

**Department of Energy & Environmental Protection**  
**Index of Year 2014 Legislative Proposals to the**  
**Office of Policy and Management**  
**Department of Energy & Environmental Protection**  
**Branch of Environmental Conservation**

**BUREAU OF NATURAL RESOURCES (BNR)**

**I. AAC YOUTH LICENSING AND INCREASING PARTICIPATION IN HUNTING AND FISHING (DEEP-EC1)**

- Clarifies the age at which a fishing license is required. Also allows the commissioner to exempt from the fishing license requirement secondary school students participating in fishing events or field trips intended to teach fishing techniques that are conducted as a component of school curriculum.
- Makes a number of changes intended to increase participation and license sales:
  - o Corrects fees of two resident supersport combination licenses to be less than the cost of the sum of purchasing their components separately and corrects one combination fee.
  - o Establishes a reduced fee for all hunting, trapping and sport fishing licenses issued to Connecticut residents between the ages of 16 and 18 years (16 years of age and older but less than 18 years of age).
  - o Reduces fee for group license.
  - o Provides the commissioner discretion to designate one or two days per calendar year where a free one-day sport fishing license may be issued and provides additional discretion to target either the general public or specific age groups. This proposal complements the existing requirement to declare a day when no licenses are required. The designated free license days will be used as a marketing tool. The requirement to obtain a free license will generate needed data concerning use and participation.
  - o Provides the commissioner, with OPM approval, discretion to offer temporary reduced rate license and permit fees as a marketing tool to increase participation.
- Establishes a reduced fee for hunting, trapping and sport fishing permits, stamps and tags issued to Connecticut residents less than 18 years of age.
- Allow fees to be charged for the online component of courses of instruction in safe firearms and archery hunting practices. This proposal will broaden, expand and improve the array of affordable safe hunting training options available to the hunting public.

- Establishes registry of individuals providing hunting and fishing guide services and a modest registration fee.
- Reduces Sportsmen license fees for young people to encourage license purchases while remaining revenue neutral.

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## **BUREAU OF OUTDOOR RECREATION (BOR):**

### **II. AAC THE CONTRACTING THRESHOLD FOR STATE PARKS BUILDING PROJECTS (DEEP-EC2)**

- Increase the dollar value threshold of small building and repair projects on DEEP properties that can be directly administered by the DEEP. (Currently the Commissioner may administer projects up to \$500,000, or, with the permission of the Commissioner of Construction Services, up to \$1 million.)
- This proposal would increase those dollar figures to \$2 million and \$3 million, respectively.

### **III. AAC ABANDONED VESSELS (DEEP-EC3)**

- DEEP proposes to repeal the existing abandoned boat law and to replace it with a law that prescribes a web-based process that is less labor intensive and that for the first time will legally address a procedure to handle multiple vessel abandonments that are anticipated to take place in a hurricane or other mass displacement event.



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

**DEEP-EC1**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Robert LaFrance

Phone: Cell: 860.622.1797 Office: 860.424.4301

E-mail: [Robert.LaFrance@CT.GOV](mailto:Robert.LaFrance@CT.GOV)

Lead agency division requesting this proposal:  
Bureau of Natural Resources

Agency Analyst/Drafter of Proposal:  
William Hyatt, Bureau Chief, Bureau of Natural Resources

### Title of Proposal

**An Act Concerning Youth Licensing and Increasing Participation in Hunting and Fishing.**

Statutory Reference **26-27, 26-28, 26-31, new sections (2)**

### Proposal Summary

**Section 1.** Clarifies the age at which a fishing license is required. Also allows the commissioner to exempt from the fishing license requirement secondary school students participating in fishing events or field trips intended to teach fishing techniques that are conducted as a component of school curriculum.

**Section 2.** Makes a number of changes intended to increase participation and license sales:

- Corrects fees of two resident supersport combination licenses to be less than the cost of the sum of purchasing their components separately and corrects one combination fee.
- Establishes a reduced fee for all hunting, trapping and sport fishing licenses issued to Connecticut residents between the ages of 16 and 18 years (16 years of age and older but less than 18 years of age).
- Reduces fee for group license.
- Provides the commissioner discretion to designate one or two days per calendar year where a free one-day sport fishing license may be issued. Provides additional discretion to target either the general public or specific age groups. This proposal complements the existing requirement to declare a day when no licenses are required. The designated free license days will be used as a marketing tool. The requirement to obtain a free license will generate needed data concerning use and participation.



- Provides the commissioner, with OPM approval, discretion to offer temporary reduced rate license and permit fees as a marketing tool to increase participation.

**Section 3.** This new section establishes a reduced fee for hunting, trapping and sport fishing permits, stamps and tags issued to Connecticut residents less than 18 years of age.

**Section 4.** Will allow fees to be charged for the online component of courses of instruction in safe firearms and archery hunting practices. This proposal will broaden, expand and improve the array of affordable safe hunting training options available to the hunting public.

**Section 5.** This new section establishes registry of individuals providing hunting and fishing guide services and a modest registration fee.

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

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

**Section 1.** This proposal:

- Clarifies that 16 years of age is the age at which a fishing license is required. This is consistent with traditional and ongoing practice (a license is required when one turns 16) and is consistent with the age at which adult trapping and hunting licenses are required. In 1982 amendments to this section associated with the establishment of junior hunting and trapping licenses and a further rewording in 1983 to correct an error in the 1982 amendment inadvertently inserted ambiguous wording for the age at which a fishing license is required.
- A number of secondary schools are conducting, or planning to introduce, outdoor education components in various courses. These structured components may include activities such as teaching fishing techniques that can meet core requirements in physical education, science and technology and the language arts and also provide an introduction into healthful activities can that be enjoyed lifelong. Currently, conducting these classes in secondary schools is complicated due to the age structure of students, with some students needing a fishing license and others not needing a license. This proposal would allow the commissioner to issue exemptions for students from the fishing license requirement for certain fishing events or field trips conducted by their secondary schools. The events or field trips would be required to be part of a class conducted by the school, and would be intended to teach fishing techniques. This proposal would facilitate incorporating fishing into class curricula and also generate interest in fishing and increase future sales of licenses.



**Section 2.** Participation in hunting and fishing has dropped off considerably in recent years as costs have increased, both in Connecticut and on a national level. These proposed amendments are intended to promote participation in outdoor activities and increase sales of hunting and fishing licenses. These proposals are supported by sportsmen and fishing & hunting organizations throughout Connecticut.

- The supersport combination licenses are intended to provide a discount for purchasing a bundled package of licenses, permits, tags and stamps that are less costly than purchasing the same items separately. Currently several supersport licenses are more expensive than purchasing the same items separately or in other bundles. These proposed changes will restore the intended discounted rates. One other combination fee is corrected (\$2.00 increase) to be equitable with other existing fees.
- The group license was established in 2010 to enable nonprofit organizations to conduct multiple fishing events or outings for groups of disabled veterans, or persons receiving certain services from DDS, DCF or DMHAS without requiring that clients obtain individual fishing licenses to participate in the fishing events. For many clients, and organizations, obtaining individual fishing licenses was both time consuming and in some cases, cost prohibitive, and often limited access to an outdoor activity intended to be beneficial with their recovery or treatment. By obtaining a group license a nonprofit organization could conduct up to 50 events per year for up to 50 eligible individuals at each event. However, the current annual fee of \$250.00 has been found to be too expensive for a number of smaller organizations, including group homes that service smaller numbers of clients (between 5 and 10 individuals) for whom fishing may be beneficial. Currently only two organizations have taken advantage of the group license opportunity. It is expected that decreasing the group license fee by 50% to \$125.00 will allow additional organizations to make use of the group license.
- The proposed 50% reduction in license fees for the 16-17 age group (individuals sixteen years of age or older but less than eighteen years of age) is intended to increase participation into adulthood. Currently over 138,000 youth between the ages of 6 and 15 fish in Connecticut (USFWS/Bureau of Census survey data). However, the number of 2012 fishing and hunting licenses sold to 16 year olds in Connecticut was only 2,050 and the total number of license buyers aged 16-17 was only 4,149. Reducing the cost of licenses and permits by 50% for youth aged 16 and 17 will make ongoing participation more affordable to young people and their parents and will increase long-term revenues to the state as active participation is extended into and through the full adult years.

