or agreement state relating to by-product material, source material, or special nuclear material and which on the effective date of this agreement is subject to the control of this State shall be considered to have a like license with the State of Connecticut until the expiration date specified in the license from the federal government or agreement state or until the end of the 90th day after the person receives notice from the Department that the license will be considered expired.

Section 17. Section 16a-102 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection shall coordinate all atomic development activities in the state. Said commissioner or his designee shall (1) advise the Governor with respect to atomic industrial development within the state; (2) act as coordinator of the development and regulatory activities of the state relating to the industrial and commercial uses of atomic energy; (3) act as deputy of the Governor in matters relating to atomic energy, including participation in the activities of any committee formed by the New England states to represent their interests in such matters and also cooperation with other states and with the government of the United States; (4) coordinate the studies, recommendations and proposals of the several departments and agencies of the state required by section 16a-103 with each other and also with the programs and activities of the development commission. So far as practicable, he shall coordinate the studies conducted, and the recommendations and proposals made, in this state with like activities in the New England and other states and with the policies and regulations of the Energy Research and Development Administration and the Nuclear Regulatory Commission. In carrying out his duties, he shall proceed in close cooperation with the development commission.

(b) The several agencies of the state which are directed by section 16a-103 to initiate and pursue continuing studies are directed to keep the Commissioner of Energy and Environmental Protection fully and currently informed as to their activities relating to atomic energy. No regulation or amendment to a regulation applying specifically to an atomic energy matter which any such agency may propose to issue shall become effective until thirty days after it has been submitted to the Commissioner of Energy and Environmental Protection, unless, upon a finding of emergency need, the Governor by order waives all or any part of this thirty-day period.

(c) The Commissioner of Energy and Environmental Protection or his designee shall keep the Governor and the several interested agencies informed as to private and public activities affecting atomic industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and general welfare of this state.

(d) Within amounts appropriated for the purposes of this section, the Commissioner of Energy and Environmental Protection may retain on a contractual or other basis such assistance as is required to carry out the purposes of this section.

(e) The Commissioner is authorized to enter into an agreement or agreements with the U.S. Nuclear Regulatory Commission under Section 274i of the Atomic Energy Act of 1954, as amended, other federal government agencies as authorized by law, other states or interstate agencies, whereby this state will perform on a cooperative basis with the commission, other federal government agencies, other states or interstate agencies, inspections or other functions relating to control of sources of radiation.

Section 18. Section 16a-158 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 22a-151 to 22a-158, inclusive:

(1) "By-product material" means radioactive material as defined in Section 11e of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto;

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultra violet light. The Commissioner of Energy and Environmental Protection shall be empowered to make regulations amending or modifying this definition;

(3) "General license" means a license effective pursuant to regulations promulgated by the Commissioner of Energy and Environmental Protection without the filing of an application for, or issuance of a licensing document for, the transfer, transport, acquisition, ownership, possession or use of quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;

(4) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, transport, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;

(5) "Person" means any individual, corporation, limited liability company, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of any of the foregoing, other than the **[**United States Atomic Energy Commission or any successor thereto**]** Nuclear Regulatory Commission, and other than agencies of the government of the United States**[** licensed by the United States Atomic Energy Commission or any successor thereto**]**;

(6) "Registration" means registration in conformance with the requirements of section 22a-148. The issuance of a specific license pursuant to sections 22a-151 to 22a-158, inclusive, shall be deemed to satisfy fully any registration requirements set forth in said section;

(7) "Source material" means material as defined in Section 11z of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted

or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto;

(8) "Special nuclear material" means material as defined in Section 11aa of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto.

Section 19. Subsection 22a-6b(a) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, to establish a schedule setting forth the amounts, or the ranges of amounts, or a method for calculating the amount of the civil penalties which may become due under this section. Such schedule or method may be amended from time to time in the same manner as for adoption provided any such regulations which become effective after July 1, 1993, shall only apply to violations which occur after said date. The civil penalties established for each violation shall be of such amount as to insure immediate and continued compliance with applicable laws, regulations, orders and permits. Such civil penalties shall not exceed the following amounts:

(1) For failure to file any registration, other than a registration for a general permit, for failure to file any plan, report or record, or any application for a permit, for failure to obtain any certification, for failure to display any registration, permit or order, or file any other information required pursuant to any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, subsection (b) of section 22a-134p, sections 22a-148 through 22a-165h, inclusive, section 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-231, 22a-245a, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted or issued thereunder by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than one thousand dollars for said violation and in addition no more than one hundred dollars for each day during which such violation continues;

(2) For deposit, placement, removal, disposal, discharge or emission of any material or substance or electromagnetic radiation or the causing of, engaging in or maintaining of any condition or activity in violation of any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b) of

section 22a-134p, sections 22a-148 through 22a-165h, inclusive, [section 22a-162,] 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted thereunder by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation for each day during which such violation continues;

(3) For violation of the terms of any final order of the commissioner, except final orders under subsection (d) of this section and emergency orders and cease and desist orders as set forth in subdivision (4) of this subsection, for violation of the terms of any permit issued by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation for each day during which such violation continues;

(4) For violation of any emergency order or cease and desist order of the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation for each day during which such violation continues;

(5) For failure to make an immediate report required pursuant to subdivision (3) of subsection (a) of section 22a-135, or a report required by the department pursuant to subsection (b) of section 22a-135, no more than twenty-five thousand dollars per violation per day;

(6) For violation of any provision of the state's hazardous waste program, no more than twenty-five thousand dollars per violation per day;

(7) For wilful violation of any condition imposed pursuant to section 26-313 which leads to the destruction of, or harm to, any rare, threatened or endangered species, no more than ten thousand dollars per violation per day;

(8) For violation of any provision of sections 22a-608 to 22a-611, inclusive, no more than the amount established by Section 325 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 USC 11001 et seq.) for a violation of Section 302, 304 or 311 to 313, inclusive, of said act.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DEEP_RightToCharge

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Harrison Nantz
Phone: (203) 722-4941
E-mail: harrison.nantz@ct.gov

Lead agency division requesting this proposal: Bureau of Energy and Technology Policy

Agency Analyst/Drafter of Proposal: Kristin Cianflone, Kirsten Rigney

Title of Proposal: An Act Concerning Right-to-Charge Electric Vehicles

Statutory Reference: New sections

Proposal Summary: The proposal will (1) make void and unenforceable any covenant, restriction or condition in any deed, contract, security instrument or other instrument affecting the transfer or sale of property which prohibits or unreasonably restricts the installation or use of an electric vehicle charging station, (2) establish conditions to which a unit owner must agree in order to obtain approval for installation of an electric vehicle charging station, and (3) permit tenants to request installation of electric vehicle charging stations, subject to compliance with a landlord's requirements.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

As one of several states signatories to the Zero-Emission Vehicle Memorandum of Understanding (ZEV MOU), Connecticut has committed to an ambitious goal of putting 125,000 to 150,000 EVs on the road by 2025. This legislation is necessary to remove barriers to consumers regarding charging accessibility.

For most EV drivers, home is the most convenient place to plug-in and charge an electric vehicle. At-home charging is generally less expensive than paying for public charging, which is more likely to be utilized during costly peak demand periods. At-home charging provides EV drivers with the option of scheduling their charging to occur during cheaper, off-peak and overnight hours. Furthermore, drivers are more likely to purchase an EV if they can charge at home. Over 34% Connecticut residents are currently renters. Roughly 10% of Connecticut's residents live in multi-unit dwellings and many of those residents are minorities. To date, most condominium and homeowners' associations, and landlords have not installed EV charging stations due to a perceived lack of demand and a perception that the equipment may only be used by a few EV drivers and renters. This right-to-charge legislation is intended to remove/lessen the barriers to homeowners/condo owners from installing electric vehicle supply equipment (EVSE) at their place of residence.

Specifically, this legislation prohibits condominium and homeowners' associations from restricting an individual homeowner with a designated parking space from installing EV charging equipment. This legislation enables an individual homeowner to submit an application to their association seeking approval to install an EV charging station in their designated parking space or in a common use parking facility. Condominium and homeowners' associations are required to issue a written approval or denial of the application, and cannot impose unreasonable restrictions on an individual homeowner installing the charging equipment. This legislation also sets forth the responsibilities of the individual installing the charging equipment, which include application process requirements; liability insurance coverage; costs for operation and maintenance; electricity associated with the charging equipment; removal of the charging equipment; restoration of the common elements after removal; and disclosure to prospective buyers of the existence of the charging station and the related responsibilities of the owner.

It is important to note that right-to-charge laws do not require homeowner associations or rental property building owners to pay for charging an individual's use or to install charging as an amenity for multiple owners.

