Document Name	Minor Revisions to DEEP Statutes [1 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC
Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Harrison Nantz Harrison.nantz@ct.gov 860.803.0843
Division Requesting This Proposal	MMCA, Office of the Commissioner, Bureau of Central Services
Drafter	Brendan Schain, Annie Decker, Andrew Hoskins, James Albis, Caleb Hamel, Bob Girard, John Gallalee

Title of Proposal	AAC Minor Revisions to DEEP Statutes
Statutory Reference, if any	**Sec. 1** - Section 191, PA 23-205 **Sec. 2** - Subsection 10, 22a-255h **Sec. 3** - Sec. 22a-6
Brief Summary and Statement of Purpose	To make minor revisions to the general statutes relevant to the Department of Energy and Environmental Protection.

SECTION-BY-SECTION SUMMARY
Summarize sections in groups where appropriate

Section 1. Repeals Section 191 of PA 23-205. That section created a process in certain distressed municipalities with a population of less than 10,000 by which permitting decisions of the Department made pursuant to regulations to be adopted pursuant to PA 23-202 could be overturned by municipal referendum. Such a provision is both unprecedented and unnecessary.

Section 2. Amends the definition of "intentionally added" in subsection 10 of section 22a-255h to make consistent the use of the phrase "regulated metal or PFAS." This change reflects the original intent of the General Assembly in adopting PA 21-191, and removes any uncertainty caused by potentially conflicting language regarding use of PFAS as a "processing agent or intermediate."
Section 3. Increases DEEP's current expenditure thresholds for construction, maintenance, and repair projects on lands under its custody and control from $500,000 and $1,000,000 to $1,000,000 and $3,000,000. This aligns with thresholds that were recently provided for other state agencies during the last legislative session.

BACKGROUND

Origin of Proposal **[X] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	This proposal brings the Agency's statutes into alignment with industry, other state agencies, and various stakeholders' priorities and helps streamline implementation.
How will we measure if the proposal successfully accomplishes its goals?	This proposal will successfully accomplish its goals by clarifying certain statutes, repealing certain provisions, and streamlining projects.
Have there been changes in federal/state laws or regulations that make this legislation necessary?	No.

Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Section 2: The change is consistent with the approach taken by New York and several other states that have similar laws.
Have certain constituencies called for this proposal?	Section 1 - Environmental justice advocates, including Save the Sound. Section 2 - CT Food Association, Clean Water Action. Interpreting the law as intended, but feel this clarification is necessary to reflect what was discussed and debated a couple years ago. Section 3 – N/A.

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[ ] Check here if this proposal does NOT impact other agencies

1. Agency Name	**Section 3 – DAS**
Agency Contact (name, title)	**Peter Simmons/David Barkin**
Date Contacted	**9/8/23**
Status	**[X] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[X] Check here if this proposal does NOT have a fiscal impact

State	

Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[ ] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Section 1:

Section 191 of public act 23-205 is repealed. *(Effective from passage*)

Section 2:

Subsection 10 of Section 22a-255h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*)**:**

Sec. 22a-255h. Definitions. As used in sections 22a-255g to 22a-255m, inclusive:

(1) “Package” means any container, produced either domestically or in a foreign country, used for the marketing, protecting or handling of a product and includes a unit package, an intermediate package and a shipping container, as defined in the American Society of Testing and Materials specification D966. “Package” also means any unsealed receptacle such as a carrying case, crate, cup, pail, rigid foil or other tray, wrapper or wrapping film, bag or tub.

(2) “Distributor” means any person who takes title or delivery from the manufacturer of a package, packaging component or product, produced either domestically or in a foreign country, to use for promotional purposes or to sell.

(3) “Packaging component” means any part of a package, produced either domestically or in a foreign country, including, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, label, dye, pigment, adhesive, stabilizer or other additive. Tin-plated steel that meets specification A623 of the American Society of Testing and Materials shall be considered as a single packaging component. Electro-galvanized coated steel and hot dipped coated galvanized steel that meets the American Society of Testing and Materials specifications A653, A924, A879 and A591 shall be treated in the same manner as tin-plated steel.

(4) “Commissioner” means the Commissioner of Energy and Environmental Protection or an authorized agent or designee of the commissioner.

(5) “Department” means the Department of Energy and Environmental Protection.

(6) “Intermediate package” means a wrap, box, or bundle which contains two or more unit packages of identical items.

(7) “Unit package” means the first tie, wrap, or container applied to a single item, a quantity of the same item, a set, or an item with all its component parts, which constitutes a complete and identifiable package containing the unit of issue of a product for ultimate use.

(8) “Shipping container” means a container which is sufficiently strong to be used in commerce for packing, storing and shipping commodities.

(9) “Container” means a receptacle capable of closure.

(10) "Intentionally introduced" means deliberately utilized regulated metal or PFAS in the formulation of a package or packaging component where the continued presence of such metal or PFAS is desired in the final package or packaging component to provide a specific characteristic, appearance or quality. The use of a regulated metal or PFAS as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing where the incidental retention of a residue of said metal or PFAS in the final package or packaging component is neither desired nor deliberate shall not be considered intentional introduction for the purposes of this section where such package or component is in compliance with subsection (c) of section 22a-255i. The use of post-consumer recycled materials as feedstock for the manufacture of new packaging materials where some portion of the recycled materials may contain amounts of the regulated metals or PFAS shall not be considered intentional introduction for the purposes of this section provided the new package or packaging component is in compliance with subsection (c) or (e) of section 22a-255i, as applicable.

(11) "Distribution" means the process for transferring a package or packaging component for promotional purposes or resale. Persons involved solely in delivering a package or packaging component on behalf of third parties shall not be considered distributors.

(12) "Manufacturer" means any person producing a package or packaging component as defined in subdivision (3) of this section.

(13) "Manufacturing" means the physical or chemical modification of a material to produce packaging or packaging components.

(14) "Incidental presence" means the presence of a regulated metal as an unintended or undesired ingredient of a package or packaging component.

(15) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means all members of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(16) "Post-consumer recycled material" means a material generated by households or by commercial, industrial and institutional facilities as end-users of the product which can no longer be used for its intended purpose, including returns of material from the distribution chain. "Post-consumer recycled material" does not include refuse-derived fuel or other material that is destroyed by incineration.

(17) "Food packaging" means any package or packaging component that is applied to or in direct contact with any food or beverage.

Section 3:

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

Sec. 22a-6. (a) The commissioner may:

(1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such environmental standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out his functions, powers and duties;

(2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department;

(3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by him. The commissioner shall have the power to hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions, for the enforcement of any statute, regulation, order or permit administered, adopted or issued by him;

(4) in accordance with regulations adopted by him, require, issue, renew, revoke, modify or deny permits, under such conditions as he may prescribe, governing all sources of pollution in Connecticut within his jurisdiction;

(5) in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by him and the owner, managing agent or occupant of any such property shall permit such entry, and no action for trespass shall lie against the commissioner for such entry, or he may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit administered, adopted or enforced by him, provided any information relating to secret processes or methods of manufacture or production ascertained by the commissioner during, or as a result of, any inspection, investigation, hearing or otherwise shall be kept confidential and shall not be disclosed except that, notwithstanding the provisions of subdivision (5) of subsection (b) of section 1-210, such information may be disclosed by the commissioner to the United States Environmental Protection Agency pursuant to the federal Freedom of Information Act of 1976, (5 USC 552) and regulations adopted thereunder or, if such information is submitted after June 4, 1986, to any person pursuant to the federal Clean Water Act (33 USC 1251 et seq.);

(6) undertake any studies, inquiries, surveys or analyses he may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner;

(7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order;

(8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157b;

(9) construct or repair or contract for the construction or repair of any [any dam or flood and erosion control system] service road,; trail; greenway; bridge; dam; flood prevention, climate resilience, or erosion control system as defined in section 25-85; or other civil or natural resource infrastructure under his control and management, on and after July 1, 2024, involving an expenditure of one million dollars or less, and, with prior approval of the Commissioner of Administrative Services, involving an expenditure of more than one million dollars but not more than three million dollars; provided that not later than July 1, 2024, and annually thereafter, the Commissioner of Administrative Services shall adjust these threshold expenditures by the percentage change in the Producer Price Index by Commodity: Construction (Partial) (WPU80), not seasonally adjusted, or its successor index, as calculated by the United States Department of Labor, over the preceding calendar year, rounded to the nearest multiple of one hundred dollars, and shall post such adjusted dollar amounts on the Internet web site of the Department of Administrative Services;

(10) make or contract for the making of any alteration, repair or addition to any other real asset under his control and management, on and after July 1, 2024, including rented or leased premises, involving an expenditure of [five hundred thousand] one million dollars or less, and, with prior approval of the Commissioner of Administrative Services, make or contract for the making of any alteration, repair or addition to such other real asset under his control and management involving an expenditure of more than [five hundred thousand] one million dollars but not more than [one] three million dollars; provided that, not later than July 1, 2024, and annually thereafter, the Commissioner of Administrative Services shall adjust these threshold expenditures by the percentage change in the Producer Price Index by Commodity: Construction (Partial) (WPU80), not seasonally adjusted, or its successor index, as calculated by the United States Department of Labor, over the preceding calendar year, rounded to the nearest multiple of one hundred dollars, and shall post such adjusted dollar amounts on the Internet web site of the Department of Administrative Services;

(11) in consultation with affected town and watershed organizations, enter into a lease agreement with a private entity owning a facility to allow the private entity to generate hydroelectricity provided the project meets the certification standards of the Low Impact Hydropower Institute;

(12) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of the search, duplication and review of records requested under the Freedom of Information Act, as defined in section 1-200, and the reasonable cost of reviewing and acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval required pursuant to subsection (i) of section 22a-39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and (k) of section 22a-424, and sections 22a-6d, 22a-32, 22a-134a, 22a-134e, 22a-135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to 22a-454c, inclusive, and Section 401 of the federal Clean Water Act, (33 USC 1341). Such costs may include, but are not limited to the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals,

and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment. Payment of a fee for monitoring compliance with the terms or conditions of a permit shall be at such time as the commissioner deems necessary and is required for an approval to remain valid; and

(13) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of responding to requests for information concerning the status of real estate with regard to compliance with environmental statutes, regulations, permits or orders. Such fee shall be paid by the person requesting such information at the time of the request. Funds not exceeding two hundred thousand dollars received by the commissioner pursuant to subsection (g) of section 22a-174, during the fiscal year ending June 30, 1985, shall be deposited in the General Fund and credited to the appropriations of the Department of Energy and Environmental Protection in accordance with the provisions of section 4-86, and such funds shall not lapse until June 30, 1986. In any action brought against any employee of the department acting within his scope of delegated authority in performing any of the above-listed duties, the employee shall be represented by the Attorney General.