At least eight other states have traditionally offered reduced rates on fishing and/or hunting licenses to youth (typically 16-18 or 15-17 years of age). Massachusetts has just recently eliminated the fishing license fee for 15-17 year olds effective in 2012. In 2011 Kansas established a five year license for young adults (age 16 through age 20) that effectively reduces annual license costs by 60%.

- The ability to designate one or more days per calendar year as "free fishing license days" will provide an additional marketing tool for increasing participation. The requirement to obtain a free license will enable DEEP to obtain contact information from potential new customers. This will provide DEEP with a large target audience for information on our education programs and promotional material. The "free fishing license days" would be limited to no more than two (2) calendar days per year.
- The proposed authority (with approval of OPM) to offer temporary reduced rate license and permit



fees will provide DEEP with the ability to adjust pricing structure (with OPM concurrence) for marketing purposes similar to the way businesses do. Examples of how this could be effectively used to enhance recruitment and retention and thereby increase long-term participation and revenues are as follows:

- Enable DEEP to reduce late-season license rates to entice participants and generate sales and revenue that otherwise would not occur (ex. fishing licenses being offered at ½ price beginning September 15).
- Reduce license fees for participants in Connecticut Aquatic Resource Education and Conservation Education/Firearms Safety programs. Reducing license fees for the year that they attend classes will provide additional incentive for taking the class and for adult/parent participation. The active participation and mentorship by an adult or parent has been shown to greatly increase recruitment and retention.

**Section 3.** The reduced rate (50%) for hunting, trapping and sport fishing permits, stamps and tags issued to individuals in the 16-17 year age group is expected to increase participation that will extend into full adult years.

**Section 4.** All persons applying for a license to hunt with a firearm or bow and arrow are required to successfully complete a course of instruction in safe hunting practices, and in the handling of hunting implements. Recent advances in web-based learning have resulted in several commercial vendors providing high-quality, on-line training options. Online training provides many advantages including the convenience learning at home, personalized instruction pace, content review, and savings in transportation time and cost. As a result, these options are highly valued by the hunting public. As commercial products, vendors charge a nominal fee for these offerings. However, under existing law, no fee shall be charged for a course of instruction in hunting or archery. Consequently, the only option for making these learning platforms available is for the DEEP to underwrite the costs of instruction by paying the vendor fees in advance. Alternately, prospective students must instead attend multiple in-classroom courses, frequently several miles from home. Travel to and from in-classroom courses demands substantially greater commitments of time and cost. Additionally, transitioning to on-line learning services reduces costs to the state by reducing the number of on-site classes. It will also facilitate the redeployment of volunteer instructor services to the required hands-on learning sessions in the safe handling of firearms and archery equipment.

Ten of the thirteen northeastern states, including Massachusetts, New York, New Hampshire, New Jersey, Vermont and Pennsylvania, accept certificates of completion of on-line courses. Like the program intended for our state, all ten northeastern states require a one-day field component in addition to the on-line certificate.

By removing the prohibition on charging fees, DEEP will be able reduce administrative costs and reduce travel costs to the students, while continuing to offer free course options through volunteer instructors.

**Section 5.** A registry of guides will be used by DEEP to promote fishing and hunting to out-of-state sportsmen. DEEP frequently receives requests from individuals in other states and from Connecticut businesses for lists of fishing and hunting guides. Businesses routinely bring people into Connecticut for meetings, workshops, and conferences and these groups often include sportsmen. Up-to-date information on guide services will enable DEEP to more effectively market outdoor activities to potential out-of-state customers. Charging a modest fee is reasonable as the guides' business is dependent on the



public trust fish & wildlife resources managed by DEEP.

- **Origin of Proposal**       **New Proposal**       **Resubmission**

*If this is a resubmission, please share:*

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

Section 5 is a new proposal. Sections 1, 2, 3 and 4 were proposed for the 2012 session and were included in HB 5120, which was passed by the House (with an amendment) but was not voted on in the Senate.

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **NONE**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal    \_\_\_ YES    \_\_\_ NO    \_\_\_ Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?    \_\_\_ YES    \_\_\_ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation) **NONE**

### State

**Section 1.** No fiscal impact.

**Sections 2 & 3.** Will increase long-term revenues to the state by encouraging ongoing participation and purchase of hunting and fishing licenses, permits, tags and stamps. A 25% - 50% increase in sales volume among residents under 18 years of age is anticipated in response to reduced fees. This



anticipated increase in sales and revenue is not calculated into this fiscal analysis .

The \$2.00 increase in the resident firearms hunting and all waters fishing combination license will generate approximately **\$43,000** in additional revenue (in FY 12, 21,535 of these licenses were issued).

The 50% reduction in license fees for residents less than 18 years old is expected to result at most in a \$60,000 decrease in revenue. The 50% reduction in permit fees for CT residents less than 18 years old is expected to result at most in a \$10,000 to \$15,000 decrease in revenue. Sales volume will increase in response to reduced fees and associated marketing.

Any change in revenue from the decrease in the cost of the group fishing license will be minimal.

Giving the commissioner, with OPM approval, the discretion to offer temporary reduced rate licenses and permits as a marketing tool is expected to increase sales and revenue by approximately **\$10,000 - \$12,000** per year.

**Section 4:** Removing the need to subsidize fees for students who take on-line hunter education courses from private vendors will reduce costs to DEEP by approximately **\$8,000 to \$20,000** per year (Federal Hunter Education funds have been used to subsidize student fees). In 2012, slightly over 20% of the students opted for online classes (more than 600 of 3,000 students, at \$13.00 per student), and this number is expected to rise annually to approximately 50%.

**Section 5:** A registry of fishing and hunting guide services will generate approximately **\$17,500** per year in new revenue. 150 resident guides x \$100 = \$15,000) + (25 non-resident guides x \$100 = \$2,500) = \$17,500.

**Overall fiscal impact of Sections 1-5 is revenue neutral the first year and expected to be positive thereafter.**

Federal NONE

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

No adverse policy or programmatic impacts anticipated from these proposals:

**Section 1.** The clarification concerning age requirements will simply remove any perceived ambiguity concerning the current and longstanding fishing license age requirement. The license exemption for students participating in secondary school instruction that includes a fishing component is intended to promote participation in outdoor activities.

**Sections 2 & 3.** The proposals in this section are intended to promote life-long participation in outdoor activities and increase sales of fishing and hunting licenses and permits.

**Section 4.** This proposal should enhance recruitment of conservationists by providing more time and





cost efficient avenues for becoming certified in Conservation Education and Firearms Safety. Additionally, the proposal would allow for a redeployment of volunteer services so as to expand the array of course offerings.

**Section 5.** A registry of guides can be used by DEEP as a marketing tool to promote fishing and hunting to out-of-state sportsmen and the fee will generate additional revenue for fish and wildlife programs.