California, Colorado, Florida, Hawaii, and Oregon have right-to-charge laws for homeowners' and condominium associations, but only California and Colorado have enacted right-to-charge laws for renter-occupied housing units. We have heard from environmental advocates that this is important legislation to ensure adoption of EVs. The Northeast States for Coordinated Air Use Management (NESCAUM) have also encouraged states to adopt right to charge legislation in order to facilitate EV ownership for renters. If this legislation is not enacted this session, the barrier of home charging of EVs for renters and condominium owners will remain and a large segment of potential consumers will continue to face this barrier to EV ownership.

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

(1) This proposal was proposed by the Energy and Technology Committee in 2020 as HB 5226 and received a public hearing on February 27, 2020, but it did not move forward due to the end of session due to COVID-19 restrictions ending the legislative session.

(2) There were discussions with homeowner association representatives and realtors as well as the Attorney General's Office to improve this proposal during the last session. DEEP will work with these associations prior to the beginning of the 2021 session as well.

(3) DEEP, CT Association of Realtors, Community Associations Institute – CT Chapter

(4) On February 27, 2020 this proposal received a public hearing by the Joint Committee on Energy and Technology. In the 2021 session the Joint Committee on Energy and Technology declined to raise the bill.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: N/A
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
N/A

State N/A
Federal N/A
Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

As one of several states signatories to the Zero-Emission Vehicle Memorandum of Understanding (ZEV MOU), Connecticut has committed to an ambitious goal of putting 125,000 to 150,000 EVs on the road by 2025. This legislation is necessary to remove barriers to consumers regarding charging accessibility.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

DEEP tracks EV deployment and reports out on EV adoption on an annual basis. DEEP expects that this legislation, in combination with the increasingly robust and equitable CHEAPR rebates, increasing consumer awareness of the negative impacts of fossil fuel consumption on climate change, and the increasing affordability of EVs, will result in increased penetration of EVS among renters and multi-unit dwellers.

Insert fully drafted bill here

Sec. 1. (NEW) (*Effective October 1, 2022*):

(a) As used in this section:

(1) "Association" means any association of homeowners, community association, condominium association, cooperative, common interest associations or nongovernmental entity with covenants, bylaws and administrative provisions with which a homeowner's compliance is required. "Association" includes an association of unit owners, as defined in section 47-68a of the general statutes, and a common interest community, as defined in section 47-202 of the general statutes;

(2) "Electric vehicle charging station" means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in the electric vehicle. "Electric vehicle charging station" includes any associated metering equipment; and

(3) "Reasonable restrictions" means a restriction that does not significantly increase the cost of the station or significantly decrease its efficiency or specified performance.

(b) Any covenant, restriction or condition contained within any deed, contract, security instrument or other instrument affecting the transfer or sale of any interest in a property, or any bylaw or other instrument that governs the creation or operation of an association, that either prohibits or unreasonably restricts the installation or use of an electric vehicle charging station within an owner's unit or in a designated parking space, including, but not limited to, a deeded parking space, a parking space in a unit owner's exclusive use common element or a parking space that is specifically designated for use by a particular unit owner, or otherwise is in conflict with the provisions of this section, shall be void and unenforceable.

(c) This section shall not apply to an association that (1) has bylaws that impose reasonable restrictions on electric vehicle charging stations or (2) already provides electric vehicle charging stations to its unit owners at a ratio that is equal to or greater than ten per cent of the designated parking spaces.

(d) An electric vehicle charging station shall meet all applicable health and safety standards and requirements imposed by applicable federal, state or municipal law.

(e) If an association requires a unit owner to submit an application for approval to install an electric vehicle charging station, the association shall process and approve the application in the same manner as an application for approval of an architectural modification to the property. The approval or denial of the application shall be in writing and shall be issued not later than sixty days after the date of receipt of the application. If an application is not denied in writing within such sixty-day period, the application shall be deemed approved, unless the association reasonably requests additional information within sixty days from the date of receipt of the application.

(f) If a unit owner seeks to install an electric vehicle charging station, the following provisions shall apply:

(1) The unit owner shall obtain approval from the association to install the electric vehicle charging station and the association shall approve the installation if the owner agrees in writing to do the following: (A) Comply with the association's architectural standards for the installation of the electric vehicle charging station; (B) engage a licensed contractor to install the electric vehicle charging station; (C) if the proposed electric vehicle charging station is located within a common element, provide a certificate of insurance, within fourteen days of approval, that names the association as a named additional insured under the owner's insurance policy pursuant to subdivision (3) of subsection (f) of this section; (D) pay for the costs associated with the installation of the electric vehicle charging station; and (E) pay the electricity usage costs associated with the electric vehicle charging station.

(2) The unit owner, and each successive owner, of the electric vehicle charging station shall be responsible for all of the following: (A) Costs for damage to the electric vehicle charging station, common elements or separate units resulting from the installation, maintenance, repair, removal or replacement of the electric vehicle charging station; (B) costs for the maintenance, repair and replacement of the electric vehicle charging station until it has been removed; (C) costs for the restoration of the electric vehicle charging station after it is removed; (D) costs of electricity associated with the electric vehicle charging station; and (E) disclosing to prospective buyers (i) the existence of the electric vehicle charging station, and (ii) the associated responsibilities of the unit owner under this section.

(3) The unit owner of the electric vehicle charging station, whether located within a separate unit, within the common element or exclusive use common element, shall, at all times, maintain a liability coverage policy. The owner shall provide the association with the corresponding certificate of insurance not later than fourteen days after approval of the application. The owner, and each successor owner, shall provide the association with the certificate of insurance annually thereafter.

(4) A unit owner shall not be required to maintain a liability coverage policy for an existing national electrical manufacturers association standard alternating current power plug.

(g) Except as provided in subsection (h) of this section, installation of an electric vehicle charging station for the exclusive use of a unit owner in a common element, that is not an exclusive use common element, shall be authorized by the association only if installation in the unit owner's designated parking space is impossible or unreasonably expensive. In such cases, the association shall enter into a license agreement with the owner for the use of the space in a common area and the owner shall comply with all requirements described in subsection (f) of this section.

(h) An association may install an electric vehicle charging station in the common element for the use of all members of the association. For any such electric vehicle charging station, the association shall develop appropriate terms of use for the electric vehicle charging station.

(i) An association may create a new parking space where one did not previously exist to facilitate the installation of an electric vehicle charging station.

(j) An association may require the unit owner to have the electric vehicle charging station removed prior to the unit owner's sale of the property unless the prospective purchaser of the property agrees to take ownership of the electric vehicle charging station.

(k) An association that knowingly violates this section shall pay a civil penalty to the applicant or other party of not more than one thousand dollars.

(l) In any action by a unit owner seeking to enforce compliance with this section, the prevailing unit owner shall be awarded reasonable attorney's fees.

Section 2. (NEW) (*Effective October 1, 2022*):

(a) As used in this section:

(1) "Dedicated parking space" means a parking space located within a lessee's separate interest or a parking spot that is in a common area, but subject to exclusive use rights of an individual lessee, including, but not limited to, a garage space, carport or parking space that is specifically designated for use by a particular lessee;

(2) "Dwelling unit" has the same meaning as provided in section 47a-1 of the general statutes;

(3) "Electric vehicle charging station" means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle. "Electric vehicle charging station" includes any associated metering equipment;

(4) "Landlord" has the same meaning as provided in section 47a-1 of the general statutes;

(5) "Rent" has the same meaning as provided in section 47a-1 of the general statutes;

(6) "Rental agreement" has the same meaning as provided in section 47a-1 of the general statutes; and

(7) "Tenant" has the same meaning as provided in section 47a-1 of the general statutes.

(b) Notwithstanding any provision in the rental agreement to the contrary, for any rental agreement executed, extended or renewed on and after October 1, 2022, a landlord of a dwelling unit shall approve a tenant's written request to install an electric vehicle charging station at a dedicated

parking space for the tenant that meets the requirements of this section and complies with the landlord's procedural approval process for modification to the property.

(c) This section shall not apply to residential rental properties where: (1) Electric vehicle charging stations already exist for a tenant in a ratio that is equal to or greater than ten per cent of the designated parking spaces; (2) Parking is not provided as part of the rental agreement; or (3) There are less than five parking spaces.

(d) A landlord may not be obligated to provide an additional parking space to a tenant in order to accommodate an electric vehicle charging station.

(e) If the electric vehicle charging station has the effect of providing the tenant with a reserved parking space, the landlord may charge a monthly rental amount for that parking space.

(f) An electric vehicle charging station, and all modifications and improvements to the property, shall comply with federal, state and municipal law, and all applicable zoning requirements, land use requirements, and covenants, conditions and restrictions.