Document Name	Food Scraps Diversion [2 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC
Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Harrison Nantz Harrison.Nantz@ct.gov 860.803.0843
Division Requesting This Proposal	Materials Management and Compliance Assurance
Drafter	James Albis, Brendan Schain, Tracy Babbidge, Jennifer Perry, Annie Decker, Gabrielle Frigon

Title of Proposal	AAC Food Scraps Diversion
Statutory Reference, if any	22a-226e; 22a-241b
Brief Summary and Statement of Purpose	This bill will increase diversion of food scraps in two ways: The bill adds food scraps to the list of designated recyclable items for residential properties. And it will better align commercial food scraps diversion with the state's statutory waste hierarchy by requiring entities covered by the state's Commercial Organics Recycling Law to adopt a written policy regarding food donation.

SECTION-BY-SECTION SUMMARY
Summarize sections in groups where appropriate

Section 1 of the proposal requires entities covered by Connecticut's Commercial Organics Recycling Law (CGS 22a-226e) to adopt a written policy regarding edible food donation. The Commercial Organics Recycling Law requires certain entities that generate over 26 tons of food waste per year to source separate such food waste for recycling. EPA estimates that at least 70% of food lost or wasted is edible.

The entities' written policies will describe how they will make best efforts to donate excess edible food. Individual entities will define what comprises edible food in their written policies based on acceptable industry standards.

This section will help better align waste processing with Connecticut's statutory waste hierarchy (CGS 22a-228), which prioritizes reuse over recycling, and with the EPA's food recovery hierarchy, which prioritizes feeding people and animals over anaerobic digestion and composting as well as over industrial uses and, last, landfilling.

Section 2 of the proposed bill adds food scraps to the list of designated recyclable items for residential properties. CGS 22a-241b currently authorizes DEEP to develop regulations regarding items designated for recycling. Those regulations are contained in RCSA 22a-241b-1 to 22a-241b4. Presently, the list of designated recyclables in RCSA includes many items that are required to be separated to go in the curbside blue bin (such as glass, paper, and plastic). But the list also includes items such as waste oil, storage batteries, scrap metal, and leaves that are also meant to be separated from trash for recycling. Adding food scraps to this list for residential properties is expected to significantly increase the separation and recycling of food scraps.

BACKGROUND

Origin of Proposal **[x] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Note: though this is a new submission for DEEP, it is very similar to 2023's HB 5577, which was introduced by the Environment Committee. Similar concepts were also considered in 2023's Governor's Bill 6664.

Please consider the following, if applicable:

How does this proposal connect to the 10-year	This proposal will have direct impact on reducing the amount of municipal solid waste (MSW) that is exported out of state for disposal, currently estimated at 40% of all waste requiring disposal, or about 860,000 tons per year. Exporting MSW for disposal poses financial and

vision for the agency's mission?	environment risks. Based on the state's 2015 waste characterization study, DEEP estimates about 22% of MSW sent for disposal is food waste, representing about 488,000 tons in 2022. This proposal will also improve reuse and recycling of food scraps, which is preferred to disposal according to the state's statutory waste hierarchy (CGS 22a-228).
How will we measure if the proposal successfully accomplishes its goals?	DEEP receives reports from permitted facilities on a regular basis (quarterly or annually) detailing the tonnages managed at such facilities for various materials. We are currently reevaluating our reporting procedures to ensure we are receiving the best possible information regarding food scraps management. We expect to have changes in place by the time this proposal goes into effect so that we will be able to effectively measure the impact of this proposal in tons of food scraps diverted per year for recycling. Separately, Public Act 23-170 added a reporting requirement for entities subject to the Commercial Organics Recycling Law which requires such entities to report the tonnage of food scraps donated or diverted for recycling every year – that reporting requirement goes into effect in 2025.
Have there been changes in federal/state laws or regulations that make this legislation necessary?	No.
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Similar proposals have been passed and/or implemented in other states. New York and California have laws requiring edible food donation from certain entities. Vermont has a Universal Recycling Law for food scraps, requiring all residents and businesses to source separate food scraps for recycling.
Have certain constituencies called for this proposal?	Multiple stakeholders, including municipalities and legislators, have been interested in implementing stronger food scraps diversion laws. Several such proposals were introduced during the 2023 legislative session, including HB 5577 (introduced by the Environment Committee) which served as a template for this proposal, and Governor's Bill 6644.

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[x] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	**[ ] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[ ] Check here if this proposal does NOT have a fiscal impact

State	None; DEEP can accomplish the update to the designated recyclable regulations within existing resources.
Municipal (Include any municipal mandate that can be found within legislation)	There may be upfront costs to municipalities for implementing source separated food scraps collection programs; the proposal does not specify the method by which collection of such material must occur, providing options to municipalities. Significant diversion of food scraps is expected to lead to reduced tipping fee costs for municipalities in managing such materials.
Federal	None.
Additional notes	None.

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[ ] Check here if this proposal does NOT lead to any measurable outcomes

DEEP expects that this proposal should significantly increase the amount of food scraps that are diverted from disposal. In 2022, we estimate approximately 488,000 tons of food waste were sent to landfills or waste-to-energy facilities for disposal. We believe that this proposal, combined with the changes to the Commercial Organics Recycling Law in Public Act 23-170, should divert at least 45% of food scraps relative to the 2022 baseline, or about 220,000 tons per year. We will be able to measure the outcomes on an annual basis through existing reporting requirements for permitted facilities and the new reporting requirements for entities covered by the Commercial Organics Recycling Law that were included in Public Act 23-170.

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

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

Section 1. Section 22a-226e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) (1) On and after January 1, 2014, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from an authorized source-separated organic material composting facility and that generates an average projected volume of not less than one hundred four tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has

available capacity and that will accept such source-separated organic material.

(2) On and after January 1, 2020, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from an authorized source-separated organic material composting facility and that generates an average projected volume of not less than fifty-two tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(3) On and after January 1, 2022, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from either an authorized source-separated organic material composting facility, an authorized transfer station or any collection location authorized to receive source-separated organic materials, and that generates an average projected volume of not less than twenty-six tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(4) On and after January 1, 2025, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort, conference center, or institution that generates an average projected volume of not less than twenty-six tons per year of source-separated organics materials shall: (A) Separate such source-separated organics materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material. For the purposes of this section "institution" means any establishment engaged in providing hospitality, entertainment or rehabilitation and health care services, and any hospital, public or private educational facility or correctional facility.

(b) Any such wholesaler, distributor, manufacturer, processor, supermarket, institution, resort or conference center that performs composting of source-separated organic materials on site or treats source-separated organic materials via on-site organic treatment equipment permitted pursuant to the general statutes or federal law shall be deemed in compliance with the provisions of this section.

(c) Any permitted source-separated organic material composting facility that receives such source-separated organic materials shall report to the Commissioner of Energy and Environmental Protection, as part of such facility's reporting obligations, a summary of fees charged for receipt of such source-separated organic materials.

[(d) Not later than January 1, 2022, the Commissioner of Energy and Environmental Protection shall establish a voluntary pilot program for any municipality that seeks to separate source-separated organic materials and ensure that such source-separated organic materials are recycled at authorized source-separated organic material composting facilities that have available capacity and that will accept such source-separated organic material.**]**

[(e)**]** (d) On or before March 1, 2025, and annually thereafter, each wholesaler, distributor, manufacturer, processor, supermarket, resort, conference center or institution that is subject to the provisions of this section shall submit a report to the Department of Energy and Environmental Protection in electronic format. Such report shall summarize such entity's amount of edible food donated, the amount of **[**food scraps**]** source-separated organic materials recycled and the organics recycler or recyclers and associated collectors used.

(e) Each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, institution, resort or conference center that generates an average projected volume of not less than twenty-six tons per year of source-separated organics materials, including any source-separated organics subject to the requirements of subsections (a) and (b) of this section, shall, on or before January 1, 2025, adopt a written policy pertaining to a food donation program that:

(1) Describes how the wholesaler, distributor, manufacturer, processor, supermarket, institution, resort or conference center shall make best efforts to donate excess edible food as defined by such entity using acceptable industry standards.