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

Section 1. Subsection (a) of section 26-27 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) Except as provided in subsection (b), (c), (e), (f), (g), ~~or~~ (h) or (i) of this section as amended by this act and other provisions of this chapter providing specific license exemption, no person shall take, hunt or trap, or shall attempt to take, hunt or trap, or assist in taking, hunting or trapping, any wild bird or mammal and no person ~~[more than]~~ sixteen years of age or older shall take, attempt to take, or assist in taking any fish or bait species in the inland waters or marine district by any method or land marine fish and bait species in the state, regardless of where such marine fish or bait species are taken, without first having obtained a license as provided in this chapter. No person under sixteen years of age shall hunt or trap, except as provided in section 26-38.

(b) Any landowner who has a domiciliary residence in this state, such landowner's spouse or lineal descendants may hunt, trap or fish on land owned by such landowner or on land leased by such landowner and on which such landowner is actually domiciled, which land is not used for club, fishing or hunting purposes, without a license, subject to the provisions of this chapter.

(c) No fishing license shall be required for any person who is rowing a boat or operating the motor of a boat from which other persons are taking or attempting to take fish.

(d) The taking of fish and bait species as herein provided shall be regarded as sport fishing and the taking or landing of such species in the inland waters or marine district by commercial methods for commercial purposes shall be governed by other provisions of this chapter.

(e) No fishing license shall be required for any resident of the state who is participating in a fishing derby authorized in writing by the Commissioner of Energy and Environmental Protection provided (1) no fees are charged for such derby, (2) such derby has a duration of one day or less, and (3) such derby is sponsored by a nonprofit civic service organization. Such organization shall be limited to one derby in any calendar year.

(f) The Commissioner of Energy and Environmental Protection shall designate one day in each calendar year when no license shall be required for sport fishing.

(g) No fishing license shall be required for any person who is fishing as a passenger on a party boat, charter boat or head boat registered under section 26-142a and operating solely in the marine district.

(h) No fishing license shall be required for any person who participates in a fishing event conducted by an organization that receives a group fishing license, as provided in subsection (h) of section 26-30,



provided any person who participates in such group fishing event shall be subject to all other provisions of the general statutes and the regulations of Connecticut state agencies that relate to fishing.

(i) No fishing license shall be required for any student attending a secondary school located within Connecticut who is participating in a fishing event or field trip authorized in writing by the Commissioner of Energy and Environmental Protection provided (1) the event or field trip is conducted by said secondary school, (2) the purpose of the event or field trip is to provide instruction in fishing techniques, and (3) the event or field trip is a component of a course of instruction conducted by said school. Secondary schools wishing to conduct fishing events or field trips at which fishing licenses are not required for students participating in the event or field trip shall apply for authorization on a form prescribed by the commissioner and shall provide such information as required by the commissioner.

Sec. 2. Section 26-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) Except as provided in subsections (b), ~~and~~ (c) and (d) of this section, the fees for firearms hunting, archery hunting, trapping and sport fishing licenses or for the combination thereof shall be as follows: (1) Resident firearms hunting license, nineteen dollars; (2) resident fishing license, twenty-eight dollars; (3) resident marine waters fishing license, ten dollars; (4) one-day resident marine waters fishing license, five dollars; (5) resident all-waters fishing license, thirty-two dollars; (6) resident combination license to fish in inland waters and firearms hunt, thirty-eight dollars; (7) resident combination license to fish in marine waters and firearms hunt, twenty-five dollars; (8) resident combination license to fish in all waters and firearms hunt, ~~thirty-eight~~ forty dollars; (9) resident combination license to fish in all waters and bow and arrow permit to hunt deer and small game issued pursuant to section 26-86c, sixty-five dollars; (10) resident firearms super sport license to fish in all waters and firearms hunt, firearms private land shotgun or rifle deer permit issued pursuant to section 26-86a, and permit to hunt wild turkey during the spring season on private land issued pursuant to section 26-48a, ~~eighty~~ seventy dollars; (11) resident archery super sport license to fish in all waters, bow and arrow permit to hunt deer and small game issued pursuant to section 26-86c and permit to hunt wild turkey during the spring season on private land issued pursuant to section 26-48a, eighty-two dollars; (12) resident firearms super sport license to fish in all waters and firearms hunt, firearms private land shotgun or rifle deer permit, muzzleloader private land deer permit, pursuant to section 26-86 and private land permit to hunt wild turkey during spring season pursuant to section 26-48a, eighty-four dollars; (13) resident firearms super sport license to fish in all waters and firearms hunt, migratory bird conservation stamp, and migratory bird harvest permit (HIP), ~~sixty~~ fifty dollars; (14) resident trapping license, thirty-four dollars; (15) resident junior trapping license for persons under sixteen years of age, eleven dollars; (16) junior firearms hunting license, eleven dollars; (17) nonresident firearms hunting license, ninety-one dollars; (18) nonresident inland waters fishing license, fifty-five dollars; (19) nonresident inland waters fishing license for a period of three consecutive days, twenty-two dollars; (20) nonresident marine



waters fishing license, fifteen dollars; (21) nonresident marine waters fishing license for a period of three consecutive days, eight dollars; (22) nonresident all-waters fishing license, sixty-three dollars; (23) nonresident combination license to firearms hunt and inland waters fish, one hundred ten dollars; (24) nonresident combination license to fish in all waters and firearms hunt, one hundred twenty dollars; (25) nonresident combination license to fish in marine waters and firearms hunt, ninety-four dollars; and (26) nonresident trapping license, two hundred fifty dollars. Persons sixty-five years of age and over who have been residents of this state for not less than one year and who meet the requirements of subsection (b) of section 26-31 may be issued an annual license to firearms hunt or to fish or combination license to fish and firearms hunt or a license to trap without fee. The issuing agency shall indicate on a combination license the specific purpose for which such license is issued. The town clerk shall retain a recording fee of one dollar for each license issued by him [or her](#).

(b) Any nonresident residing in one of the New England states or the state of New York may procure a license to hunt or to fish or to hunt and fish for the same fee or fees as a resident of this state if he [or she](#) is a resident of a state the laws of which allow the same privilege to residents of this state.

(c) The fee for a group fishing license, as described in subsection (h) of section 26-30, shall be two ~~hundred fifty dollars~~ [one hundred twenty five dollars](#).

[\(d\) The fee charged for any firearms hunting, archery hunting, trapping or sport fishing license that is issued to any Connecticut resident who is sixteen or seventeen years of age shall be equal to fifty per cent of the fee provided for such license in subsection \(a\) of this section rounded to the next highest dollar.](#)

[\(e\) In addition to the calendar day designated pursuant to subsection \(f\) of section 26-27, as amended by this act, the Commissioner of Energy and Environmental Protection may designate up to two additional days in each calendar year in which a one-day license for sport fishing may be issued free of charge. Such one-day license shall, at said commissioner's discretion, be made available to all members of the public or to all members of an age group designated by said commissioner.](#)

[\(f\) Notwithstanding the provisions of this section, the Commissioner of Energy and Environmental Protection may from time to time, with the concurrence of the Secretary of the Office of Policy and Management, for the purposes of increasing participation, reduce, but not waive entirely, the fee or cost for any license, permit, tag or stamp, or combination thereof, as provided for in 26-27b, 26-28, 26-48a, 26-86a, and 26-86c. Any such reduction: \(1\) may be for a portion of a calendar year, but shall only remain in effect during the calendar year in which the reduction is made, and \(2\) shall be made only if the reduction is provided to all members of the public, to all members of a certain age group, or to individuals who in that year have successfully completed a course of instruction in fishing techniques as provided for in section 26-31a or a conservation education course of instruction as provided for in subsection \(a\) of section 26-31 as amended by this act.](#)



Sec. 3. **(NEW)** (Effective January 1, 2015) The fee charged pursuant to section 26-27b, 26-48a, 26-86a or 26-86c of the general statutes for any firearms hunting, archery hunting, trapping or sport fishing permit, tag or stamp that is issued to any Connecticut resident who is less than eighteen years of age shall be fifty per cent of the fee provided under said sections rounded to the next highest dollar.