(g) A tenant's written request to modify the rental property in order to install an electric vehicle charging station shall indicate his or her consent to enter into a written agreement that includes, but is not limited to, the following:

(1) Compliance with the landlord's requirements for the installation, use, maintenance and removal of the electric vehicle charging station and its infrastructure;

(2) Compliance with the landlord's requirements for the tenant to provide a complete financial analysis and scope of work regarding the installation of the electric vehicle charging station and its infrastructure;

(3) Compliance with the landlord's requirements to pay the landlord any costs associated with the landlord's installation of the electric vehicle charging station and its infrastructure prior to any modification or improvement to the rental property. The costs associated with modifications and improvements include, but are not limited to, the cost of permits, supervision, construction and, solely if required by the contractor and consistent with its past performance of work for the landlord, performance bonds;

(4) Compliance with the landlord's requirements to pay, as part of the tenant's rent, any costs associated with the electrical usage of the electric vehicle charging station, and costs for damage, maintenance, repair, removal and replacement of the electric vehicle charging station, including such modifications or improvements made to the rental property associated with the electric vehicle charging station; and

(5) Compliance with the landlord's requirements to maintain a general liability insurance policy and name the landlord as a named additional insured under the policy commencing with the date of approval for construction until the tenant forfeits possession of the dwelling unit to the landlord.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DEEP_SolidWasteInfrastructure

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Connecticut Department of Energy and Environmental Protection

Liaison: Harrison Nantz
Phone: (203) 722-4941
E-mail: Harrison.Nantz@ct.gov

Lead agency division requesting this proposal: Bureau of Energy and Technology Policy and Waste Management

Agency Analyst/Drafter of Proposal: Kristin Cianflone, Gabrielle Frigon, Lauren Savidge

Title of Proposal: An Act Concerning Waste and Water Infrastructure

Statutory Reference: 16-244c, 16-245, 16-245a, 16a-3i, New

Proposal Summary:

Sections 1 to 5 of this proposal would create a waste management grant program using excess alternative compliance payments that are made when electric suppliers are unable to meet the Class II renewable portfolio standard. Such payments are expected to increase due to the impending MIRA plant closure. It would provide monies to support municipal actions designed to reduce the amount of waste generated and increase diversion of food wastes and other recyclable wastes thereby reducing the reliance on out-of-state landfills for disposal capacity.

Section 6 would allow DEEP to solicit proposals for the supply of biogas for injection into the natural gas distribution systems in the state from permitted anaerobic digestion facilities that produce biogas derived from the decomposition of farm-generated organic waste or source-separated organic material.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

With the closure of the MIRA facility anticipated in July of 2022 and interest by municipalities in implementing organics collection, unit-based pricing disposal for municipal solid waste,

producer responsibility and other innovative sustainable materials management (SMM) programs (as evidenced by the December 2020 Menu of Options and subsequent feedback survey from the DEEP-municipal stakeholder group CT Coalition for Sustainable Materials Management), this legislation would present an opportunity to cover such programs' launch costs, minimizing the amount of municipal solid waste that is sent to landfills out of state after MIRA closes. This proposal would create a permanent funding source for SMM programs by directing that any Alternative Compliance Payments made by suppliers of electricity in order to comply with Class II renewable portfolio standard compliance would be deposited into a fund for SMM grants and technical assistance to municipalities to help reduce towns' disposal costs if or when MIRA ceases operation. DEEP estimates that this change could generate up to $5 to $7 million per year when the MIRA facility ceases operation and the renewable portfolio standard compliance true-up is complete, which could be in 2023 or 2024.

The proposal would also seek to eliminate the use of Class I renewable energy credits to meet the Class II obligation, a change that the state's waste to energy facilitates have been seeking in recent years when Class I prices were lower than Class II prices. The closure of MIRA will result in the loss of 600,000 tons per year of disposal capacity. Grants to municipalities and regional waste authorities to create programs and infrastructure will be a critical component in fostering and supporting the diversion of waste types from disposal, controlling disposal costs and reducing environmental impacts.

The second piece of this proposal also seeks to help manage the state's solid waste, in particular food waste an
d farm-generated organic wastes. In addition, this piece seeks to decarbonize the natural gas distribution system, adding this tool to DEEP's suite of policy mechanisms that can help the state meet its statutory greenhouse gas emissions reduction goals. Biogas is a type of biofuel that is naturally produced from the decomposition of organic waste. Not only would this fuel be cleaner than natural gas currently in the natural gas distribution system, but it is also a byproduct of anaerobic digestion, which is an important component to meeting the goals articulated in the Comprehensive Materials Management Strategy developed pursuant to section 22a-228 of the general statutes. Any biogas injection into the natural gas distribution system would be done in a safe manner. Of note, the Public Utilities Regulatory Authority (PURA) has recently issued a final decision in docket, 19-07-04, that defines and adopts gas quality interconnection standards for biogas suitable for injection into the gas distribution system. This decision can help ensure biogas generated by anaerobic digestion is safely utilized by gas customers when injected into the natural gas distribution system.

◊ **Origin of Proposal** ☒ **New Proposal** ☒ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

Section 5 of the proposal is a resubmission, based on HB 6409 from the 2021 regular session. It was advanced from the Energy and Technology Committee and remained on the House Calendar at the close of session. Anaerobic digestion facilities are supportive and discussions were held with local gas distribution companies to address interconnection safety concerns.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: N/A
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
Opportunity for participation in SMM programs, which could results in increased revenue for municipalities for specific uses.

State
Revenue from the alternative compliance payments is estimated to be $7 million. The cost of administration of the municipal waste program is estimated to be 1.5 full-time equivalent positions at the Department of Energy and Environmental Protection. The balance of the available funds will be used for municipal funding opportunities for SMM programs.

Federal
None.

Additional notes on fiscal impact
n/a

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This proposal will provide a steady funding stream for a grant program that will spur the creation of innovative ways for municipalities to manage their waste and reduce their tip fees. It will also help reduce organic waste in the state by encouraging and incentivizing the use of biogas, which in turn will help transition away from fossil fuels and achieve our climate goals in the Global Warming Solutions Act.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

The proposal will fund a grant program in support of municipal solid waste reduction strategies, including infrastructure development for programs, such as unit-based pricing, organic materials diversion, reuse and recycling strategies, all of which are consistent with the state's Comprehensive Materials Management Strategy and the Connecticut Coalition for Sustainable Materials Management. Said programs shall be competitive and provide financial assistance to municipalities and regional authorities in furtherance of solid waste reduction strategies. Measures of benefits will include measuring reductions in municipal sold waste generated per capita and increases in recyclable materials diverted for award recipients.

With regard to biogas projects, the fuel usage from any selected project(s) can be tracked and greenhouse gas emission reductions can be estimated.

Insert fully drafted bill here

Sec. 1. Subsection (a) of section 16-245a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) Subject to any modifications required by the Public Utilities Regulatory Authority for retiring renewable energy certificates on behalf of all electric ratepayers pursuant to subsection (h) of this section and sections 16a-3f, 16a-3g, 16a-3h, 16a-3i, 16a-3j, 16a-3m and 16a-3n, an electric supplier and an electric distribution company providing standard service or supplier of last resort service, pursuant to section 16-244c, shall demonstrate:

(1) On and after January 1, 2006, that not less than two per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(2) On and after January 1, 2007, not less than three and one-half per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(3) On and after January 1, 2008, not less than five per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(4) On and after January 1, 2009, not less than six per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(5) On and after January 1, 2010, not less than seven per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(6) On and after January 1, 2011, not less than eight per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(7) On and after January 1, 2012, not less than nine per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(8) On and after January 1, 2013, not less than ten per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(9) On and after January 1, 2014, not less than eleven per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(10) On and after January 1, 2015, not less than twelve and one-half per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(11) On and after January 1, 2016, not less than fourteen per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(12) On and after January 1, 2017, not less than fifteen and one-half per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional three per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(13) On and after January 1, 2018, not less than seventeen per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(14) On and after January 1, 2019, not less than nineteen and one-half per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(15) On and after January 1, 2020, not less than twenty-one per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from Class I or Class II renewable energy sources, except that for any electric supplier that has entered into or renewed a retail electric supply contract on or before May 24, 2018, on and after January 1, 2020, not less than twenty per cent of the total output or services of any such electric supplier shall be generated from Class I renewable energy sources;

(16) On and after January 1, 2021, not less than twenty-two and one-half per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(17) On and after January 1, 2022, not less than twenty-four per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from Class I or Class II renewable energy sources;

(18) On and after January 1, 2023, not less than twenty-six per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from **[**Class I or**]** Class II renewable energy sources;

(19) On and after January 1, 2024, not less than twenty-eight per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from **[**Class I or**]** Class II renewable energy sources;

(20) On and after January 1, 2025, not less than thirty per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from [Class I or] Class II renewable energy sources;

(21) On and after January 1, 2026, not less than thirty-two per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from [Class I or] Class II renewable energy sources;

(22) On and after January 1, 2027, not less than thirty-four per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from [Class I or] Class II renewable energy sources;

(23) On and after January 1, 2028, not less than thirty-six per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from [Class I or] Class II renewable energy sources;

(24) On and after January 1, 2029, not less than thirty-eight per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from [Class I or] Class II renewable energy sources;

(25) On and after January 1, 2030, not less than forty per cent of the total output or services of any such supplier or distribution company shall be generated from Class I renewable energy sources and an additional four per cent of the total output or services shall be from [Class I or] Class II renewable energy sources.