(2) Is designed to reduce such wholesaler's, distributor's, manufacturer's, processor's, supermarket's, institution's, resort's or conference center's food waste, support the operations of food relief organizations and ensure that all food donated by such wholesaler, distributor, manufacturer, processor, supermarket, resort or conference center under such policy is safe and fit for human consumption;

(3) Provides for the education of such wholesaler's, distributor's, manufacturer's, processor's, supermarket's, institution's, resort's or conference center's management, employees and third party vendors who manage food for such facility regarding the food distribution process and the

relationship between such process and food waste;

(4) Calls for such wholesaler, distributor, manufacturer, processor, supermarket, institution, resort or conference center to make reasonable efforts to identify, and partner with, not less than two food relief organizations for the purpose of donating excess edible food to such food relief organizations prior to any such food becoming source-separated organic material, as described in subsections (a) and (b) of this section;

(5) Includes a framework to formalize and streamline such wholesaler's, distributor's, manufacturer's, processor's, supermarket's, institution's, resort's or conference center's protocols concerning food donation; and

(f) If multiple wholesalers, distributors, manufacturers, processors, supermarkets, institutions, resorts or conference centers subject to the provisions of subsection (b) of this section are under common ownership, such wholesalers, distributors, manufacturers, processors, supermarkets, institutions, resorts or conference centers may adopt a common written policy under this section.

(g) For purposes of this section, "food relief organization" has the same meaning as provided in section 38a-313c.

Sec. 2. Section 22a-241b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) On or before February 1, 1988, the Commissioner of Energy and Environmental Protection shall adopt regulations in accordance with the provisions of chapter 54 designating items that are required to be recycled. The commissioner may designate other items as suitable for recycling and amend such regulations accordingly.

(2) On or before October 1, 2011, the Commissioner of Energy and Environmental Protection shall amend the regulations adopted pursuant to subdivision (1) of this subsection to expand the list of designated recyclable items to add (A) containers of three gallons or less made of polyethylene terephthalate plastic and high-density polyethylene plastic, and (B) additional types of paper, including, but not limited to, boxboard, magazines, residential high-grade white paper and colored ledger. On or before July 1, 2025, the commissioner shall amend the regulations adopted pursuant to subdivision (1) of this subsection to expand the list of designated recyclable items to add residentially generated food scraps.

(3) On or before January 1, 2028, the Commissioner of Energy and Environmental Protection

shall require each municipality to establish a program requiring residents to separate food scraps and food processing residues from other solid waste to ensure that such residentially generated source-separated organics materials are recycled, including at authorized source-separated organics material composting facilities that have available capacity and that will accept such source-separated organic material.

(b) Any designated recyclable item shall be recycled by a municipality within six months of the availability of service to such municipality by a regional processing center or local processing system, including, but not limited to, a facility authorized to receive source-separated food scraps.

(c) Each person who generates solid waste from residential property shall, in accordance with subsection (f) of section 22a-220, separate from other solid waste the items designated for recycling pursuant to **[**subdivision (1) of**]** subsection (a) of this section.

(d) Every person who generates solid waste from a property other than a residential property shall, in accordance with subsection (f) of section 22a-220, make provision for and cause the separation from other solid waste of the items designated for recycling pursuant to **[**subdivision (1) of**]** subsection (a) of this section through the use of one or more collection containers for designated recyclable items that are separate from the collection containers for other solid waste with the exception of food scraps subject to management in accordance with section 22a-226e. Collection containers that have been used for the collection of solid waste may be converted to containers for the collection of designated recyclable items by labeling or other means to identify that such container is dedicated to collecting designated recyclable items. On and after July 1, 2012, the provisions of this subsection shall also apply to items designated for recycling pursuant to subdivision (2) of subsection (a) of this section.

(e) No person shall knowingly combine previously segregated designated recyclable items with other solid waste.

(f) For the purposes of this section, "boxboard" means a lightweight paperboard made from a variety of recovered fibers having sufficient folding properties and thickness to be used to manufacture folding or set-up boxes.

Document Name	Clean and Affordable Buildings [3 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC
Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Harrison Nantz Harrison.Nantz@ct.gov 860.803.0843
Division Requesting This Proposal	Bureau of Energy and Technology Policy, Department of Energy and Environmental Protection ("DEEP")
Drafter	Kristin Cianflone, Giulia Bambara, Jeff Howard, Hank Webster, Vicki Hackett, Annie Decker

Title of Proposal	AAC Clean and Affordable Buildings
Statutory Reference, if any	Sec. 1. C.G.S. § 16a-48 Sec. 2. Section 90 of Public Act 23-205 Sec. 3. Section 91 of Public Act 23-205
Brief Summary and Statement of Purpose	Section 1. To join Connecticut's surrounding states in minimizing consumers' energy costs from commonly used appliances by adopting state efficiency standards for those appliances that are not regulated by federal law. The current standards have not been updated since 2011. It also repeals several existing state standards that have been federally preempted. Sections 2 and 3. Section 90 of P.A. 23-205 established an energy retrofit revolving loan program for multifamily homes to help relieve the energy burden of the state's residents, particularly its low-income residents. As the administrator of this program, DEEP is proposing to partially change the program to a grant program to provide a direct funding source for its recipients and make some minor changes to the details of the program administration.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Section 1:

This section will:

- Repeal a number of existing state appliance efficiency standards that have been preempted by federal law.
- Enact appliance efficiency standards for selected residential and commercial appliances based on a Model Act offered by the Appliance Standards Awareness Project ("ASAP"). ASAP's Model Act is substantially based on appliances that meet the United States Department of Energy's ENERGY STAR® standards, the United States Environmental Protection Agency's WaterSense standards, and those adopted by the California Energy Commission, all of which have achieved high market shares.
- Expand DEEP's current regulatory authority to add appliances or update standards where DEEP has determined that doing so will further the state's progress toward its greenhouse gas goals.
- Streamline DEEP's process for determining which appliances comply with the standards by allowing manufacturers to certify compliance through documentation of certification by selected third parties.
- Provide DEEP with the ability to inspect distributors and retailers, either in-person or online, to ensure compliance with the standards, which in turn will assist the Attorney General's Office with their current enforcement ability.

ASAP has modeled the savings Connecticut will experience upon implementation of the Model Act. See pages 1 and 3 of Savings Estimates for Connecticut. Based on these estimates, the standards included in this legislation are predicted to lead to a cumulative savings by 2040 as follows:

- 2,209 GWh of electricity
- 18 trillion BTU of natural gas
- 31.9 billion gallons of water
- 1,109 tons of NOx emissions
- 34.5 tons of SO_2 emissions
- 1,165 thousand metric tons of CO_2 emissions

Sections 2 and 3:

This section will revise sections 90 and 91 of Public Act 23-205, which established a revolving loan program to be administered by DEEP for energy efficiency retrofits for multi-family homes. This proposal is seeking to revise this program in the following manner:

- Partially change the program from a revolving loan program to a grant program, capping the grant portion at $20 million. DEEP is seeking this change because there are existing loan programs for owners of multifamily properties to assist with building retrofit projects. Also, DEEP is well suited to administer grant funding, a core function of its Bureau of Energy and Technology Policy, rather than administer loans. DEEP currently administers the Department of Energy's Weatherization Assistance Program, Connecticut's Residential Energy Preparation Services Program, and the Department of Energy's State Energy Program. Through the administration of these programs, DEEP has identified that funding sources are needed to provide easily administered direct payments for the removal of weatherization barriers in multifamily buildings. This is particularly true for low-income residents, a priority of the program established in P.A. 23-205. Low-income residents may not be able to afford loan payments for such work, regardless of the interest rate.
- Remove the requirement that DEEP may only contract with a nonprofit organization to administer the program: DEEP would like to create more flexibility in its choice of administrators and encourage competition between qualified potential bidders for the administrative work. Additionally, this flexibility would allow DEEP to leverage compatible programs already being administered, keeping administrative fees lower.
- Revise the deadline to start accepting applications and adjust program dates accordingly: DEEP estimates that the initial work necessary to design and initiate the program would be eighteen months.

BACKGROUND

Origin of Proposal **[X] New Proposal** **[X] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Section 1. In early 2019, HB 7151 passed through the Joint Committee on Energy and Technology ("E&T") and was provided with a House calendar number and a favorable report. The substitute language approved by the E&T Committee addressed the concerns of stakeholders that emerged during the public hearing process, and most stakeholders actively withdrew their opposition to the bill. However, the bill was not called to a vote. In 2020, DEEP resubmitted the bill with some updated standards and removed some standards at the request of E&T. This version of the bill, SB 178, did not advance (note this was the year that the legislature suspended activity). DEEP offered a similar proposal to E&T in 2021, which was raised as SB 863. Finally, DEEP also offered a version of this legislation in its 2022 legislative package.

Sections 2-3 are not a resubmission.