Sec. 4. Section 26-31 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014).

(a) The Commissioner of [Energy and Environmental Protection](#) shall formulate conservation courses of instruction in safe trapping, hunting and archery practices and the handling and use of traps and hunting implements, including bow and arrow, for such persons as are applying for a license to hunt with firearms or to hunt with bow and arrow or trap for the first time and for minors who fall within the provisions of section 26-38, and shall designate one or more competent persons or organizations to give such instruction. Any person or organization so designated shall give such instruction to any person requesting the same and shall, upon the successful completion thereof, recommend to the commissioner issuance of a certificate of completion to such person. Successful completion of such instruction for hunting license applicants shall include, but not be limited to, achieving a passing grade on an examination formulated by the commissioner, which shall include correctly stating in writing, or reciting orally, the regulations for hunting in proximity to buildings occupied by persons or domestic animals or used for storage of flammable or combustible materials and the regulations for shooting towards persons, buildings or animals. Any such person or organization may charge any person taking the course of instruction in trapping a reasonable fee, established by regulation adopted by the commissioner in accordance with chapter 54, to cover the cost of supplies, materials and equipment necessary for such course of instruction. No fee shall be charged for a course of instruction in hunting or archery~~[.]~~, [except that a fee may be charged for any online segment of such course.](#)

(b) No firearms hunting, archery hunting or trapping license shall be issued to any person unless he presents proof in the form of a license or certified copy thereof that he has held a similar resident license to hunt with firearms or with bow and arrow or to trap within five years from the date of application in any state or country or possession thereof, or unless he presents to the town clerk a certificate of completion issued under subsection (a) of this section or an equivalent, as deemed by the commissioner, of such certificate. Each town clerk shall transmit all such certificates presented to him to the Commissioner of [Energy and Environmental Protection](#) in connection with his report to the commissioner under section 26-36.

(c) Any person who obtains a firearms hunting, archery hunting or trapping license by giving false information or by presenting a fraudulent certificate shall be fined not less than twenty-five dollars nor more than one hundred dollars and such license, or any such subsequent license procured by such



person on the basis of any fraudulent statement or act in procuring such original license, shall be revoked and shall not be reissued for one year from the date of such revocation.

(d) Any certified conservation education-firearms safety instructor while giving such instruction and any person scheduled to receive such instruction may possess and transport shotguns and rifles on Sunday and on said day may discharge such firearms on any state-owned property with prior approval of the agency controlling such property and on any privately-owned property with the permission of the owner, the provisions of section 26-73 to the contrary notwithstanding.

(e) There is annually appropriated to the Department of Energy and Environmental Protection from the General Fund the sum of fifty thousand dollars to be used by said department for the purchase of supplies and materials and necessary personal services in carrying out the provisions of this section.

Sec. 5. **(NEW)**. *(Effective January 1, 2015)* No person shall conduct hunting or fishing guide services without first registering with the Department of Energy and Environmental Protection. Application for such registration shall be on forms provided by the department and shall include the applicant's name, residence address, business address, business telephone number, a list of services provided and any other information as the department may require. The fee for such registration shall be one hundred dollars. Each such registration shall be nontransferable and shall expire on the last day of December next after issuance. Guide Services means any person who receives any form of remuneration for aiding, assisting or instructing any person in the taking of fish or wildlife while in the fields, forests or on the waters of the State. Vessels registered as charter boats, party boats or head boats registered under the provisions of section 26-142a and the operator and crew of said vessels are exempt from the requirements of this section. Persons providing guide services involving the use of a vessel while taking or landing marine species are limited to two or less customers at any given time under the provisions of this section. The commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, concerning the administration of and requirements for such guide services. Any person who violates the provisions of this section shall have committed an infraction.



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

**DEEP-EC2**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Robert LaFrance

Phone: 860-424-3401

E-mail: [Robert.lafrance@ct.gov](mailto:Robert.lafrance@ct.gov)

Lead agency division requesting this proposal:  
Bureau of Outdoor Recreation

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

### Title of Proposal

**AAC the Contracting Threshold for State Parks Building Projects**

Statutory Reference 22a-6

### Proposal Summary

To increase the dollar value threshold of small building and repair projects on DEEP properties that can be directly administered by the DEEP. Currently the Commissioner may administer projects up to \$500,000, or, with the permission of the Commissioner of Administrative Services, up to \$1 million. This proposal would increase those dollar figures to \$2 million and \$3 million, respectively.

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

### ● Reason for Proposal

*Please consider the following, if applicable:*

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

### ● Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

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

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Department of Administrative Services, Division of Construction Services (DAS/DCS)

Agency Contact (name, title, phone): Terrence Tulloch-Reid Phone: 860-713-5085 [Terrence.reid@ct.gov](mailto:Terrence.reid@ct.gov)

Date Contacted: November 18, 2011, and October 30, 2013.

Approve of Proposal  YES  NO  Talks Ongoing

### Summary of Affected Agency's Comments

DAS/DCS has requested additional information regarding this proposal including a listing of the qualifications of DEEP staff and a list of projects currently pending at DCS. These items are appended below. These items were provided to DAS/DCS on October 30, 2013.

Will there need to be further negotiation?  YES  NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

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

Positive uptick in tourism traffic when services at local state parks are improved.

#### State

Positive uptick in tourism traffic when services at state parks are improved.

#### Federal

Savings for the federal government, to the extent that federal funds are used to partially fund the project.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)





This change will significantly streamline the administration of small building and repair projects at state park and other DEEP facilities. DEEP will continue to rely on the expertise of DAS/DCS for large construction projects on DEEP property.

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

Section 1.: Subsection (a) of Section 22a-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon 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 dam or flood and erosion control system under his control and management, make or contract for the making of any alteration, repair or addition to any other real asset under his control and management, including rented or leased premises, involving an expenditure of [five hundred thousand] two million dollars or less, and, with prior approval of the Commissioner of [Public Works] 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] two million dollars but not more than [one] three million dollars; (10) 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; (11) 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 (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 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.



<b>Examples of DEEP projects managed by DAS Division of Construction Services</b>	<b>Budget</b>
BI-T-568 - Hammonasset Visitor Center	\$3,107,613.16
BI-T-567 - Peoples Bathhouse	\$1,094,487.13
BI-T-595 - Silver Sands Boardwalk	\$3,000,000.00
BI-T-600 - Rainbow Fishway (January 2012 BC)	\$615,955.00
BI-T-601 - Hammonasset Nature/Meigs Point (March 2011 BC)	\$250,000.00
BI-T-602 - Sherwood Island Pavilion (March 2011 BC)	\$335,000.00
BI-T-603 - Hammonasset West Beach Improvements (March 2011 BC)	\$600,000.00
BI-T-604 - Silver Sands Phase 1B (January 2012 BC)	\$551,815.00
BI-T-605 - Hammonasset Beach SP-Combined Major Utility Replacement Project (December 2011 & January 2012 BC)	\$829,150.00
BI-T-606 - Sherwood Island State Park - Water Main Replacement (December 2011 BC)	\$140,850.00
BI-T-607 - State Parks Architectural Update Study (January 2012 BC)	\$26,500.00
BI-T-608 - Dinosaur Trackway Addition (January 2012 BC)	\$35,000.00
Quinebaug Valley Hatchery (LBE funds to be allotted after design phase)	proposal stage
Southbury Training Facility	\$8,740,018.25

Note: Some of these projects were approved by bond commission more than 10 years ago and have experienced delays for a variety of reasons which include staff resource time, priorities, budget constraints, change orders, vendor claims...etc. Allowing DEEP to accept responsibility for some of the smaller projects will insure that bond commission activity will properly align with resource time to insure the projects or done timely and within budget. It also should be noted that Energy Efficiency projects such as Quinebaug Hatchery Improvement will result in much needed General Fund operational savings. This type of specialty work requires continuous input from DEEP fisheries, energy and administrative staff with vendors specializing in efficiencies at fish hatcheries. Delaying these improvements has a direct impact on GF resources and savings.