Sec. 2. Subdivision (1) of subsection (h) of Section 16-244c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(h) (1) Notwithstanding the provisions of subsection (b) of this section regarding an alternative standard service option, an electric distribution company providing standard service, supplier of last resort service or back-up electric generation service in accordance with this section shall contract with its wholesale suppliers to comply with the renewable portfolio standards. The Public Utilities Regulatory Authority shall annually conduct an uncontested proceeding in order to determine whether the electric distribution company's wholesale suppliers met the renewable portfolio standards during the preceding year. On or before December 31, 2013, the authority shall issue a decision on any such proceeding for calendar years up to and including 2012, for which a decision has not already been issued. Not later than December 31, 2014, and annually thereafter, the authority shall, following such proceeding, issue a decision as to whether the electric distribution company's wholesale suppliers met the renewable portfolio standards during the preceding year. An electric distribution company shall include a provision in its contract with each wholesale supplier that requires the wholesale supplier to pay the electric distribution company an amount of: (A) For calendar years up to and including calendar year 2017, five and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period, (B) for calendar years commencing on January 1, 2018, up to and including the calendar year commencing on January 1, 2020, five and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for

Class II renewable energy sources, and (C) for calendar years commencing on and after January 1, 2021, four cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources. The electric distribution company shall promptly transfer any payment received from the wholesale supplier for the failure to meet the renewable portfolio standards to the Clean Energy Fund for the development of Class I renewable energy sources, provided, on and after June 5, 2013, any such payment shall be refunded to ratepayers by using such payment to offset the costs to all customers of electric distribution companies of the costs of contracts and tariffs entered into pursuant to sections 16-244r, 16-244t and 16-244z, except that, on and after January 1, 2023, any such payment that is attributable to a failure to comply with the Class II renewable portfolio standards shall be deposited in the "Sustainable Materials Management Account" established pursuant to section 5 of this act. Any excess amount remaining from such payment shall be applied to reduce the costs of contracts entered into pursuant to subdivision (2) of this subsection, and if any excess amount remains, such amount shall be applied to reduce costs collected through nonbypassable, federally mandated congestion charges, as defined in section 16-1.

Sec. 3. Subsection (k) of Section 16-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(k) Any licensee who fails to comply with a license condition or who violates any provision of this section, except for the renewable portfolio standards contained in subsection (g) of this section, shall be subject to civil penalties by the Public Utilities Regulatory Authority in accordance with section 16-41, including direction that a portion of the civil penalty be paid to a nonprofit agency engaged in energy assistance programs named by the authority in its decision or notice of violation, the suspension or revocation of such license and a prohibition on accepting new customers following a hearing that is conducted as a contested case in accordance with chapter 54. Notwithstanding the provisions of subsection (b) of section 16-244c regarding an alternative transitional standard offer option or an alternative standard service option, the authority shall require a payment by a licensee that fails to comply with the renewable portfolio standards in accordance with subdivision (4) of subsection (g) of this section in the amount of: (1) For calendar years up to and including calendar year 2017, five and one-half cents per kilowatt hour, (2) for calendar years commencing on January 1, 2018, and up to and including the calendar year commencing on January 1, 2020, five and one-half cents per kilowatt hour if the licensee fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the licensee fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources, and (3) for calendar years commencing on and after January 1, 2021, four cents per kilowatt hour if the licensee fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the licensee fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources. On or before December 31, 2013, the authority shall issue a decision, following an uncontested proceeding, on whether any licensee has failed to comply with the renewable portfolio standards for calendar years up to and including 2012, for which a decision has not already been issued. On and after June 5, 2013, the Public Utilities Regulatory Authority shall annually conduct an uncontested proceeding in order to determine whether any licensee has failed to comply with the renewable portfolio standards during the preceding year. Not later than December 31, 2014, and annually thereafter, the authority shall, following such proceeding, issue a decision as to whether the licensee has failed to comply with the renewable portfolio standards during the preceding year.

The authority shall allocate such payment to the Clean Energy Fund for the development of Class I renewable energy sources, provided, on and after June 5, 2013, any such payment shall be refunded to ratepayers by using such payment to offset the costs to all customers of electric distribution companies of the costs of contracts and tariffs entered into pursuant to sections 16-244r, 16-244t and section 16-244z, except that, on and after January 1, 2023, any such payment that is attributable to a failure to comply with the Class II renewable portfolio standards shall be deposited in the "Sustainable Materials Management Account" established pursuant to section 5 of this act. Any excess amount remaining from such payment shall be applied to reduce the costs of contracts entered into pursuant to subdivision (2) of subsection (j) of section 16-244c, and if any excess amount remains, such amount shall be applied to reduce costs collected through nonbypassable, federally mandated congestion charges, as defined in section 16-1.

Sec. 4. Subsection (a) of Section 16a-3i of the general statutes is repealed and the following is substituted in lieu thereof (*effective July 1, 2022*):

(a) During the calendar year commencing January 1, 2014, and continuing each calendar year thereafter, if alternative compliance payments pursuant to subsection **[**(j)**]** (h) of section 16-244c or subsection (k) of section 16-245 are made for failure to meet the renewable portfolio standards, there shall be a presumption for the calendar year the alternative compliance payments are made that there is an insufficient supply of Class I renewable energy sources, as defined in section 16-1, for electric suppliers or electric distribution companies to comply with the requirements of section 16-245a.

Sec. 5. (NEW) (*effective July 1, 2022)*:

(a) There is established an account to be known as the "Sustainable Materials Management Account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain monies collected by the alternative compliance payment for Class II renewable portfolio standards pursuant to subsection (h) of Section 16-244c, as amended by this act, and subsection (k) of Section 16-245, as amended by this act. The Commissioner of Energy and Environmental Protection shall expend monies from the account for the purposes of the program established under this section.

(b) On and after January 1, 2023, the Commissioner of Energy and Environmental Protection shall establish and administer a sustainable materials management program to support solid waste reduction in the state, through the provision of funding for purposes including, but not limited to, grants, revolving loans, technical assistance, consulting services, and waste characterization studies, to support programs and projects implemented by entities including, but not limited to, municipalities, non-profits, and regional waste authorities. Such programs and projects shall promote affordable, sustainable, and self-sufficient management of waste within the state by reducing solid waste generation or diverting solid waste from disposal, consistent with the state-wide solid waste management plan established pursuant to section 22a-228.

(c) Not later than January 1, 2024, and annually thereafter, the department shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and energy and technology detailing the expenditures of any funds disbursed from the sustainable materials management account and the outcomes associated with such expenditures.

Sec. 6. (NEW) (*Effective October 1, 2022*):

(a) The Commissioner of Energy and Environmental Protection, in consultation with the Office of Consumer Counsel and the Attorney General, may solicit proposals for the supply of biogas for injection into the natural gas distribution systems in the state, in one solicitation or multiple solicitations, from anaerobic digestion facilities that have obtained a permit pursuant to section 22a-208a of the general statutes and produce biogas derived from the decomposition of farm-generated organic waste or source-separated organic material. The commissioner may select proposals from such anaerobic digestion facilities that produce biogas from up to three hundred thousand tons of organic waste annually.

(b) In making any selection of such proposals, the commissioner shall consider factors, including, but not limited to, (1) whether the proposal is in the best interest of natural gas ratepayers, (2) whether the proposal promotes the policy goals outlined in the state-wide solid waste management plan developed pursuant to section 22a-241a, (3) any positive impacts on the state's economic development, including any positive impacts on the state's agricultural industry (4) whether the proposal is consistent with the requirements to reduce greenhouse gas emissions in accordance with section 22a-200a of the general statutes, (5) the characteristics of a relevant facility that produces renewable natural gas, including whether the proposed gas conditioning system or systems and the biogas complies with the interconnection standards developed in accordance with Section 18 of Public Act 19-35 and (6) whether the proposal promotes natural gas distribution system benefits.