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	The proposals contained herein will help ensure energy savings and affordability for consumers and enhance access to financing programs that will aid consumers in the finance of safer, modern equipment and appliances. Additionally, the proposals will help the agency take foundational steps necessary to decarbonize the buildings sector—currently Connecticut's second largest greenhouse gas emitting sector.
How will we measure if the proposal successfully accomplishes its goals?	**Section 1.** ASAP has already conducted modeling of projected energy savings in the state if this proposal were to pass, as discussed above. **Sections 2 and 3.** Once program parameters are in place, DEEP will be able to work through data collected through its administrative role to determine if program goals are being met by the grant recipients.
Have there been changes in federal/state laws or regulations that make this legislation necessary?	No.
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	**Section 1.** Yes, many states including New York, New Jersey, Maryland and all the New England states except New Hampshire have adopted updated appliance efficiency standards since 2018, many of which are based on the same ASAP Model Act that is the basis for this proposal. Pennsylvania has pending legislation to update their standards. **Sections 2 and 3.** Not to our knowledge.
Have certain constituencies called for this proposal?	**Section 1.** This proposal has received a wide range of support over the past several years from a range of stakeholders, including the American Council for an Energy-Efficient Economy, the Connecticut League of Conservation Voters, the Sierra Club, the Connecticut Water Works Association, The Nature Conservancy, Eversource Energy, Environment Connecticut, Save the Sound, NRDC, AARP, the Consumer Federation of America, the Northeast Clean Energy Council, and the Connecticut Citizen Action Group.

	Section 2 and 3. No.

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[ ] Check here if this proposal does NOT impact other agencies: Section 1 only

1. Agency Name	Office of the Attorney General
Agency Contact (name, title)	Cara Passaro and Matt Levine
Date Contacted	September 27, 2023
Status	**[ ] Approved** **[X] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[ ] Check here if this proposal does NOT have a fiscal impact

State	**Section 1.** If the State needs to purchase an appliance subject to this proposal, any initial upfront costs will be more than offset by savings over time. Most payback periods occur within a year of purchase. See ASAP's Savings Estimates for Connecticut page 2. **Section 3 and 4.** The change from a revolving loan program to a grant program would impact the state in that the funding will not be paid back to the state.
Municipal (Include any municipal mandate that can be found within legislation)	**Section 1.** Same impact as described in the State section above. **Sections 2-3.** No.
Federal	**Section 1.** Same impact as described in the State section above.

	Sections 2-3. No.
Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[ ] Check here if this proposal does NOT lead to any measurable outcomes

Section 1 does not contain measurable outcomes.

Section 2 and 3 has existing reporting requirements for DEEP to the Connecticut General Assembly regarding the success of the program.

ANYTHING ELSE WE SHOULD KNOW?

In 2022 DEEP began work on updating the standards through its regulatory authority as an alternative to legislation. Through this process, it became apparent that the authorizing statute was so outdated that it would impact the clarity of new standards. Additionally, DEEP determined that simple statutory revisions would streamline the testing and certification process on behalf of the agency. DEEP does not have the staffing to perform this type of work.

INSERT FULLY DRAFTED BILL HERE

Section 1. Section 16a-48 of the general statutes is repealed, and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) As used in this section:

(1) "Department" means the Department of Energy and Environmental Protection;

(2) "Fluorescent lamp ballast" or "ballast" means a device designed to operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation, but does not include such devices that have a dimming capability or are intended for use in ambient temperatures of

zero degrees Fahrenheit or less or have a power factor of less than sixty-one hundredths for a single F40T12 lamp;

(3) "F40T12 lamp" means a tubular fluorescent lamp that is a nominal forty-watt lamp, with a forty-eight-inch tube length and one and one-half inches in diameter;

(4) "F96T12 lamp" means a tubular fluorescent lamp that is a nominal seventy-five-watt lamp with a ninety-six-inch tube length and one and one-half inches in diameter;

[(5) "Luminaire" means a complete lighting unit consisting of a fluorescent lamp, or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply;]

[(6) "New product" means a product that is sold, offered for sale, or installed for the first time and specifically includes floor models and demonstration units;]

[(7)] (5) "Commissioner" means the Commissioner of Energy and Environmental Protection;

[(8)] (6) "State Building Code" means the building code adopted pursuant to section 29-252;

[(9)] (7) "Torchiere lighting fixture" means a portable electric lighting fixture with a reflector bowl giving light directed upward so as to give indirect illumination;

[(10) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane and that is designed to be installed without ducts within the heated space. "Unit heater" does not include a product regulated by federal standards pursuant to 42 USC 6291, as amended from time to time, a product that is a direct vent, forced flue heater with a sealed combustion burner, or any oil fired heating system;

(11) "Transformer" means a device consisting of two or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another in order to change the original voltage or current value;

(12) "Low-voltage dry-type transformer" means a transformer that: (A) Has an input voltage of six hundred volts or less; (B) is between fourteen kilovolt-amperes and two thousand five hundred one kilovolt-amperes in size; (C) is air-cooled; and (D) does not use oil as a coolant. "Low-voltage dry-type transformer" does not include such transformers excluded from the low-voltage dry-type distribution transformer definition contained in the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations;

(13) "Pass-through cabinet" means a refrigerator or freezer with hinged or sliding doors on both the front and rear of the refrigerator or freezer;

(14) "Reach-in cabinet" means a refrigerator, freezer, or combination thereof, with hinged or sliding doors or lids;

(15) "Roll-in" or "roll-through cabinet" means a refrigerator or freezer with hinged or sliding doors that allows wheeled racks of product to be rolled into or through the refrigerator or freezer;

(16) "Commercial refrigerators and freezers" means reach-in cabinets, pass-through cabinets, roll-in cabinets and roll-through cabinets that have less than eighty-five feet of capacity, which are designed for the refrigerated or frozen storage of food and food products;

(17) "Traffic signal module" means a standard eight-inch or twelve-inch round traffic signal indicator consisting of a light source, lens and all parts necessary for operation and communication of movement messages to drivers through red, amber and green colors;

(18) "Illuminated exit sign" means an internally illuminated sign that is designed to be permanently fixed in place and used to identify an exit by means of a light source that illuminates the sign or letters from within where the background of the exit sign is not transparent;

(19) "Packaged air-conditioning equipment" means air-conditioning equipment that is built as a package and shipped as a whole to end-user sites;

(20) "Large packaged air-conditioning equipment" means air-cooled packaged air-conditioning equipment having not less than two hundred forty thousand BTUs per hour of capacity;

(21) "Commercial clothes washer" means a soft mount front-loading or soft mount top-loading clothes washer that is designed for use in (A) applications where the occupants of more than one household will be using it, such as in multifamily housing common areas and coin laundries; or (B) other commercial applications, if the clothes container compartment is no greater than three and one-half cubic feet for horizontal-axis clothes washers or no greater than four cubic feet for vertical-axis clothes washers;]

(22) "Energy efficiency ratio" means a measure of the relative efficiency of a heating or cooling appliance that is equal to the unit's output in BTUs per hour divided by its consumption of energy, measured in watts;

(23) "Electricity ratio" means the ratio of furnace electricity use to total furnace energy use;

(24) Boiler" means a space heater that is a self-contained appliance for supplying steam or hot water primarily intended for space-heating. "Boiler" does not include hot water supply boilers;

(25) "Central furnace" means a self-contained space heater designed to supply heated air through ducts of more than ten inches in length;

(26) "Residential furnace or boiler" means a product that utilizes only single-phase electric current or single-phase electric current or DC current in conjunction with natural gas, propane or home heating oil and that (A) is designed to be the principal heating source for the living space of a residence; (B) is not contained within the same cabinet as a central air conditioner with a rated cooling capacity of not less than sixty-five thousand BTUs per hour; (C) is an electric central furnace, electric boiler, forced-air central

furnace, gravity central furnace or low pressure steam or hot water boiler; and (D) has a heat input rate of less than three hundred thousand BTUs per hour for an electric boiler and low pressure steam or hot water boiler and less than two hundred twenty-five thousand BTUs per hour for a forced-air central furnace, gravity central furnace and electric central furnace;

(27) "Furnace air handler" means the section of the furnace that includes the fan, blower and housing, generally upstream of the burners and heat exchanger. The furnace air handler may include a filter and a cooling coil;]

[(28)] (8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter;

[(29)] (9) "Metal halide lamp" means a [high intensity] high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors;

[(30)] (10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp;

[(31)] (11) "Probe start metal halide ballast" means a ballast used to operate metal halide lamps that does not contain an ignitor and that instead starts lamps by using a third starting electrode probe in the arc tube;

[(32) "Single voltage external AC to DC power supply" means a device that (A) is designed to convert line voltage AC input into lower voltage DC output; (B) is able to convert to only one DC output voltage at a time; (C) is sold with, or intended to be used with, a separate end use product that constitutes the primary power load; (D) is contained within a separate physical enclosure from the end-use product; (E) is connected to the end use product in a removable or hard-wired male and female electrical connection, cable, cord or other wiring; (F) does not have batteries or battery packs, including those that are removable or that physically attach directly to the power supply unit; (G) does not have a battery chemistry or type selector switch and indicator light or a battery chemistry or type selector switch and a state of charge meter; and (H) has a nameplate output power less than or equal to two hundred fifty watts;]

[(33)] (12) "State regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, has an inner reflective coating on the outer bulb to direct the light, has an E26 medium screw base, a rated voltage or voltage range that lies at least partially within one hundred fifteen to one hundred thirty volts, and that falls into one of the following categories: (A) A bulged reflector or elliptical reflector or a blown PAR bulb shape and that has a diameter that equals or exceeds two and one-quarter inches, or (B) a reflector, parabolic aluminized reflector, bulged reflector or similar bulb shape and that has a diameter of two and one-quarter to two and three-quarters inches. "State regulated incandescent reflector lamp" does not include ER30, BR30, BR40 and ER40 lamps of not more

than fifty watts, BR30, BR40 and ER40 lamps of sixty-five watts and R20 lamps of not more than forty-five watts;