Details from one example:

Quinebaug Hatchery Improvements- Annual Saving \$ 289K/ Capital Costs \$2.5M/Energy Reduction 51.97%/ROI 8.7yrs



1. NIGHT TEMPERATURE SETBACK: install programmable thermostats on terminal equipment in Hatchery Building; program the DDC control system in Broodstock and Intermediary Buildings to initiate lower nighttime temperatures. 2. Install six (6) MOTION SENSORS to lessen the amount of time that lights are on. 3. Replace the inoperable DESTRATIFICATION FANS with new, less energy-consuming units. 4. RETROFIT LIGHT FIXTURES in Hatchery Building with new 25-watt high efficiency T-8 lamps and electronic ballasts; replace existing fluorescent fixtures in other buildings with high efficiency T-8 lamps and electronic ballasts; HID fixtures in Broodstock and Intermediate Buildings with dimmable ballasts and one of the following lamps -- induction lighting, EHIDs, or fluorescent fixtures; retrofit exterior wall lighting, parking lot pole lighting, and large poles in tank areas with EHIDs; retrofit the well house lamps with compact fluorescent lamps. 5. EMPLOY NEW LIQUID OXYGEN SYSTEM: Install a new Liquid Oxygen system that will be utilized instead of the existing electrically-powered LOx generating system; the new system will rely on purchase of LOx from a private supplier; much of the existing system will remain on-site as a back-up for use during emergency situations; install a Liquid Oxygen storage tank on site, dual vaporizers, and underground piping to connect with the existing oxygen distribution system; optimize LOx delivery system with the private supplier. 6. FACILITY ENERGY AND WATER SUPPLY SYSTEM OPERATING IMPROVEMENTS: upgrade well pumps and motors; install automated controls (VFDs) on 13 individual wells; improve infrastructure to determine water flows accurately, monitor well water production, and adjust operation of wells; install a recirculation water treatment system that will optimize water usage and save energy.

For more information on these projects please contact David Johnson of the DEEP's Bureau of Financial and Support Services at 860-424-3119

Attached are resumes of staff that are capable of administering larger construction projects. All staff work for Field Services and are under my supervision. The qualified DEEP staff are: Robert Hofferth, Deb Corcoran, William Coleman and Dobie Kania. If you have any further questions do not hesitate to contact me.

Eric D. Ott, PE  
Assistant Director  
Connecticut Department of Energy & Environmental Protection  
Bureau of Financial & Support Services  
163 Great Hill Road  
Portland, CT 06480  
voice: (860) 342-2215 ext.: 101



Eric D. Ott, PE  
40 Indian Field Road  
Hebron, Connecticut 06248  
(860) 342-2215 Days | (860) 228-2012 Evenings

## BACKGROUND

- Site and Road Engineering
- Infrastructure Program Management
- Boating Access Area Design and Construction
- Engineering Unit Management and Supervision
- Timber Bridge Design and Construction

## ACHIEVEMENTS

- Conceived, designed and supervised construction of innovative timber bridge. Achieved 30% cost reduction over traditional steel and concrete construction.
- Designed and supervised construction of numerous salt and fresh water boat launching facilities. Designs varied from simple canoe/cartop boat facilities to multiple lane boating access areas with courtesy docks, fishing pier and other site amenities.
- Implemented computer hardware and software to automate drafting and design tasks.
- Designed and/or supervised construction of a number of septic and water circulation projects including: an innovative waste disposal system, Salmon fish ladder modification and a water system for a fish hatchery.
- Supervised Project Management System from development of bid packages, through completion of construction.
- Conducted extensive topographic surveys using traditional as well as electronic total stations.
- Designed and constructed various projects including river bank erosion, radio tower footing, substructure and superstructure bridge work, parking lots and road systems.
- Hired and trained engineering staff on a regular basis.

## EXPERIENCE

### 5/85-Present

State of Connecticut, Department of Energy & Environmental Protection

### Assistant Division Director (4/2008 – Present)

Presently responsible for the Field Services Division which is part of the Bureau of Financial and Support Services. The Division's primary function is to provide administrative and technical expertise to the other Bureaus within the DEEP. A majority of the Division's time is spent servicing the Bureau of Outdoor Recreation and the Bureau of Natural Resources. My responsibilities include management and oversight of the following: Capital Equipment purchasing, administering the Project Request system, maintenance of state owned dams and flood control areas, capital improvements for the Department's bridges, buildings and other infrastructure. I am also responsible for managing the various improvement projects targeting some aspect of the Department's Infrastructure.



#### Supervising Civil Engineer (11/00 – 4/2008)

Managed all aspects of the Engineering Unit, which includes the following staff: (2) Program Specialists, (2) Civil Engineer 2 and (1) Secretary 1. Supervision also included on-call and project/program specific consultants. The Engineering Unit provides Engineering and Project management services for the Parks, Forestry, Fisheries, Wildlife and Boating Divisions within the DEEP.

#### Senior Civil Engineer (7/89 – 11/00)

Responsible for coordinating and implementing engineering of a statewide boating program. Also review projects submitted by various units within the division for conformance with accepted engineering standards. Schedule, assign, oversee and review work with staff.

Eric D. Ott, PE  
Page two

#### Civil Engineer (6/86 – 7/89)

Designed and supervised construction of numerous facilities to suit departmental and public needs. Prepared contract documents. Experience in project management and administration.

#### Engineering Aide (5/85 – 6/86)

Assisted department engineer by completing in depth site surveys, initial feasibility and cost/benefit studies. Also prepared applications and drawings for required permits.

#### RELATED EXPERIENCE

1985 – 2008: Member of the States Organization for Boating Access (SOBA) which is a national organization consisting of 49 member states and numerous trade organizations, consulting firms and many other interested individuals.

1992-1996: Served on a task force responsible for the publishing of the book titled: Design Handbook for Recreational Boating and Fishing Facilities.

1991-1993: Served on SOBA Executive Board as the technical lead-person for the organization.

2005-2006: Served as Co-chair for the Park Development Committee for the Town of Hebron.

#### EDUCATION

B.S. Civil Engineering, Dual Concentration: Environmental and Water Resources Engineering, University of Connecticut, 1982-1985.

Math/Science, Keene State College, 1980-1982

#### CONTINUING EDUCATION/TRAINING

- Management/Supervision Courses
  - Leadership Skills for Technical Supervision, Institute for Industrial and Engineering Technology, 1993.



- Effective Supervision and Management, Central Institute for Technology and Business Development, 2006.
- New Managers Orientation Program, 2009
- Leadership Development Series, 2011
  
- Shoreline Engineering, University of Connecticut, 1988
  
- Technical Seminars (1986 – Present)
  - Boat Launch Design
  - Aggregate Processing
  - Timber Design and Construction
  - Pavement Management and Maintenance
  - Bridge Deterioration Project Management
  
- Certification
  - Professional Engineer, 1991
  - Engineering in training (EIT), 1986

#### REFERENCES

Available Upon Request

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Robert J. Hofferth  
86 Breault Hill Road  
Higginum, CT 06441  
860-398-0218  
robert.hofferth@yahoo.com

#### Objective

A Project Manager with over 12 years of experience in government run project management, including but not limited to; communication and budgeting, time management, state trade labor contracts and bidding procedures.