(c) The commissioner may direct the gas companies, as defined in section 16-1 of the general statutes, to enter into gas purchase agreements with biogas suppliers selected pursuant to this section for biogas and associated attributes for periods of not more than twenty years on behalf of all customers of the state's gas companies.
(d) Any gas purchase agreement entered into pursuant to this section shall be subject to review and approval by the Public Utilities Regulatory Authority, which review shall be completed not later than one hundred twenty days after the date on which such agreement is filed with the authority. The authority shall review and approve such agreements if they meet the criteria in the request for proposals issued pursuant to subsection (a) of this section and are in the best interest of ratepayers.

(e) (1) The reasonable costs incurred by the gas companies in negotiating and executing such gas purchase agreements and the net costs for the supply of biogas under any such gas purchase agreement shall be recovered from all customers of such company through the purchased gas adjustment clause in section 16-19b. Any net revenues from the sale of products purchased in accordance with any such agreements entered into pursuant to this section shall be credited to customers through the same fully reconciling rate component for all customers of the contracting gas company. Any such net costs or net revenues, as applicable, of any such agreements shall be apportioned in proportion to the revenues of each contracting gas company as reported to the authority pursuant to section 16-49 for the most recent fiscal year.

(2) A gas company shall recover those costs incurred by such gas company related to constructing, operating, and maintaining infrastructure arising from such gas purchase agreement from the biogas supplier through a contribution in aid of construction or other provision of the gas purchase agreement. Any incurred costs not to be recovered from the biogas supplier shall be identified and approved by the authority at the time the authority approves any gas purchase agreement. Such prudently incurred costs shall be recovered in any

existing rate tracking mechanism for the recovery of natural gas infrastructure investments, or if no mechanism currently exists, a newly established rate tracking mechanism established by the authority.

(f) A gas company can elect to either (1) use any renewable natural gas procured hereunder to meet the needs of its customers or (2) sell any such renewable natural gas into applicable markets or through bilateral contracts with third parties with the net benefits or costs thereof reflected in the purchased gas adjustment clause in section 16-19b.

(g) The commissioner may retain consultants to assist in implementing this section, including, but not limited to, the evaluation of proposals submitted pursuant to this section. All reasonable costs associated with the commissioner's solicitation and review of proposals pursuant to this section shall be recoverable through the same fully reconciling rate component for all customers of the gas companies. Such costs shall be recoverable even if the commissioner does not select any proposals pursuant to any solicitation issued pursuant to this section.

(h) (1) Any dispute arising from a contract that is approved by the authority pursuant to this section shall be brought to the authority. A party may petition the authority for a declaratory ruling or make an application for review pursuant to this subsection. Notwithstanding subsection (a) of section 4-176,
the authority may not on its own motion initiate a proceeding to review a contract entered into pursuant to this subsection.

(2) The authority shall review such contract claims brought pursuant to subdivision (1) of this subsection. The authority shall decide such contract claims by issuing a declaratory ruling or a final decision in a contested case proceeding, including ordering legal and equitable contract remedies. Any party to the contract shall have the right to appeal to the Superior Court from any such declaratory ruling or final decision adjudicating such contract claims pursuant to this subsubsection.

Agency Legislative Proposal - 2022 Session

Document Name: 09082021_DEEP_BoatingSafety

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Energy & Environmental Protection
Liaison: Harrison Nantz **Phone:** 203-722-4941 **E-mail:** Harrison.Nantz@ct.gov
Lead agency division requesting this proposal: Boating Division
Agency Analyst/Drafter of Proposal: Peter Francis, Director & Timothy Delgado, EA III

Title of Proposal: An Act Concerning Boating Safety
Statutory Reference: Sec. 1 CGS Section 15-133; Sec. 2 CGS Section 15-136; Sec. 3 CGS Section 15-154 (d) (e); Sec. 4 CGS Section 15-149a
Proposal Summary: Sec. 1 - DEEP proposes to amend the boating statutes to require that every vessel must carry owner information attached to the vessel. Sec. 2 - DEEP proposes to amend the boating statutes to specify that the commissioner may disapprove any ordinance or part thereof that in her opinion duplicates or substantially duplicates any existing regulation or statute. Sec. 3 – DEEP proposes to amend the boating statutes to improve the safety of boaters and law enforcement personnel during routine stops. Sec. 4 - DEEP proposes to amend the boating statutes to raise the state boating accident reporting threshold of $500 damage to match the federal boating accident reporting threshold of $2000 damage.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?

(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?

(3) Have certain constituencies called for this action?

(4) What would happen if this was not enacted in law this session?

Sec. 1 - A number of unmanned vessels are found free-floating by law enforcement personnel each year. Registered vessels carry identifying numbers and the owners can be identified and contacted quickly. When paddlecraft and other small vessels that are not required to be registered are found in this situation, law enforcement must respond as if this is a potential boating accident with an overboard operator because the owner cannot be identified. These responses oftentimes require considerable manpower and equipment resources. Requiring contact information on the vessel can prevent unnecessary search and rescue efforts.

Sec. 2 - DEEP has recently been contacted by municipal leadership seeking guidance or approval of local boating ordinances under Sec 15-136 which would very closely duplicate the existing state statute or regulation. This will create confusion for boaters and administrative concerns regarding the disposition of violation-related fines between local and state coffers. Currently, DEEP would have to rely on the review criteria that such ordinance would be "inimical to uniformity" but additional clarify would be helpful and improve efficiency in providing guidance and review/approval timeframes.

Sec. 3 - When a law enforcement vessel stops another vessel it typically leaves its flashing blue lights operating but stills the siren so as to allow the officers to converse with occupants of the stopped vessel. It is law enforcement's expectation that any other vessel transiting the area will slow down so as to minimize wakes that might upset or interfere with persons aboard either the law enforcement vessel or the stopped vessel. However, current law specifies that such a transiting vessel need slow down only if the law enforcement vessel activates both the siren and lights simultaneously. We believe this is a drafting mistake, and we now move to correct the mistake. The second part of this proposal is similar: no protection from wakes caused by nearby transiting vessels is currently provided for a commercial towing or response vessel that has its yellow lights flashing while attending to or towing a vessel in distress. This change would improve the safety of these responding crews and the crews of the vessel in distress. This is a safety improvement that has been requested by industry.

Sec. 4 - It is a requirement of federal regulation that persons involved in a boating accident file a boating accident report with the DEEP if property damage exceeds $2000. It is a state law that persons involved in a boating accident file a boating accident report with the DEEP if property damage exceeds $500. It serves no practical purpose to have two reporting thresholds and the existence of two reporting thresholds causes a good bit of confusion, so we now propose to unify state requirements with federal requirements by making the state reporting threshold $2000 - the same as the federal reporting threshold.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

This proposal originates with the Boating Division of the DEEP. Sections 3 and 4 were introduced in the 2020 legislative session but did not advance due to the session ending abruptly because of COVID-19.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: NONE
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments
N/A

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
Sec. 1 - Passage of this proposal would save municipal law enforcement and first responder costs by reducing unnecessary search and rescue costs.

Sec. 2-4 - None

State
Sec. 1 - Passage of this proposal would save state law enforcement and first responder costs by reducing unnecessary search and rescue costs.

Sec. 2,3 - None

Sec. 4 - We would expect savings by reducing the number of boating accident reports processed by DEEP for those accidents that currently require reporting between $500 and $2000. Between 2009 – 2018, DEEP handled a total of 557 boating accidents. Of those, 211 accident reports (37.78%) were above the $500 state threshold but below the $2000 federal reporting threshold. It takes approximately 1 hour of Boating Division staff time per accident report to properly complete the report and enter the information into the Boating Accident

Reporting Database (BARD). Additional time would be saved from EnCon who complete the report and have additional processing steps in review, approval, scanning, and sending to Boating.
Federal Sec. 1 - Passage of this proposal would save US Coast Guard costs by reducing unnecessary search and rescue costs. Sec. 2-4 - None
Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Sec. 1 - Passage of this proposal will reduce unnecessary search and rescue efforts by allowing law enforcement personnel who respond to or find an unmanned watercraft to quickly identify the owner and make contact with them. This will allow such responders to quickly evaluate whether the unmanned vessel simply became loose from a backyard, beach or marina or whether the contacted person indicates that a family member or friend may have filed a float plan or otherwise advised them that they were heading out on the water.

Sec. 2 **-** Implementation of this proposal in which the law is clarified to ensure no duplication of state regulation or law gets established in local ordinance would increase DEEP staff ability to provide clear guidance to local officials.