[(34) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water;]

[(35)] (13) "Commercial hot food holding cabinet" means a heated, fully-enclosed compartment with one or more solid or [partial glass] transparent doors [that is] designed to maintain the temperature of hot food that has been cooked [in] using a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandizing cabinets, drawer warmers or cook-and-hold appliances;

[(36) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs and similar applications, including natural gas, heat pump, oil and electric resistance pool heaters;]

[(37)] (14) "Portable electric spa" means a factory-built electric spa or hot tub supplied with equipment for heating and circulating water at the time of sale or sold separately for subsequent attachment;

[(38) "Residential pool pump" means a pump used to circulate and filter pool water to maintain clarity and sanitation;]

(39) "Walk-in refrigerator" means a space refrigerated to temperatures at or above thirty-two degrees Fahrenheit that has a total chilled storage area of less than three thousand square feet, can be walked into and is designed for the refrigerated storage of food and food products. "Walk-in refrigerator" does not include refrigerated warehouses and products designed and marketed exclusively for medical, scientific or research purposes;

(40) "Walk-in freezer" means a space refrigerated to temperatures below thirty-two degrees Fahrenheit that has a total chilled storage area of less than three thousand square feet, can be walked into and is designed for the frozen storage of food and food products. "Walk-in freezer" does not include refrigerated warehouses and products designed and marketed exclusively for medical, scientific or research purposes;

(41) "Central air conditioner" means a central air conditioning model that consists of one or more factory-made assemblies, which normally include an evaporator or cooling coil, compressor and condenser. Central air conditioning models may provide the function of air cooling, air cleaning, dehumidifying or humidifying;]

[(42)] (15) "Combination television" means a system in which a television or television monitor and an additional device or devices, including, but not limited to, a digital versatile disc player or video cassette recorder, are combined into a single unit in which the additional devices are included in the television casing;

[(43) "Compact audio player" means an integrated audio system encased in a single housing that includes an amplifier and radio tuner with attached or separable speakers and can reproduce audio from one or

more of the following media: Magnetic tape, compact disc, digital versatile disc or flash memory. "Compact audio player" does not mean a product that can be independently powered by internal batteries, has a powered external satellite antenna or can provide a video output signal;]

[(44)] (16) "Component television" means a television composed of two or more separate components, such as a separate display device and tuner, marketed and sold as a television under one model or system designation, which may have more than one power cord;

[(45)] (17) "Computer monitor" [means an analog or digital device designed primarily for the display of computer generated signals and that is not marketed for use as a television] has the same meaning as set forth in section 1602 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4;

[(46)] (18) "Digital versatile disc" means a laser-encoded plastic medium capable of storing a large amount of digital audio, video and computer data;

[(47)] (19) "Digital versatile disc player" means a commercially available electronic product encased in a single housing that includes an integral power supply and for which the sole purpose is the decoding of digitized video signals;

[(48) "Digital versatile disc recorder" means a commercially available electronic product encased in a single housing that includes an integral power supply and for which the sole purpose is the production or recording of digitized audio, video and computer signals on a digital versatile disc. "Digital versatile disc recorder" does not include a model that has an electronic programming guide function;]

[(49)] (20) "Television" means an analog or digital device designed primarily for the display and reception of a terrestrial, satellite, cable, internet protocol television or other broadcast or recorded transmission of analog or digital video and audio signals. "Television" includes combination televisions, television monitors, component televisions and any unit that is marketed to consumers as a television but does not include a computer monitor;

[(50)] (21) "Television monitor" means a television that does not have an internal tuner/receiver or playback device[.];

(22) "Cold temperature fluorescent lamp" means a fluorescent lamp that is not a compact fluorescent lamp that (A) is specifically designed to start at -20˚F when used with a ballast conforming to the requirements of ANSI C78.81 and ANSI C78.901; and (B) is expressly designated as a cold temperature lamp both in markings on the lamp and in marketing materials, including, but not limited to, catalogs, sales literature and promotional material;

(23) "Computer" has the same meaning as set forth in section 1602 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4;

(24) "Commercial dishwasher" means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils and trays by applying sprays of detergent solution, with or without blasting media granules, and a sanitizing rinse;

(25) “Commercial fryer” means an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel. Heat is delivered to the cooking fluid by means of an immersed electric element or band-wrapped vessel (electric fryers) or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid (gas fryers);

(26) “Commercial oven” means a chamber designed for heating, roasting, or baking food by conduction, convection, radiation, and/or electromagnetic energy;

(27) "Commercial steam cooker" or "compartment steamer" means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact, including, but not limited to, the following models: Countertop models, wall-mounted models and floor models mounted on a stand, pedestal or cabinet-style base;

(28) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered;

(29) "High color rendering index fluorescent lamp" means a fluorescent lamp with a color rendering index of eighty-seven or greater that is not a compact fluorescent lamp;

(30) "Impact-resistant fluorescent lamp" means a fluorescent lamp that is not a compact fluorescent lamp that (A) has a coating or equivalent technology that is in compliance with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and (B) is designated and marketed for the intended application, with the designation on the lamp packaging and marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatter-proof or shatter-protected;

(31) "Faucet" means a lavatory faucet, kitchen faucet, metering faucet, public lavatory faucet or replacement aerator for a lavatory, public lavatory or kitchen faucet;

(32) "Public lavatory faucet" means a fitting intended to be installed in nonresidential bathrooms that are exposed to walk-in traffic;

(33) "Metering faucet" means a fitting that, when turned on, will gradually shut itself off over a period of several seconds;

(34) "Residential ventilating fan" means a ceiling, wall-mounted or remotely mounted in-line fan designed to be used in a bathroom or utility room, whose purpose is to move air from inside the building to the outdoors;

(35) "Showerhead" means a device through which water is discharged for a shower bath and includes a hand-held showerhead but does not include a safety shower showerhead;

(36) "Hand-held showerhead" means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and that is connected to a flexible hose;

(37) "Water cooler" means a freestanding device that consumes energy to cool or heat potable water;

(38) "Hot and cold unit water cooler" means a water cooler that dispenses both hot and cold water and may dispense room-temperature water;

(39) "Cook and cold unit water cooler" means a water cooler that dispenses both cold and room-temperature water;

(40) "Storage-type water cooler" means a water cooler where thermally conditioned water is stored in a tank in the water cooler and is available instantaneously, including, but not limited to, point-of-use, dry storage compartment and bottled water coolers;

(41) "On demand water cooler" means a water cooler that heats water as it is requested and typically takes a few minutes to deliver.

[(b) The provisions of this this of this section apply to the testing, certification and enforcement of efficiency standards for the following types of new products sold, offered for sale or installed in the state: (1) Commercial clothes washers; (2) commercial refrigerators and freezers; (3) illuminated exit signs; (4) large packaged air-conditioning equipment; (5) low voltage dry-type distribution transformers; (6) torchiere lighting fixtures; (7) traffic signal modules; (8) unit heaters; (9) residential furnaces and boilers; (10) residential pool pumps; (11) metal halide lamp fixtures; (12) single voltage external AC to DC power supplies; (13) state regulated incandescent reflector lamps; (14) bottle-type water dispensers; (15) commercial hot food holding cabinets; (16) _portable electric spas; (17) walk-in refrigerators and walk-in freezers; (18) pool heaters; (19) compact audio players; (20) televisions; (21) digital versatile disc players; (22) digital versatile disc recorders; and (23) any other products as may be designated by the commissioner in accordance with subdivision (3) of subsection (d) of this section.]

(c)] (b) The provisions of this section do not apply to (1) new products manufactured in the state and sold outside the state, (2) new products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state, (3) products installed in mobile manufactured homes at the time of construction, or (4) products designed expressly for installation and use in recreational vehicles.

[(d)] (c) (1) [The Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section and to establish minimum energy efficiency standards for the types of new products set forth in subsection (b) of this section. The regulations shall provide for the following minimum energy efficiency standards] Except as otherwise provided in subdivision (2) of this subsection, or subdivision (1) of subsection (d) of this section,

upon the effective date of this section the following minimum energy efficiency standards and their associated test method shall apply to new products sold or leased, offered for sale or lease, or installed in the state:

[(A) Commercial clothes washers shall meet the requirements shown in Table P-3 of section 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4;

(B) Commercial refrigerators and freezers shall meet the August 1, 2004, requirements shown in Table A-6 of said California regulation;

(C) Illuminated exit signs shall meet the version 2.0 product specification of the "Energy Star Program Requirements for Exit Signs" developed by the United States Environmental Protection Agency;

(D) Large packaged air-conditioning equipment having not more than seven hundred sixty thousand BTUs per hour of capacity shall meet a minimum energy efficiency ratio of 10.0 for units using both electric heat and air conditioning or units solely using electric air conditioning, and 9.8 for units using both natural gas heat and electric air conditioning;

(E) Large packaged air-conditioning equipment having not less than seven hundred sixty-one thousand BTUs per hour of capacity shall meet a minimum energy efficiency ratio of 9.7 for units using both electric heat and air conditioning or units solely using electric air conditioning, and 9.5 for units using both natural gas heat and electric air conditioning;

(F) Low voltage dry-type distribution transformers shall meet or exceed the energy efficiency values shown in Table 4-2 of the National Electrical Manufacturers Association Standard TP-1-2002;]

[(G)] (A) Torchiere lighting fixtures shall not consume more than one hundred ninety watts and shall not be capable of operating with lamps that total more than one hundred ninety watts;