#### Professional Experience

##### Program Specialist I

*April 2002-Present State of Connecticut, Department of Energy & Environmental Protection Engineering Unit, Portland, CT*

- **Supervisor of Civil Engineer 3, Design Consultants, General Contractors, State Construction Crews**
- **Project Management from acquiring funding, bond commission, design phase, bid documents, public bids, construction and closeout.**
- **Interpretation of Federal and State Laws and Statutes as they relate to environmental protection, natural resources and land conversation as they related to a specific project.**
- **Creation of statewide designs and policies for maintenance of public use structures located within the State's natural resource lands and water ways.**

##### Maintenance Supervisor I

*December 1, 1997 – March 31, 2002 State of Connecticut, Department of Energy & Environmental Protection Agency Support Services, Old Lyme, CT*

- **Maintenance of large buildings and grounds of Marine District Headquarters in Old Lyme, CT, including 3 buildings, public recreation area and boat storage facility.**
- **Supervised a crew of six employees including maintainers, QCW and seasonal employees to support program needs of multiple disciplines/divisions stationed within the Marine District HQ.**
- **Maintenance and monitoring of multiple underground fuel storage tanks.**

##### Assistant Maintenance Manager

*September 1984 – March 31, 1993 Powder Ridge Ski Area & Resort, Middlefield, CT*

- **Responsible for day to day physical maintenance of medium scale ski facility and resort, and all related paperwork.**
- **Hired and supervised a maintenance crew of 15 to 40 (seasonal dependent) employees.**
- **Operation of large and specialty equipment; chair-lift, snowmaker, trail groomers, as well as routine grounds keeping equipment.**

#### Education

1983-1984 Porter and Chester Institute

- Computer Repair

1991-1992 New England Technical Institute

- Electrical Apprentice

#### Licenses and Certificates

CT Department of Health Septic Installer's License No. 005601

CT Commercial Driver's License, Class A



**Dobieslaw A. Kania**  
242 Addison Road  
Glastonbury, CT 06033

Phone: (860) 995-1493  
Email: [dobiekania@yahoo.com](mailto:dobiekania@yahoo.com)

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### **Professional Qualifications:**

- 25+ years experience in structures design and construction management;
- Proficient in preparation of contract and bid documents;
- Proficient in construction management and project administration;
- Competent in cost estimating, scheduling and budgeting;
- Engineering qualifications across the core disciplines: civil, architectural and structural;
- Ability to conduct engineering analysis and generate reports;
- Efficient in AutoCAD and MicroStation;

### **Professional Experience:**

Sept. 06 - Present Department of Energy and Environmental Protection

EP Civil Engineer 3

- Preparation of contract and bid documents for projects like buildings, bridges, boat launches;
- Project Management and Project Administration for buildings, site development structures, bridges;
- Performing engineering studies, site inspections, code compliance investigation, economic analysis;
- Review of contract documents prepared by consultants;
- Managing state-wide DEEP bridge program;
- Performing structural calculations, and load ratings;
- Hiring and supervising on-call consultants;

July 1999 – Sept. 06

Department of Transportation

Transportation Engineer 1& 2

- Preparation of contract documents for transportation structures like salt shed and maintenance garage in compliance with pertinent codes, state and federal laws and regulations;
- Preparation of structural calculations;
- Engineering review of plans and specifications prepared by other professionals;
- Performing engineering studies, code compliance investigation, economic analysis;
- Construction Administration ;

### **Education:**

1975 - 1980

Technical University of Lodz, Poland  
Master of Civil Engineering



(credentials evaluated by the accredited institution, World Education Services, Inc. NY)

1995 - 1997

Tunxis Community College  
Accounting Principles

**Continuing Education/Training:**

- Numerous ICC Code Classes
- Introduction to Supervision
- All about Asphalt
- NEPA and Public Involvement in NEPA
- Designing Accessible Pedestrian Facilities
- Critical Path Method



**Deborah K. Corcoran**  
229 Mansfield City Road  
Mansfield Center, Connecticut 06250  
860-342-2215 (office) 860-966-6982 (cell)

## **OBJECTIVE**

To obtain the challenging position of EP Operations Supervisor for the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Support Services Division, Eastern District Headquarters, Marlborough, Ct, that will utilize my professional experience and skills and simultaneously provide a chance for both personal and professional advancement and growth.

## **EXPERIENCE/WORK HISTORY**

11/87 – Present     State of Connecticut Department of Energy and Environmental Protection (DEEP).

Twenty five (25) plus years with the DEEP Agency Support Engineering Unit has provided for a wide range of statewide projects or work assignments in a majority of the DEEP's State Parks and Forests, Wildlife Management Areas, Fish Hatcheries, Public Beaches, Public Boat Launches and Historic Sites. As a Project Manager I am responsible to lead and supervise all phases of a project; from the Conceptual and Design Development Phase, Permitting Phase, Competitive Bidding Phase, Construction Phase and also the Operational and Maintenance Phase.

Other experience includes supervising full time staff; providing technical support to statewide DEEP staff; problem solving & developing project scopes; providing technical data & plates for permit applications; preparing complete sets of Construction Plans with CADD (Computerized Aided Drafting & Design); preparing Contract Documents (Boiler Plate and Technical Specifications) for the solicitation of competitive public bidding; lead survey crew in topographic & bathymetric surveys; conduct construction layout.

Additional employment information is available upon request.

## **RELATED PROJECT EXPERIENCE**

### **Culvert Replacement, Bigelow Hollow State Park, Union, CT 2008-2013**

Project Manager for the replacement of a failed culvert that carried the main access road. Culvert failure due to a storm (flooding) event. Project scope included diverting brook, installing precast concrete box & cast in place wing walls with simulated stone finish; realigning and reconstructing road. (\$350,000.00).

### **Restoration of Bride Brook, Rocky Neck State Park, East Lyme, CT 2008-2011**

Project Manager for the restoration of the Bride Brook estuarine marsh to promote the migration of alewives and other fish species. Project scope included diverting Bride Brook; installing precast concrete box & wing walls; constructing an armored stone channel, reconstructing and restoring sand dune and vegetation. Liaison between DEEP and Project Partners (*CT Fund for the Environment, Save the Sound, NOAA, NRCS and US F&W*). (\$520,000.00).

### **Reconstruction of Gardner Lake State Boat Launch, Salem, Connecticut, 2007-2008**

Project Manager for the reconstruction and expansion of a public boat launch and state park. Project scope included dewatering site; installing two lane precast concrete launch with center fixed pier (steel sheets with



concrete cap); redesign, expansion and construction of the parking area; slope stabilization; constructing parking area for future state park development. (\$1,002,000.00).

Replacement of Bridge #6332 over Tidal Creek, Hammonasset Beach State Park, Madison, Ct 2005-2006

Project Manager for the replacement of an undersized and failing concrete culvert. Project scope included dewatering site; installing precast concrete box and wing walls; tidal stream bank stabilization; incorporating storm water management measures; relocating and upgrade of utilities and road reconstruction. (\$473,000.00).