Sec. 3 – This proposal originates with the Boating Division of the DEEP based on consultation with law enforcement officers as well as through a request from industry professionals whose safety would be improved by this proposal.

Sec. 4 - Implementation of this proposal should reduce the confusion for the public and reduce busy work for DEEP staff, as the type of accident reports at issue here represent those accidents with minimal property damage and no physical injuries.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

Sec. 1:

Subsection (c) of Section 15-133 of the general statutes is amended as follows *(Effective October 1, 2022)*:

(c)(1) No person shall place or operate a vessel on the waters of the state unless such vessel has a label or tag affixed to the vessel that provides sufficient information so as to allow a law enforcement officer to identify the owner of such vessel. The commissioner shall specify the requirements of such label or tag in the annual digest of boating laws and regulations published pursuant to section 15-138.

(2) No person shall alter, deface or remove any capacity information label affixed to any vessel.

Sec. 2:

Subsection (a) of Section 15-136 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2022)*:

(a) Any town, by ordinance, may make local regulations respecting the operation of vessels on any body of water within its territorial limits. Upon adoption, each such ordinance shall be submitted to the commissioner and, if not approved by **[**him**]** the commissioner within sixty days thereafter, shall take effect as provided in subsection (c) of this section. The commissioner may disapprove any ordinance or part thereof which **[**he**]** the commissioner finds to be duplicative of state law or regulation, arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with the policy of this part.

Sec. 3:

Subsection (d) and (e) of Section 15-154 of the general statutes are repealed and the following is substituted in lieu thereof *(Effective October 1, 2022)***:**

(d) Upon the immediate approach of a law enforcement vessel using an audible signal device **[**and**]** or flashing blue lights or a fire rescue vessel using an audible signal device **[**and**]** or flashing red or yellow lights, any person operating a vessel shall immediately slow to a speed sufficient to maintain steerage only, shall alter course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel or fire rescue vessel, and shall proceed, unless otherwise directed by an officer in the law enforcement vessel or fire rescue vessel, at a reduced speed until beyond the area of operation of the law enforcement vessel or fire rescue vessel. Any person operating a vessel who willfully or negligently obstructs or retards any law enforcement or fire rescue vessel answering an emergency call or in pursuit of fleeing law violators shall be fined not more than two hundred fifty dollars.

(e) Any person operating a vessel passing within two hundred feet of a stationary law enforcement vessel using an audible signal device **[**and**]** or flashing blue lights or a stationary fire rescue vessel using flashing red or yellow lights shall reduce speed to a speed of slow-no-wake until there is a distance of more than two hundred feet between such person's vessel and the law enforcement vessel or fire rescue vessel. Any person operating a vessel passing within two hundred feet of a commercial vessel responding to or towing a vessel in distress when such commercial vessel is displaying flashing red or yellow lights shall reduce speed to a speed of slow-no-wake. For purposes of this subsection, "slow-no-wake" means operation of a vessel at a speed that does not produce more than a minimum wake and is not greater than six miles per hour over ground, unless a higher minimum speed is necessary to maintain steerage when traveling with a strong current.

Sec. 4:

Subsection (a) of Section 15-149a of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2022)*:

(a) Any person operating a vessel upon the waters of this state which vessel is in any manner involved in an accident in which any person dies, is injured so as to require medical attention, or disappears, shall immediately notify the nearest law enforcement agency having jurisdiction over such accident and, not later than forty-eight hours after such accident, report the matter in writing to the Commissioner of Energy and Environmental Protection. The report shall be on a form prescribed by the commissioner and shall state as accurately as possible the time, place and cause of such accident, the injuries occasioned by the accident and any other facts the commissioner deems necessary. If such operator is physically incapable of notifying the nearest law enforcement agency or of making such report and there is another participant or passenger in the accident not incapacitated, such participant or passenger shall immediately notify the nearest law enforcement agency having jurisdiction over such accident and make the report to the commissioner not later than forty-eight hours after such accident. Any person operating a vessel upon the waters of this state which is in any manner involved in an accident in which the total damages to all property affected by such accident, including property of such operator, is in excess of **[**five hundred**]** two thousand dollars, such person shall, not later than five days after such accident, report the matter in writing to the commissioner on such forms as said commissioner may prescribe. If there is no person other than the owner capable of making such report or if the report has not been submitted and the owner of such vessel is not incapacitated, such owner shall, not later than five days after learning of the facts of such accident, report the matter to the commissioner, on such forms as said commissioner may prescribe. Any such operator of a vessel, or surviving participant or passenger in any such accident, or the owner of the vessel involved in any such accident, shall provide any other information or additional report as the commissioner shall require. Failure of any person to comply with any provision of this subsection shall be an infraction.

Agency Legislative Proposal - 2022 Session

Document Name: 09302021_DEEP_EvictionAuthority

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Harrison Nantz
Phone: 203-722-4941
E-mail: Harrison.Nantz@ct.gov

Lead agency division requesting this proposal: State Parks and Public Outreach Division

Agency Analyst/Drafter of Proposal: Tom Tyler, Division Director

Title of Proposal: AAC Increased Eviction Authority from State Parks and Forests for Violations of Laws or Regulations

Statutory Reference: CGS Section 23-4

Proposal Summary:
This proposal would broaden the authority of the DEEP Commissioner to evict campers or other park visitors for up to one year for those who violate state law or regulation while visiting.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

We are experiencing an increase in unlawful behavior by some park visitors that threatens the ability of other visitors to have a safe and enjoyable experience. There have also been a number of incidents this year of direct threats and assaults on our staff. Current law and regulation allow for a 24-hour eviction of a violator in limited circumstances, and an eviction of up to one year (imposed by the Commissioner) upon "conviction" of a violation of Park and Forest Regulations. An eviction of more that 24 hours can only be imposed IF an infraction violation is issued regarding a Park and Forest Regulation, AND the person is later found guilty (either by a judge or paying the infractions fine). In the meantime, there is no mechanism to exclude someone with a demonstrated unwillingness to abide by Connecticut laws and regulations and prevent them from disturbing other visitors or threatening or harming DEEP staff. This authority will give the Commissioner, on a case-by-case basis, the opportunity to

review the circumstances of an individuals disruptive, threatening or dangerous activity, and allow the imposition of a ban of up to one year, if deemed appropriate.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

N/A – New Proposal

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: N/A
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
N/A

State
Possible small savings.

Federal

N/A
Additional notes on fiscal impact The possible small fiscal savings to the state would result from the ability to remove a disruptive and/or dangerous visitor from state parks and campgrounds, thereby limiting the amount of time (perhaps on OT) that needs to be devoted to addressing the situation.

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

No impacts to other policies or programs

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs. We will continue to track incidents of interactions, warnings, violations and arrests by our EnCon Police Officers with park visitors. This data will be available from our Computer Aided Dispatch (CAD) system for analysis.

Insert fully drafted bill here

Section 1. Section 23-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) The Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 for the maintenance of order, safety and sanitation upon the lands under the commissioner's control and for the protection of trees and other property and the preservation of the natural beauty thereof and fix penalties not exceeding a fine of ninety dollars for violation of such regulations. The commissioner may prohibit the possession or consumption of alcoholic beverages on such lands provided, for any such lands where the consumption or possession of alcoholic beverages was not prohibited by the commissioner as of October 1, 1999, the commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to prohibit such activity. Such regulations shall be posted in conspicuous places upon such lands. Any person who violates any such regulation shall have committed an infraction and may pay the fine by mail or

plead not guilty under the provisions of section 51-164n. The provisions of section 51-164m shall not apply to this section. Any person who commits a violation of law or [convicted of a violation of such] regulation[s] or who forfeits a bond taken upon any such complaint may be prohibited from entering any state park by the commissioner for not more than one year from the date of such violation [conviction].

(b) Notwithstanding the provisions of subsection (a) of this section and any regulation adopted pursuant to said subsection, the commissioner shall authorize any person to take mushrooms from any lands under the control of the commissioner provided such taking is for personal use only. The state shall have no liability to any person or the heirs or assigns of any such person who engages in the taking of mushrooms from any lands under the control of the commissioner.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DEEP_EnergyStorageAndGridResilience

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Harrison Nantz
Phone: (203) 722-4941
E-mail: harrison.nantz@ct.gov

Lead agency division requesting this proposal: Bureau of Energy and Technology Policy

Agency Analyst/Drafter of Proposal: Kristin Cianflone

Title of Proposal: An Act Concerning Consultant Authority for the Department of Energy and Environmental Protection

Statutory Reference: Sec. 3 of PA 21-53 and 16a-3d

Proposal Summary:
Section 1 revises section 3 of Public Act 21-53 to add language that is typical of energy procurement statutes, allowing for the Department of Energy and Environmental Protection to direct the electric distribution companies to enter into power purchase agreements for energy associated with the energy storage procurements pursuant to said section, and allowing DEEP to hire a consultant to evaluate proposals submitted pursuant to said section.