[(H) Traffic signal modules shall meet the product specification of the "Energy Star Program Requirements for Traffic Signals" developed by the United States Environmental Protection Agency that took effect in February, 2001, except where the department, in consultation with the Commissioner of Transportation, determines that such specification would compromise safe signal operation;

(I) Unit heaters shall not have pilot lights and shall have either power venting or an automatic flue damper;

(J) On or after January 1, 2009, residential furnaces and boilers purchased by the state shall meet or exceed the following annual fuel utilization efficiency: (i) For gas and propane furnaces, ninety per cent annual fuel utilization efficiency, (ii) for oil furnaces, eighty-three per cent annual fuel utilization efficiency, (iii) for gas and propane hot water boilers, eighty-four per cent annual fuel utilization efficiency, (iv) for oil-fired hot water boilers, eighty-four per cent annual fuel utilization efficiency, (v) for gas and propane steam boilers, eighty-two per cent annual fuel utilization efficiency, (vi) for oil-fired steam boilers, eighty-two per cent annual fuel utilization efficiency, and (vii) for furnaces with furnace air handlers, an electricity

ratio of not more than 2.0, except air handlers for oil furnaces with a capacity of less than ninety-four thousand BTUs per hour shall have an electricity ratio of 2.3 or less;]

[(K)] (B) On or after January 1, 2010, metal, metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to one hundred fifty watts but less than or equal to five hundred watts shall not contain a probe-start metal halide lamp ballast;

[(L) Single-voltage external AC to DC power supplies manufactured on or after January 1, 2008, shall meet the energy efficiency standards of table U-1 of section 1605.3 of the January 2006 California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations. This standard applies to single voltage AC to DC power supplies that are sold individually and to those that are sold as a component of or in conjunction with another product. This standard shall not apply to single-voltage external AC to DC power supplies sold with products subject to certification by the United States Food and Drug Administration. A single-voltage external AC to DC power supply that is made available by a manufacturer directly to a consumer or to a service or repair facility after and separate from the original sale of the product requiring the power supply as a service part or spare part shall not be required to meet the standards in said table U-1 until five years after the effective dates indicated in the table;]

[(M)] (C) On or after January 1, 2009, state regulated incandescent reflector lamps shall be manufactured to meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps contained in 42 USC 6295(i)(1)(A). Each lamp shall indicate the date of manufacture;

[(N)] (D) On or after January 1, 2009, [bottle-type water dispensers, commercial hot food holding cabinets, portable electric spas,] walk-in refrigerators and walk-in freezers shall meet the efficiency requirements of section 1605.3 of the January 2006 California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations. On or after January 1, 2010, residential pool pumps shall meet said efficiency requirements;

[(P) By January 1, 2014, compact audio players, digital versatile disc players and digital versatile disc recorders shall meet the requirements shown in Table V-1 of Section 1605.3 of the November 2009 amendments to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, unless the commissioner, in accordance with subparagraph (B) of subdivision (3) of this subsection, determines that such standards are unwarranted and may accept, reject or modify according to subparagraph (A) of subdivision (3) of this subsection;]

[(Q)] (E) On or after January 1, 2014, televisions manufactured on or after July 1, 2011, shall meet the requirements shown in Table V-2 of Section 1605.3 of the November 2009 amendments to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4[, unless the commissioner, in accordance with subparagraph (B) of subdivision (3) of this subsection, determines that such standards are unwarranted and may accept, reject or modify according to subparagraph (A) of subdivision (3) of this subsection]; and

[(R)] (F) In addition to the requirements of subparagraph [(Q)] (E) of this subdivision, televisions manufactured on or after January 1, 2014, shall meet the efficiency requirements of Sections 1605.3(v)(3)(A), 1605.3(v)(3)(B) and 1605.3(v)(3)(C) of the November 2009 amendments to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4[, unless the commissioner, in accordance with subparagraph (B) of subdivision (3) of this subsection, determines that such standards are unwarranted and may accept, reject or modify according to subparagraph (A) of subdivision (3) of this subsection].

(2) On or after January 1, 2026, except as provided in subdivision (1) of subsection (d) of this section, the following minimum energy efficiency standards and their associated test method shall apply to new products sold or leased, offered for sale or lease, or installed in the state:

(A) Commercial dishwashers included in the scope of the version 2.0 product specification of the "Energy Star Program Requirements Product Specification for Commercial Dishwashers" developed by the United States Environmental Protection Agency shall meet the qualification criteria of that specification;

(B) Commercial fryers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Fryers, Version 2.0, shall meet the qualification criteria of that specification;

(C) Commercial hot food holding cabinets shall meet the qualification criteria of the ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding Cabinets, Version 2.0;

(D) Commercial ovens included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Ovens, Version 2.2, shall meet the qualification criteria of that specification;

(E) Commercial steam cookers shall meet the requirements of the version 1.2 product specification of the "Energy Star Program Requirements Product Specification for Commercial Steam Cookers" developed by the United States Environmental Protection Agency;

(F) Computers and computer monitors shall meet the requirements of subsection (v) of section 1605.3 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, and compliance with such requirements shall be as measured in accordance with test methods prescribed in subsection (v) of section 1604 of said California regulation. Any regulations adopted by the commissioner pursuant to this subsection shall define "computer" and "computer monitor" to have the same meaning as set forth in subsection (v) of section 1602 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, provided the commissioner may amend such regulations so that the definitions of "computer" and "computer monitor" and the minimum efficiency standards for computers and computer monitors conform to subsequently adopted versions of the referenced sections of the California Code of Regulations;

(G) Faucets, except for metering faucets, shall meet the standards in this subparagraph when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads" in Appendix S to Subpart B to 10 CFR 430, Subpart B. Lavatory faucets and replacement

aerators shall not exceed a maximum flow rate of 1.5 gallons per minute at 60 pounds per square inch. Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch, with optional temporary flow of 2.2 gallons per minute, provided they default to a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch after each use. Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 0.5 gallons per minute at 60 pounds per square inch;

(H) Gas fireplaces shall comply with the following requirements:

(i) Gas fireplaces shall be capable of automatically extinguishing any pilot flame when the main gas burner flame is extinguished or must prevent any ignition source for the main gas burner flame from operating continuously for more than seven days from last use of the main burner;

(ii) Heating gas fireplaces shall have a fireplace efficiency greater than or equal to 50% when tested in accordance with CSA P.4.1-15, "Testing Method for Measuring Fireplace Efficiency" as amended;

(J) High color rendering index fluorescent lamps shall meet the minimum efficacy requirements contained in 10 CFR 430.32(n)(4) in effect on January 1, 2021, as measured in accordance with the "Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps" in Appendix R to 10 CFR 430, Subpart B in effect on January 1, 2023;

(K) Portable electric spas shall meet the requirements of the "American National Standard for Portable Electric Spa Energy Efficiency" ANSI/APSP/ICC-14- 2019;

(L) In-line residential ventilating fans shall have a fan motor efficacy of no less than 2.8 cubic feet per minute per watt. All other residential ventilating fans shall have a fan motor efficacy of no less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and no less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with Home Ventilation Institute Publication 916 "HVI Airflow Test Procedure";

(M) Showerheads shall not exceed a maximum flow rate of 2.0 gallons per minute at 80 pounds per square inch when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads" in Appendix S to 10 CFR 430, Subpart B; and

(N) Water coolers included in the scope of the version 2.0 product specification of the "Energy Star Program Requirements Product Specification for Water Coolers" developed by the United States Environmental Protection Agency shall have on mode with no water draw energy consumption less than or equal the following values as measured in accordance with the test requirements of that program: (A) 0.16 kilowatt-hours per day for cold-only water coolers and cook and cold unit water coolers; (B) 0.87 kilowatt-hours per day for storage-type hot and cold unit water coolers; and (C) 0.18 kilowatt-hours per day for on demand hot and cold unit water coolers.

[(2)] (d)(1) Such efficiency standards, where in conflict with the State Building Code, shall take precedence over the standards contained in the Building Code. Not later than July 1, 2007, and biennially thereafter,

the Commissioner of Energy and Environmental Protection shall review and increase the level of such efficiency standards by adopting regulations in accordance with the provisions of chapter 54 upon a determination that increased efficiency standards would serve to promote energy conservation in the state and would be cost-effective for consumers who purchase and use such new products, provided no such increased efficiency standards shall become effective within one year following the adoption of any amended regulations providing for such increased efficiency standards.

[(3)] (2) [(A)] The Commissioner of Energy and Environmental Protection [shall] may adopt regulations, in accordance with the provisions of chapter 54, to designate additional products to be subject to the provisions of this section and to establish efficiency or greenhouse gas emissions standards for such products upon a determination that such efficiency standards [(i)] (A) (i) would serve to promote energy conservation in the state or (ii) make reasonable further progress toward the greenhouse gas emission reduction levels set forth in section 22a-200a of the general statutes, [(ii)] (B) would be cost-effective for consumers who purchase and use such new products, and [(iii)] (C) would not impose an unreasonable burden on Connecticut businesses. Such standards may include, but not be limited to, demand response component requirements.