Boating Access Area Rehabilitation and Expansion, Barn Island WMA, Stonington, CT, 2002-2004

Project Manager for the reconstruction of a public boat launch that provides access to Long Island Sound. Project scope included dewatering site; dredging launch area; installing three lane precast concrete launch with floating docking systems secured with timber piles; reconstructing parking area and access road; reconstructing existing stone groin. (\$790,000.00).

Construction of New Sewage Dump Station, Hammonasset Beach State Park, Madison, CT 2000

Project Manager for reconstruction and expansion of a public sewage dump station. Project scope included the installation of septic tanks, pump chambers, forced main and leaching fields. Additional work items included constructing dumping pads for recreational vehicles with associated water supply, sewage discharge lines and underground utilities. (\$126,000.00).

**EDUCATION**

Radcliff Hicks School of Agriculture, University of Connecticut, 1981-1983 - Graduated with Honors

**CONTINUING EDUCATION / TRAINING**

Technical Seminars / Courses

- Supervisory Development for CT DEP – 2008
- Autodesk AutoCAD Training Courses (Beginner-Advanced) (1989-2007)
- Autodesk Civil Software Training Courses (1989-2007)
- CT Road Master Workshops (1990-present)
- Guidelines for Erosion & Sediment Control (2003)
- OSHA CPT Program (2001)
- Thames Valley Technical College (math) – 1990
- Eastern Connecticut State College (math) – 1989

Certification/License

- Sub-surface Sewage Installer License #005596 (since 2002)

**ADDITIONAL EXPERIENCE**

Connecticut Interstate Wildfire Crew, member since 1996. Current qualification: Fire Fighter 1 (Squad Boss- ICT5). This crew represents the State of Connecticut in assisting wildfire suppression throughout the continental United States and Canada.



SOBA National Convention 2002, (States Organization for Boating Access). Presented a technical overview on the construction of a boat launch utilizing an innovative methodology at the Chester Lake State Boat Launch.

## **REFERENCES**

Available upon request



**William J. Coleman, PE**

21 Colony Road | Canton, CT 06019 | 860-212-7969 | [william.coleman@ct.gov](mailto:william.coleman@ct.gov)

## SKILLS PROFILE

Professional Engineer  
Civil and Subsurface

## EMPLOYMENT HISTORY

### **Civil Engineer 3**

1/4/2008 — Present

*DEEP Engineering Unit – Portland, CT*

Project management of the replacement of underground fuel storage tanks with above ground fuel storage tanks at DEEP fueling facilities.  
Project management of the repairs to water control structures and infrastructure on DEEP owned property.  
Project manager for the demolition of structures at DEEP facilities  
Class A and B Operator for DEEP fueling facilities  
Design of septic systems and drainage systems an  
Technical/Engineering support for all DEEP Divisions

### **Civil Engineer 2**

3/3/06 – 1/4/08

*DEEP Engineering Unit – Portland, CT*

Project Management of the construction of septic systems and drainage structures serving DEEP facilities.  
Project management for the demolition of structures at DEEP facilities.  
Design of septic systems and drainage systems service DEEP facilities.  
Technical assistance for building renovation projects, an  
Technical assistance for the construction of marine facilities.

### **Sanitary Engineer 2**

1/7/2005 — 3/3/2006

*DEEP Engineering Unit – Portland, CT*

Project management of infrastructure renovation projects at DEEP facilities  
Technical support for the installation of septic systems  
Design of septic systems  
Surveying assistance

### **Sanitary Engineer 2**

9/15/1998 — 1/7/2005

*DEEP Subsurface Disposal Unit – Hartford, CT*

Permitting enforcement of subsurface sewage treatment and disposal systems (SSTDS) with design flows greater than 5,000 gallons per day, community SSTDS and advanced treatment plants associated SSTDS.  
Conducting the soil and ground water inspections and evaluations for the design of SSTDS and  
Conducting permeability testing on soil samples for SSTDS design.



## **Sanitary Engineer 2**

9/15/1995 – 9/15/1998

### *DEEP Property Transfer Program – Hartford, CT*

Document review of the forms associated with the transfer of hazardous waste establishments, as defined in the Connecticut General Statutes.

Review and evaluation of contamination investigations conducted at establishments and

Coordination with environmental consultants, establishment owners and attorneys for the approval of remedial action plans and

Conducted soil, water and waste sampling at establishments.

## **Education**

1987 - 1993

Northeastern University, Bachelors of Science in Civil Engineering, 1987-1993

## **License/Certifications**

Northeastern University, Bachelors of Science in Civil Engineering, 1987-1993

State of Connecticut Professional Engineer License # PEN.0020578.

Connecticut Class A and B Underground Storage Tank System Operator, issued 5/9/12.

Connecticut Department of Public Health Certification to Investigate, Inspect, and Approve Plans for Subsurface Sewage Disposal Systems with Design Flows Less than 2,000 Gallons per Day, issued December 3, 1998.

OSHA 40 Hour Health and Safety for Hazardous Waste Site Activities training to meet 29 CFR 1910.120 (e) (3) (i), issued May 21, 1993





## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

**DEEP-EC3**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Robert LaFrance

Phone: 860.424.3401; Cell: 860.622.1797

E-mail: [robert.lafrance@ct.gov](mailto:robert.lafrance@ct.gov)

Lead agency division requesting this proposal: Boating Division

Agency Analyst/Drafter of Proposal: Timothy F. Delgado, Environmental Analyst 3, Boating Division

**Title of Proposal:** An Act Concerning Vessel Abandonment

**Statutory Reference:** CGS Section 15-140c (repeal and replacement)

**Proposal Summary:** DEEP proposes to repeal the existing abandoned boat law and to replace it with a law that prescribes a web-based process that is less labor intensive and that for the first time will legally address a procedure to handle multiple vessel abandonments that are anticipated to take place in a hurricane or other mass displacement event.

*Please attach a copy of fully drafted bill (required for review)*

### PROPOSAL BACKGROUND

- **Reason for Proposal**

The current abandoned boat law provides little practical guidance for those in possession of an abandoned boat. Therefore, the DEEP and the DMV established an abandoned boat process which complies with current law, but is unwieldy and time consuming for both state agencies and those in possession of an abandoned boat. The process can be successfully completed but it requires multiple contacts with the DEEP Boating Division and DMV, a long list of required information, and a long time to process. For those in unwilling possession of an abandoned vessel, such as marina owners or landlords, the amount of time required to address an abandoned boat is especially challenging.

We propose to *LEAN* this process by proposing a web-based process that creates a more structured and concise interface with the DEEP, and removes many of the duplicative steps and paperwork that are currently required if one wishes to either dispose of or register an abandoned boat. While the proposed process still requires DEEP and DMV participation, it will greatly streamline the process, while assuring the full property rights protection for someone who has lost a boat and is trying to recover it. The recommended new process maintains and in fact improves appropriate notifications and is scalable in the event of a mass-displacement event.



The proposed process clarifies who can benefit from this law by expanding the definition of abandoned vessels to assist harbormasters, commercial marinas, and owners of storage facilities in removing vessels left for certain lengths of time on moorings, at marinas and in storage units, respectively. The system offers a better user experience, by greatly reducing needed interactions with the State agencies and automating or eliminating multiple notifications that are currently required. It also shifts the medium for public notification from newspaper advertisement to an agency webpage, a cost saving measure. Additionally, a displaced owner will have a far better chance to recognize that his or her boat is being processed as abandoned and to intervene into the process. At least one other state, Florida, has begun to use the internet as a tool for public notification.

The state has limited jurisdiction over vessels that have been documented (registered) with the Coast Guard under the maritime or admiralty laws of the United States, and care has been taken in this proposal to acknowledge such limitations. Additional care has been taken to address abandoned vessels that are the subject of security interests and liens filed with the Secretary of the State or with the federal government, and to respect the rights of those with such interests – something the current process does not do. While it would be exceedingly rare for such vessels to be abandoned in normal circumstances, such vessels are *likely* to become displaced and abandoned in a mass displacement event.