Section 2 allows the Department of Energy and Environmental Protection to utilize the services of a consultant in the preparation of its Comprehensive Energy Strategy.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

The proposal remedies an oversight from section 3 of Public Act 21-53 to add language that is typical of energy procurement statutes. The electric distribution companies must have a power purchase agreement in place with the systems to access the stored energy or to purchase the Class I attributes of such energy. The proposal language allows for the Department of Energy

and Environmental Protection to direct the electric distribution companies to enter into such agreements, which agreements will then be subject to review by the Public Utilities Regulatory Authority. The proposal also adds the ability for DEEP to utilize the services of a consultant in analyzing the energy storage proposals received pursuant to this public act. The need for such services is due to the highly technical and specialized work in reviewing energy procurement proposals.

It also provides DEEP with the authority to utilize the services of a consultant, if staff expertise needs to be supplemented, in its development of the Comprehensive Energy Strategy ("CES"). Similar to its work in developing the Integrated Resources Plan, the department will be able to recover the reasonable costs associated with the development of the CES through the assessment on regulated companies pursuant to section 16-49.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: N/A
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None
Federal None
Additional notes on fiscal impact The costs associated with retaining consultants pursuant to this proposal would flow to all ratepayers of public service companies, including the state and municipalities.

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

The proposal would provide DEEP the access to the specialized expertise necessary in reviewing proposals for front-of the meter energy storage projects and in fulfilling its statutory duty to develop a Comprehensive Energy Strategy.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

Insert fully drafted bill here

Sec. 1. Section 3 of Public Act 21-53 is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) The Commissioner of Energy and Environmental Protection, in consultation with the procurement manager identified in subsection (l) of section 16-2 of the general statutes and the Office of Consumer Counsel, may issue requests for proposals for energy storage projects connected at the

transmission or distribution level, including stand-alone energy storage projects and energy storage projects paired with Class I renewable energy sources or hydropower facilities that have a nameplate capacity rating of not more than one hundred megawatts, that would achieve the goals in section 1 of this act in combination with programs established by the Public Utilities Regulatory Authority. If the Commissioner of Energy and Environmental Protection determines that procuring energy storage is cost effective, the commissioner shall proceed with the selection of proposals. In making this determination, the commissioner shall publish and make available for public comment a cost-effectiveness test that considers each applicable benefit provided by energy storage.

(b) In making any selection of such proposals, the commissioner shall consider factors, including, but not limited to, (1) whether the proposal is in the best interest of ratepayers, including, but not limited to, the delivered price of such sources, (2) whether the proposal promotes electric distribution system reliability, including during winter peak demand, (3) any positive impacts on the state's economic development, (4) whether the proposal is consistent with the requirements to reduce greenhouse gas emissions in accordance with section 22a-200a of the general statutes, and (5) whether the proposal is consistent with the policy goals outlined in the Comprehensive Energy Strategy adopted pursuant to section 16a-3d of the general statutes and the Integrated Resources Plan adopted pursuant to section 16a-3a of the general statutes. In considering whether a proposal has any positive impacts on the state's economic development, the Commissioner of Energy and Environmental Protection shall consult with the Commissioner of Economic and Community Development.

(c) The commissioner may direct the electric distribution companies to enter into power purchase agreements for energy, capacity, any transmission associated with such energy, or environmental attributes, or any combination thereof, associated with proposals selected pursuant to this section, for periods of not more than twenty years on behalf of all customers of the state's electric distribution companies. Certificates issued by the New England Power Pool Generation Information System for any Class I renewable energy sources procured by an electric distribution company pursuant to this section may be: (1) Sold into the New England Power Pool Generation Information System renewable energy credit market to be used by any electric supplier or electric distribution company to meet the requirements of section 16-245a of the general statutes, as amended by this act, provided the revenues from such sale are credited to electric distribution company customers as described in this section; or (2) retained by the electric distribution company to meet the requirements of section 16-245a of the general statutes, as amended by this act. In considering whether to sell or retain such certificates, the company shall select the option that is in the best interest of such company's ratepayers.

[(c)] (d) Any agreement entered into pursuant to this section shall be subject to review and approval by the Public Utilities Regulatory Authority, which review shall be completed not later than one hundred twenty days after the date on which such agreement is filed with the authority. The authority shall approve any such agreement if it is cost effective and in the best interest of electric

ratepayers. The net costs of any such agreement, including costs incurred by the electric distribution companies under the agreement and reasonable costs incurred by the electric distribution companies in connection with the agreement, shall be recovered through a fully reconciling component of electric rates for all customers of electric distribution companies. Any net revenues from the sale of products purchased in accordance with long-term contracts entered into pursuant to this section shall be credited to customers through the same fully reconciling rate component for all customers of the contracting electric distribution company. The commissioner may hire consultants with expertise in quantitative modeling of electric and gas markets to assist in implementing this section, including, but not limited to, the evaluation of proposals submitted pursuant to this section. All reasonable costs associated with the commissioner's solicitation and review of proposals pursuant to this section shall be recoverable through the same fully reconciling rate component for all customers of the electric distribution companies.

Sec. 2. Section 16a-3d of the general statutes is repealed and the following is inserted in lieu thereof (*Effective upon passage*):

(a) On or before October 1, 2020, and every four years thereafter, the Commissioner of Energy and Environmental Protection shall prepare a Comprehensive Energy Strategy. Said strategy shall reflect the legislative findings and policy stated in section 16a-35k, provide any analysis and recommendations necessary to guide the state's energy policy to meet greenhouse gas emission reduction requirements, as established in section 22a-200a, in the most cost-effective manner and incorporate (1) an assessment and plan for all energy needs in the state, including, but not limited to, electricity, heating, cooling, and transportation, (2) the findings of the Integrated Resources Plan, (3) the findings of the plan for energy efficiency adopted pursuant to section 16-245m, (4) the findings of the plan for renewable energy adopted pursuant to section 16-245n, and (5) the Energy Assurance Plan developed for the state of Connecticut pursuant to the American Recovery and Reinvestment Act of 2009,1 P.L. 111-5, or any successor Energy Assurance Plan developed within a reasonable time prior to the preparation of any Comprehensive Energy Strategy. Said strategy shall further include, but not be limited to, (A) an assessment of current energy supplies, demand and costs, (B) identification and evaluation of the factors likely to affect future energy supplies, demand and costs, (C) a statement of progress made toward achieving the goals and milestones set in the preceding Comprehensive Energy Strategy, (D) a statement of energy policies and long-range energy planning objectives and strategies appropriate to achieve, the state's greenhouse gas reduction goals established in section 22a-200a, a sound economy, the least-cost mix of energy supply sources to meet said goals and measures that reduce demand for energy, giving due regard to such factors as consumer price impacts, security and diversity of fuel supplies and energy generating methods, protection of public health and safety, environmental goals and standards, conservation of energy and energy resources and the ability of the state to compete economically, (E) recommendations for administrative and legislative actions to implement such policies, objectives and strategies, (F) an assessment of the potential costs savings and benefits to ratepayers, including, but not limited to, carbon dioxide emissions reductions or voluntary joint ventures to repower some or all of the state's

coal-fired and oil-fired generation facilities built before 1990, (G) the benefits, costs, obstacles and solutions related to the expansion and use and availability of natural gas in Connecticut, and (H) a strategy for ensuring the state's energy efficiency goals are met.

(b) In adopting the Comprehensive Energy Strategy, the Commissioner of Energy and Environmental Protection shall conduct a proceeding that shall not be considered a contested case under chapter 54,2 but shall include not less than one public meeting and one technical meeting at which technical personnel shall be available to answer questions. Such meetings shall be transcribed and posted on the department's Internet web site. Said commissioner shall give not less than fifteen days' notice of such proceeding by electronic publication on the department's Internet web site. Not later than fifteen days prior to any such public meeting and not less than thirty days prior to any such technical meeting, the commissioner shall publish notice of either such meeting and post the text of the proposed Comprehensive Energy Strategy on the department's Internet web site. Notice of such public meeting or technical meeting may also be published in one or more newspapers having state-wide circulation if deemed necessary by the commissioner. Such notice shall state the date, time, and place of the meeting, the subject matter of the meeting, the manner and time period during which comments may be submitted to said commissioner, the statutory authority for the proposed strategy and the location where a copy of the proposed strategy may be obtained or examined in addition to posting the proposed strategy on the department's Internet web site. Said commissioner shall provide a time period of not less than sixty days from the date the notice is published on the department's Internet web site for public review and comment. During such time period, any person may provide comments concerning the proposed strategy to said commissioner. Said commissioner shall consider fully all written and oral comments concerning the proposed strategy after all public meetings and technical meetings and before approving the final strategy. Said commissioner shall (1) notify by electronic mail each person who requests such notice, and (2) post on the department's Internet web site the electronic text of the final strategy and a report summarizing all public comments and the changes made to the final strategy in response to such comments and the reasons therefor. The Public Utilities Regulatory Authority shall comment on the strategy's impact on natural gas and electric rates.