(3) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to designate additional products to be subject to the provisions of this section for those products for which energy standards were issued or approved for publication on or before January 1, 2018, pursuant to the Energy Policy and Conservation Act 10 CFR 430 to 10 CFR 431 by the Office of the United States Secretary of Energy and were subsequently withdrawn, repealed or otherwise voided. For said products, the minimum energy efficiency level permitted for products shall be such previously applicable federal energy conservation standards as such standards existed on January 1, 2018. This subdivision shall not apply to any federal energy conservation standard set aside by a court upon the petition of a person who will be adversely affected, as provided in 42 USC 6306(b).

[(B) The Commissioner of Energy and Environmental Protection, in consultation with the Multi-State Appliance Standards Collaborative, shall identify additional appliance and equipment efficiency standards. The commissioner shall review all California standards and may review standards from other states in such collaborative. The commissioner shall issue notice of such review in the Connecticut Law Journal, allow for public comment and may hold a public hearing within six months of adoption of an efficiency standard by a cooperative member state regarding a product for which no equivalent Connecticut or federal standard currently exists. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 adopting such efficiency standard unless the commissioner makes a specific finding that such standard does not meet the criteria in subparagraph (A) of this subdivision.

(e) On or after July 1, 2006, no new product of a type set forth in subsection (b) of this section or designated by the Commissioner of Energy and Environmental Protection may be sold, offered for sale, or installed in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards set forth in such regulations adopted pursuant to subsection (d) of this section.

(f) The Commissioner of Energy and Environmental Protection shall adopt procedures for testing the energy efficiency of the new products set forth in subsection (b) of this section or designated by the commissioner if such procedures are not provided for in the State Building Code. The commissioner shall use United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods. The manufacturers of such products shall cause samples of such products to be tested in accordance with the test procedures adopted pursuant to this subsection or those specified in the State Building Code.]

[(g)] (e) Manufacturers of [any new products set forth in subsection (b) of this section for which (1) no efficiency standards exist in California, and (2) the Commissioner of Energy and Environmental Protection adopts efficiency standards, shall certify to the commissioner that such products are in compliance with the provisions of this section, except that certification is not required for single voltage external AC to DC power supplies and walk-in refrigerators and walk-in freezers. All single voltage external AC to DC power supplies shall be labeled as described in the January 2006 California Code of Regulations, Title 20, Section 1607(9). The commissioner shall promulgate regulations governing the certification of such] products subject to this section shall submit documentation, in a form to be determined by the commissioner, of certification of such products for compliance with this section by the California Energy Commission, the U.S. EPA WaterSense program, U.S. EPA ENERGY STAR program, or a third-party certification body designated by the commissioner, as applicable. The commissioner shall publish an annual list of [any products set forth in subsection (b) of this section on the department's Internet web site that designates which such products are certified in California and which such products not certified in California have demonstrated compliance with efficiency standards adopted by the commissioner pursuant to subparagraph (B) of subdivision (3) of subsection (d) of this section] such products.

(f) The commissioner may periodically inspect or cause inspections either in person or online to be made of distributors and retailers of new products subject to this section. The commissioner may establish a process to anonymously report potential violations of this section through the Department's website.

[(h)] (g) The Attorney General may institute proceedings to enforce the provisions of this section. Any person who violates any provision of this section shall be subject to a civil penalty of not more than two hundred fifty dollars. Each violation of this section shall constitute a separate offense, and each day that such violation continues shall constitute a separate offense.

Sec. 2. Section 90 of Public Act 23-205 is amended to read as follows (*Effective July 1, 2024*):

(a) As used in this section:

(1) "Alliance district" has the same meaning as provided in section 10-262u of the general statutes;

(2) "Environmental justice community" has the same meaning as provided in section 22a-20a of the general statutes; and

(3) "Low-income resident" means, after adjustments for family size, individuals or families whose income is not greater than (A) sixty per cent of the state median income, or (B) eighty per cent of the area median income for the area in which the resident resides, as determined by the United States Department of Housing and Urban Development.

(b) There is established a revolving loan and grant fund to be known as the "Housing Environmental Improvement Revolving Loan and Grant Fund". The fund may be funded from the proceeds of bonds issued pursuant to section 91 of this act or from any moneys available to the Commissioner of Energy and Environmental Protection or from other sources. Investment earnings credited to the fund shall become part of the assets of the fund. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the next fiscal year. Payments of principal or interest on a low interest loan made pursuant to this section shall be paid to the State Treasurer for deposit in the Housing Environmental Improvement Revolving Loan and Grant Fund. The fund shall be used to make low interest loans or grants pursuant to this section [and], to pay reasonable and necessary [expenses] fees incurred in administering loans or grants under this section. The Commissioner of Energy and Environmental Protection may enter into contracts with [nonprofit corporations] one or more third-party entities to provide for the administration of the Housing Environmental Improvement Revolving Loan and Grant Fund by such [nonprofit corporations] entity or entities, provided no low interest loan or grant shall be made from the fund without the authorization of the commissioner as provided in this section.

(c) The Commissioner of Energy and Environmental Protection, in collaboration with the Commissioner of Housing, shall establish a pilot program or programs to provide financing or grants from the fund established in subsection (b) of this section for retrofitting projects for multifamily residences located in environmental justice communities or alliance districts that (1) improve the energy efficiency of such residences, which may include, but need not be limited to, the installation of heat pumps, solar power generating systems, improved roofing, exterior doors and windows, improved insulation, air sealing, improved ventilation, appliance upgrades and any electric system or wiring upgrades necessary for such retrofit, (2) remediate health and safety concerns that are barriers to any such retrofit, including, but not limited to, mold, vermiculite, asbestos, lead and radon, or (3) provide services to assist residents and building owners to access and implement the programs established pursuant to this section or other available state or federal programs that enable the implementation of energy efficiency retrofitting.

(d) On and after July 1, [2024] 2025, the Commissioner of Energy and Environmental Protection, or any program administrator the commissioner may designate, shall accept applications, in a form specified by the commissioner, from any owner of a residential dwelling unit for financing or a grant under the program or programs. Any such financing or grant may be awarded to an owner of a residential dwelling unit that is (1) not owner-occupied, and (2) occupied by a tenant or, if vacant, to be occupied by a tenant not more than one hundred eighty days after the award. If such dwelling unit is not occupied within one hundred eighty days of the award, the owner shall return any funds received by the owner to the commissioner or the program administrator.

(e) The Commissioner of Energy and Environmental Protection shall prioritize the awarding of financing or grants for projects that benefit any resident or prospective resident who is a low-income resident.

(f) The Commissioner of Energy and Environmental Protection shall exclude from the program or programs any owner of a residential dwelling unit determined by the Commissioner of Housing to be in violation of chapter 830 of the general statutes.

(g) On or before October 1, [2027] 2028, the Commissioner of Energy and Environmental Protection shall file a report, in accordance with the provisions of section 11-4a of the general statutes, with the joint standing committee of the General Assembly having cognizance of matters relating to housing (1) analyzing the success of the pilot program or programs, and (2) recommending whether a permanent program or programs should be established in the state and, if so, any proposed legislation for such program or programs.

(h) The pilot program or programs established pursuant to this section shall terminate on September 30, [2028] 2029.

Sec. 3. Subsections (a) and (b) of section 91 of Public Act 23-205 is amended to read as follows (*Effective July 1, 2024*):

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate one hundred twenty-five million dollars, provided seventy-five million dollars of said authorization shall be effective July 1, [2024] 2025.

(b) The proceeds of the sale of such bonds, to the extent of the amount sated in subsection (a) of this section, shall be used by the Department of Energy and Environmental Protection for the purpose of financing and awarding grants for retrofitting projects for multifamily residences as provided in section 90 of this act, as amended. Not more than twenty million dollars of the bonds issued pursuant to this section shall be utilized by the department for grants for said projects.

Document Name	Dam Resilience [4 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC
Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	**Harrison Nantz** Deputy Chief of Staff (860) 803 0843
Division Requesting This Proposal	WPLR, Dam Safety
Drafter	Graham Stevens, Brendan Schain

Title of Proposal	An Act Concerning Dam Safety
Statutory Reference, if any	22a-401, 22a-402, 22a-407
Brief Summary and Statement of Purpose	This legislative proposal would clarify DEEP's existing ability to conduct maintenance on unsafe dams. DEEP needs this clarification to expressly underscore its authority do work on privately owned dams without court intervention or significant public emergency allowances. This proposal comes out of issues that DEEP is currently grappling with around the Fitchville Pond dam.

SECTION-BY-SECTION SUMMARY
Summarize sections in groups where appropriate

Section 1 of the proposed bill modifies section 22a-401 of the General Statutes to more expressly state that maintenance of a dam in an unsafe condition is a violation of statute.

Section 2 of the proposed bill modifies section 22a-402 of the General Statutes to create authority to issue an order effective before hearing to a dam owner to either require the owner to place the dam in a safe condition or to allow DEEP to take action to place the dam in a safe condition. The proposed bill further clarifies the authority of DEEP to hire contractors and consultants if needed and recover costs when incurred.

Section 3 of the proposed bill modifies section 22a-407 of the General Statutes to clarify DEEP's authority to seek an injunction includes the authority to seek an injunction for DEEP to place a dam in a safe condition.

BACKGROUND

Origin of Proposal **[X] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	This proposal expands DEEP's public safety role, by clarifying its current regulatory authority to protect public safety through permitting and enforcement authorities. DEEP's authority to act on behalf of unable or unwilling private parties should be expressly stated as the need for such action is anticipated to grow due to more frequent, climate-induced rainfall events causing dam emergencies.
How will we measure if the proposal successfully accomplishes its goals?	The goal of this change will be to ensure DEEP is equipped with clear and expressly stated authority to quickly deploy resources to secure dams that pose risks to life and property. Success will be measured by avoided threats to life and property.
Have there been changes in	No.

federal/state laws or regulations that make this legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Unsure. DEEP is researching this question through the Association of State Dam Safety Officials.
Have certain constituencies called for this proposal?	No. However, emergency management personnel have a belief that DEEP already serves the role that this statutory change looks to make.

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[ ] Check here if this proposal does NOT impact other agencies

1. Agency Name	DEMHS
Agency Contact (name, title)	Brenda Bergeron
Date Contacted	
Status	**[ ] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[ ] Check here if this proposal does NOT have a fiscal impact

State	Dependent on number of occasions where DEEP needs to act and its success with cost recovery.
Municipal (Include any municipal mandate that can be found within legislation)	The state's action in this area will reduce potential damage to property and infrastructure. Deferred costs could be significant.
Federal	No.
Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

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

Section 1. Section 22a-401 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

All dams, dikes, reservoirs and other similar structures, with their appurtenances, without exception and without further definition or enumeration herein, which, by breaking away or otherwise, might endanger life or property, shall be subject to the jurisdiction conferred by this chapter <u>and no person shall maintain a dam in a condition that might endanger life or property</u>. The Commissioner of Energy and Environmental Protection shall formulate all rules, definitions and regulations necessary to carry out the provisions of this chapter and not inconsistent therewith. The commissioner or his authorized representatives may enter upon private property to make such investigations and gather such data concerning dams, watersheds, sites, structures and general conditions as may be necessary in the public interest for a proper inspection, review and study of the design and construction of such structures and of the environmental impact of such structures on the inland wetlands of the state. The commissioner may, when necessary, employ or make such agreements with geologists, other engineers, expert consultants and such assistants as may be reasonably necessary to carry out the provisions of this chapter.

Section 2. Section 22a-402 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 shall investigate and inspect or cause to be investigated and inspected all dams or other structures which, in his or her judgment, would, by breaking away, cause loss of life or property damage. Said commissioner may require any person owning or having the care and control of any such structure to furnish him or her with such surveys, plans, descriptions, drawings and other data relating thereto and in such form and to such reasonable extent as he or she directs. Any person in possession of such pertinent information shall afford the owner and the commissioner access thereto. The commissioner shall make or cause to be made such periodic inspections of all such structures as may be necessary to reasonably insure that they are maintained in a safe condition. If, after any inspection described herein, the commissioner finds any such structure to be in an unsafe condition, he or she shall order the person owning or having control thereof to place it in a safe condition or to remove it and shall fix the time within which such order shall be carried out. The respondent to such an order shall not be required to obtain a permit under this chapter or chapter 440 or section 22a-342 or 22a-368 for any action necessary to comply with such order. If such order is not carried out within the time specified, the commissioner may carry out the actions required by the order provided the commissioner has determined that an emergency exists which presents a clear and present danger to the public safety and said commissioner shall assess the costs of such action against the

person owning or having care and control of the structure. When the commissioner in his or her investigation finds that a dam or other structure should be inspected periodically in order to reduce a potential hazard to life and property, the owner of such structure shall cause such inspection to be made by a registered engineer at such intervals as are deemed necessary by the commissioner and shall submit a copy of the engineer's finding and report to the commissioner for his or her action. If the commissioner determines as a result of an inspection that maintenance or repairs to a dam are needed to maintain the dam in a safe condition, the commissioner shall notify the owner, in writing, of such maintenance or repairs as are necessary and request the owner to undertake such repairs within the time period specified in the notice. If the owner does not undertake the necessary maintenance or repairs within the time period indicated in the notice, the commissioner may proceed to order the owner to undertake the necessary maintenance or repairs. The commissioner shall cause a certified copy of a final order issued under this section to be recorded on the land records in the town or towns wherein the dam or such structure is located. As used in this chapter, "person" has the same meaning as provided in subsection (b) of section 22a-2, and "water company" has the same meaning as provided in section 25-32a.

(b) The chief executive official of a municipality or such official's designee may inspect a dam that is: (1) Under the jurisdiction of the commissioner, and (2) located within the boundaries of such municipality when such official or designee reasonably believes that a public safety concern exists. Inspection of any such dam owned or operated by a water company or of a dam that is a hydroelectric generating facility shall be controlled by the provisions of subsection (c) of this section. Such official or designee shall have the right to enter private property, within constitutional limits, to undertake such inspection provided such official or designee shall: (A) Notify the commissioner prior to conducting such inspection, (B) make a reasonable attempt to notify the owner of the dam prior to such inspection, and (C) file a report with the commissioner in accordance with the provisions of subsection (f) of this section.

(c) When the chief executive official of a municipality or such official's designee reasonably believes that a public safety concern exists with a dam that is a hydroelectric power generating facility or is owned or controlled by a water company, such official shall immediately notify the commissioner and shall notify the water company in accordance with subsection (e) of this section. Such official shall not inspect a dam that is a hydroelectric power generating facility or is owned or operated by a water company unless: (1) (A) Such official has reason to believe there is public safety concerning such a dam, (B) such official has notified the commissioner and has reasonably attempted to notify the water company or the owner of the hydroelectric power generating facility pursuant to subsection (e) of this section, and (C) a representative of the water company is not available; (2) a water company official or representative of the hydroelectric power generating facility accompanies such chief executive official or such official's designee; or (3) the water company has granted permission to such official. A report of the inspection shall be filed with the commissioner in accordance with the provisions of subsection (f) of this section.

(d) No provision of subsection (b) or (c) of this section shall restrict the right of a chief elected official or such official's designee to enter upon or inspect water company dams, appurtenances or land under the control or ownership of such municipality.

(e) When notifying a water company or owner of a hydroelectric power generating facility pursuant to subsection (c) of this section, the chief executive official of a municipality or such official's designee shall call the contact number that such water company or facility identifies in any emergency operation plan for such dam on file with the municipality. In the event a water company or hydroelectric power generating facility has not prepared an emergency operation plan for a dam under the ownership or control of such water company or facility, such water company or facility may file an emergency notification contact form with such municipality. Not later than October 1, 2008, the commissioner shall develop such an emergency notification contact form. When such form is filed with the municipality such municipal official shall use the information provided in the form to contact the water company or hydroelectric power generating facility pursuant to this section.

(f) A report of any inspection performed pursuant to subsection (b) or (c) of this section shall be filed with the commissioner within seven days of such inspection, except when an immediate threat to public safety is discovered in which case such report shall be filed with the commissioner immediately.

(g) The provisions of subsections (b) to (f), inclusive, of this section shall not apply to a dam licensed by the Federal Energy Regulatory Commission.

(h) The commissioner, whenever he finds after investigation that a dam is causing, or is about to cause, any condition which, in his judgment, will result in or is likely to result in imminent and substantial damage to public safety or the environment, or whenever the Governor has proclaimed a civil preparedness state of emergency pursuant to section 28-9 regarding a dam, the commissioner may, without prior hearing, issue an order in writing to the owner or person having care of such dam to discontinue, abate or alleviate such condition or issue an order in writing indicating that the commissioner will immediately act to discontinue, abate or alleviate such condition. The commissioner may discontinue, abate, or alleviate such condition by means including, but not limited to, temporary or permanent stabilization or repairs to the dam or any other actions necessary to place the dam in a safe condition and may retain any contractor or consultant necessary to perform such actions. The commissioner shall serve any order issued pursuant to this subsection in accordance with the provisions of section 52-57. The commissioner may also cause a copy of the order to be posted upon property which is the subject of the order and no action for trespass shall lie for such posting. Any order issued pursuant to this subsection shall be binding upon all persons against whom it is issued, their agents and any independent contractor engaged by such persons. Upon receipt of such order such person shall immediately comply with such order. The commissioner shall, within ten days of the date of receipt of such order by all persons served with such order, hold a hearing to provide any such person an opportunity to be heard and show that such condition does not exist. All briefs or legal memoranda to be presented in connection with such hearing shall be filed not later than ten days after such hearing. Such order shall remain in effect until fifteen days after the hearing within which time a new decision based on the hearing shall be made.

(i) Any owner or person having care of a dam who is issued an order pursuant to subsection (h) of this section shall be liable for all costs and expenses incurred by the commissioner to investigate, contain,

abate, remove, monitor or mitigate any threat to public safety and the environment caused by such dam. If the dam subject to an order issued pursuant to subsection (h) of this section is not in compliance with the requirements of this chapter, such owner or person having care of the dam shall be liable for damages equal to two times the costs and expenses incurred. Upon request of the commissioner, the Attorney General shall bring a civil action to recover all such costs and expenses.

Section 3. Section 22a-407 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

Any person who violates any provision of this chapter, any order or permit issued by the commissioner pursuant to this chapter shall forfeit to the state a sum not exceeding one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense and, in case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Attorney General, upon complaint of the commissioner, shall institute an action to recover such forfeiture and to enjoin such violation and require its correction. When a dam is causing, or is about to cause, any condition which will result in, or is likely to result in, imminent and substantial damage to public safety or the environment, or whenever the Governor has proclaimed a civil preparedness state of emergency pursuant to section 28-9 regarding a dam, any injunction issued pursuant to this section may authorize the commissioner to immediately act to discontinue, abate or alleviate such condition by means including, but not limited to, temporary or permanent stabilization or repairs to the dam or any other actions necessary to place the dam in a safe condition.