(c) The Commissioner of Energy and Environmental Protection shall submit the final Comprehensive Energy Strategy electronically to the joint standing committees of the General Assembly having cognizance of matters relating to energy and the environment.

(d) The Commissioner of Energy and Environmental Protection may modify the Comprehensive Energy Strategy in accordance with the procedures outlined in subsections (b) and (c) of this section.

(e) For the Comprehensive Energy Strategy next approved after October 1, 2021, and every Comprehensive Energy Strategy prepared thereafter, the Commissioner of Energy and Environmental Protection shall consider (1) the reductions in greenhouse gas emissions resulting from low-carbon fuel blends used in home heating oil on a life-cycle basis, (2) possible contributions to the state's

greenhouse gas emissions mandated levels, pursuant to section 22a-200a, in connection with the reduction of greenhouse gas emissions on a life-cycle basis, (3) the ability of a thermal portfolio standard to further reductions in greenhouse gas emissions on a life-cycle basis, and (4) the relative value of the reductions in greenhouse gas emissions on a life-cycle basis achieved by biodiesel and other low-carbon fuel blends used currently in the state compared with the value of future projected greenhouse gas emissions reductions achieved by the retail heating oil industry on a life-cycle basis five, ten, and twenty years into the future using the Department of Energy and Environmental Protections' contemporaneous projection of renewable energy utilized.

(f) In the performance of its duties pursuant to this section, the Department of Energy and Environmental Protection may retain consultants to assist its staff by providing expertise in areas in which staff expertise does not currently exist or when necessary to supplement existing staff expertise. All reasonable costs associated with said consultants and the department's development of the Comprehensive Energy Strategy shall be recoverable through the assessment in section 16-49.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DEEP_DangerousAnimals

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Harrison Nantz
Phone: 203-722-4941
E-mail: Harrison.Nantz@ct.gov

Lead agency division requesting this proposal: Wildlife Division

Agency Analyst/Drafter of Proposal: Jenny Dickson

Title of Proposal: An Act Concerning the Feeding of Dangerous Animals

Statutory Reference: 26-25a

Proposal Summary:
This proposal would expand authority under the existing statute concerning the feeding of wild animals to restrict the intentional feeding of wild canids (coyotes and foxes), wild felids (bobcats), and ursids (bears), collectively defined as potentially dangerous animals, on private land and enable DEEP to adopt regulations that would prohibit or restrict the unintentional feeding of wild canids (coyotes and foxes), wild felids (bobcats), and ursids (bears) on private land when there is a determination of a public safety threat. This authority is currently limited to prohibiting or restricting the feeding of wildlife on state owned property. This change would enable DEEP to address public safety issues that arise from the feeding of bears and coyotes on private property and would likely reduce the need for more aggressive responses.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

Populations of wild animals that pose a threat to humans (especially bear and coyote) are increasing and their ranges are expanding. As a result, interactions (often negative) between the public and these wild animals are increasing. The feeding of such wildlife by the public, whether intentional or inadvertent (e.g., unsecured garbage cans), can reduce their fear of humans and lead animals to associate humans with food. Most notably, bears that routinely

forage on human-sourced foods often develop bold or aggressive behavior towards humans, leading to home incursions, attacks on pets and livestock, or even direct threats to humans (note reports of black bear killing a human in New Jersey, September 20, 2014, and more recent mauling of a human in Maryland on November 16, 2016, and more recently of 26 home incursions in Connecticut in the first 8 months of 2020). Currently, federal law pursuant to CFR Title 36: Parks, Forests, and Public Property, Section 2.2, Wildlife protection prohibits the feeding of wildlife on properties managed by the National Park Service (NPS) and both the National Park Service and the U.S. Fish and Wildlife Service have extensive, ongoing campaigns warning people of the dangers of feeding wildlife. The Connecticut General Assembly's Office of Legislative Research produced a report in November 2012 (2012-R-0351) specifically addressing Bear Feeding Laws in the Northeast. In 2012, New Hampshire, New Jersey, New York, and Rhode Island prohibited the feeding of bears. Since that time Massachusetts, Vermont, and Maine have passed "no feeding of wildlife" laws. Across the rest of the country, California, Montana, Florida, Arizona and Washington State are among the other states that have "no feeding wildlife" laws. Some Connecticut municipalities have passed their own prohibitions or are considering such ordinances. This proposal would prohibit the intentional feeding of potentially dangerous animals on private property, and authorize DEEP to develop regulations concerning the unintentional feeding of potentially dangerous wild animals on private property. The ability to regulate feeding in specific instances on private property would provide the Agency with a much-needed tool for use in reducing negative interactions between the public and bear or coyote, and would provide an additional nonlethal response mechanism. This authority would be used judiciously to respond to threats to the public to deescalate issues with dangerous animals.

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

This bill was part of the agency's minor revisions proposal submitted in 2016 and 2017. It was passed out of the Environment Committee in 2016, but not in 2017, with substitute language (a new and unrelated section concerning snapping turtles was added) as substitute House Bill 5315. This bill was amended and passed by the House, but was not voted on by the Senate. The House amendment removed the snapping turtle language, limited "wild animals" to bears and coyotes, and provided for a lesser penalty for first time minor violations. OPM approved this proposal again for the 2021 session, however the bill did not advance in the Environment Committee. DEEP is working with external stakeholders to create more broad support for this proposal for 2022.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Agriculture **Agency Contact (*name, title, phone*):** Kayleigh Royston, Carole Briggs **Date Contacted:** 9/15/21 Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments For this year's draft, DEEP wanted to ensure that agriculture operations were exempt from the provisions of the bill. We have been in discussions with DoAg to ensure that we are doing so. DoAg has provided preliminary approval of our language but we will stay in touch with them as the proposal moves through the process.
Will there need to be further negotiation? ☒ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None; any enforcement would occur within existing resources
Federal None
Additional notes on fiscal impact Has the potential to reduce state and municipal staff time associated with dangerous animal response.

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This proposal is consistent with current programmatic recommendations.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

The number of dangerous animals complaints related to feeding can be tracked and compared to previous years to assess impact of this proposal over time. Data exists for these types of encounters over many years; it is currently available and routinely collected.

Insert fully drafted bill here

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

Section 1. Section 26-25a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall intentionally feed, attract, or entice potentially dangerous animals as defined pursuant to section 26-40(a), except as provided for in this chapter, on lands not owned by the state. Intentional feeding means to place, provide, give, expose, deposit, scatter or distribute any edible material or attractant with the intent of feeding, attracting, or enticing potentially dangerous animals.

(b) Unintentional feeding means to place, expose, deposit, scatter or store any edible material for an intent other than to attract or entice potentially dangerous animals yet which results in attracting potentially dangerous animals. Unintentional feeding will become intentional if a written notice is issued from an authorized enforcement agent and ignored. Composting at facilities authorized pursuant to section 22a-208a or section 22a-430 provided best management practices are used to mitigate attraction of wild animals, small-scale composting operations, the composting of agricultural waste or disposal of agricultural mortalities, and agriculture, farming, and aquaculture as defined in subsection (q) of section 1-1 of the Connecticut General Statutes shall be exempt from the provisions of this section. The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to restrict the unintentional feeding of potentially dangerous animals on lands not owned by the state.

[(a)**]** (c) The Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 prohibiting or restricting the feeding of wildlife on state-owned property. Such regulations shall include, but not be limited to, procedures for

designating areas subject to such prohibitions or restrictions. Any such designation shall be effective after public notice and a public comment period.

[(b)] (d) Any conservation officer appointed pursuant to section 26-5 and any other officer authorized to serve criminal process may enforce the provisions of this section and any regulations adopted pursuant to [subsection (a) of] this section. Any violation of [such regulations] the provisions of this section or of any regulation adopted pursuant to this section shall be an infraction.

(e) For purposes of this section, "potentially dangerous animal" as defined in section 26-40a includes any of the following wildlife: (1) the felidae, including, but not limited to, the bobcat; (2) the canidae, including, but not limited to, the coyote and the fox; and (3) the ursidae, including, but not limited to, the black bear.