The creation of the DEEP's Debris Management Plan brought to light the great difficulty of successfully implementing the current process in the aftermath of a mass vessel displacement event, possible liability issues and the lack of any relevant prescriptive guidance under the law in the event of a declared emergency. In the chaotic aftermath of a mass displacement event, most abandoned boats will be processed expeditiously and without complication under this system. In non-emergency times, implementation of the proposed process will save time and money not only for state agencies, but for individuals, marina owners, landlords, and others who find themselves in possession of an abandoned boat.

The penalty for abandoning a boat is also elevated from an infraction to a violation with a fine of between \$300 and \$500, in order to provide a greater disincentive to vessel abandonment.

This is a resubmission of a bill that passed committee but was recommitted in the last days of the prior legislative session over concerns having to do with the rights of those with liens and security interests. These concerns, as expressed by the Office of Legislative Research, have been addressed in this resubmission.

- **Origin of Proposal**      \_\_\_ **New Proposal**      X **Resubmission**

## **PROPOSAL IMPACT**

- **Agencies Affected** (please list for each affected agency)



<p>Agency Name: <b>Department of Motor Vehicles and Department of Transportation</b> Agency Contact (name, title, phone): Michael Bzdyra Executive Assistant to the Commissioner at DMV (860) 263-5032 and Pamela Sucato Legislative Liaison for DOT (860) 594-3013 Date Contacted: 10/31/2013 and when we hear from these agencies we will address their concerns.</p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input checked="" type="checkbox"/> Talks Ongoing</p> <p><b>Summary of Affected Agency's Comments</b></p>    <p>Will there need to be further negotiation?    <input type="checkbox"/> YES    <input type="checkbox"/> NO</p>
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<p>Agency Name: <b>Department of Motor Vehicles</b> Agency Contact (name, title, phone): Date Contacted:</p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p> <p><b>Summary of Affected Agency's Comments</b></p>    <p>Will there need to be further negotiation?    <input type="checkbox"/> YES    <input type="checkbox"/> NO</p>
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<p>Agency Name: <b>Department of Transportation</b> Agency Contact (name, title, phone): Date Contacted:</p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p> <p><b>Summary of Affected Agency's Comments</b></p>    <p>Will there need to be further negotiation?    <input type="checkbox"/> YES    <input type="checkbox"/> NO</p>
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- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)



**Municipal**

There are no anticipated negative fiscal impacts to municipalities.

**State**

There are no anticipated negative fiscal impacts to the state.

**Federal**

There are no anticipated negative fiscal impacts to the state.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

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

Section 15-140c of the general statutes is repealed and the following is substituted in lieu thereof

**Section 1.** (*Effective Upon passage*):

(a) No person shall abandon any vessel on the waters of this state or upon property other than his own without the consent of the owner thereof. For the purposes of this section, a vessel shall be presumed to be abandoned if: **[left] (1) Left** on the waters of this state not moored, anchored or made fast to the shore and unattended for a period greater than twenty-four hours, **[or] (2) left** upon property other than his own without the consent of said property owner for a period greater than twenty-four hours, **[. The last owner of record of a vessel at**



the time it was abandoned shall be presumed to be the person who abandoned the same or caused or procured its abandonment] except in the case where a tenant leaves a vessel behind on property such tenant formerly rented, leased, or occupied, in which case such vessel shall be presumed to be abandoned ninety days after termination of occupancy by such tenant, (3) left at a mooring for more than sixty days since receipt of the last full payment for the rental of that mooring, (4) left at a storage facility, repair facility or other commercial facility for more than one year since receipt of the last full payment by such facility, or (5) found during a declared emergency pursuant to chapter 517: (A) In a public right-of-way or in a position that hinders access to a public right-of-way or hinders access to public utilities, or (B) in a location or condition that creates an imminent danger to public safety or to the environment.

[(b) Any officer authorized to enforce the provisions of this chapter upon discovery of any vessel apparently abandoned, whether situated on or out of the waters of the state, may take such vessel into his custody and may cause the same to be taken to and stored in a suitable place. There shall be no liability attached to such officer for any damages to such vessel while in his custody. All charges necessarily incurred by such officer in the performance of such duty shall be a lien upon such vessel. The owner or keeper of any marina or other place where such vessel is stored shall have a lien upon the same for his storage charges and if such vessel has been stored for a period of not less than sixty days, such owner or keeper may sell the same for storage charges owed thereon, provided a notice of intent to sell shall be sent to the Commissioner of Energy and Environmental Protection, the Commissioner of Motor Vehicles, the Commissioner of Transportation and the owner of such vessel, if known, five days before the sale of such vessel. If the owner is unknown, such sale shall be advertised in a newspaper published or having a circulation in the town where such marina or other place is located three times, commencing at least five days before the sale. The proceeds of such sale, after deducting the amount due such marina owner or keeper and all expenses of the officer who placed such vessel in storage, shall be paid to the owner of such vessel or his legal representatives, if claimed by him or them at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the state.]

(b) The last owner of record of a vessel, as recorded with the governmental entity that issued such registration, shall be presumed to be the person who abandoned or caused the abandonment of such vessel, except where such person provides the Commissioner of Energy and Environmental Protection with sufficient evidence of transfer of ownership of the abandoned vessel to another person



prior to its abandonment. For the purpose of this subsection, a vessel that is documented with the United States Coast Guard under maritime or admiralty law shall be considered to be registered with the United States Coast Guard.

(c) Only a party with standing or such party's designated agent, as identified in writing by such party with standing on a notification of abandoned vessel, may initiate the abandoned vessel procedures described in this section. For the purpose of this section, the following parties shall have standing:

(1) The owner of the property where the abandoned vessel came to rest or to which the abandoned vessel was made fast, unless and until such vessel is given over to a lienholder, person with a bona fide security interest, harbormaster, police department, municipality or agent of the state and such vessel is removed from said property;

(2) Any harbormaster, police department, municipality, or agent of the state that agrees to accept or process an abandoned vessel;

(3) Any emergency responder, including a responding utility, or any person or firm contracted by a governmental agency to provide emergency services and responding to a bona fide emergency in a declared emergency pursuant to chapter 517 or the aftermath of a declared emergency; and

(4) Any marine salvager or licensed automobile towler engaged by any of the persons described in subdivisions (1) to (3), inclusive, of this subsection.

(d) Any party with standing may seek full cost recovery from the person who abandoned the vessel for any unpaid expense incurred as a result of, or incidental to, such vessel abandonment. Any person who acts in good faith and without malicious intent in the processing, storage or movement of any abandoned vessel pursuant to this section shall be immune from civil liability for damage to such vessel.

(e) (1) The Commissioner of Energy and Environmental Protection shall notify the Secretary of the State by electronic mail of the receipt of any notice of abandoned vessel for any abandoned vessel currently or previously registered in this state. Such notification shall include a description of the abandoned vessel and shall identify the name of the owner of the vessel, as recorded with the Department of Motor Vehicles, if known. The Secretary of the State shall inform the Commissioner of Energy and Environmental Protection, not later than ten business days after receipt of such notification, of any security interest or



commercial lien against such abandoned vessel and the Secretary shall notify all such persons with a lien or bona fide security interest against the vessel that such vessel is deemed abandoned. (2) If such abandoned vessel was documented in accordance with the maritime or admiralty laws of the United States, the Commissioner of Energy and Environmental Protection shall make reasonable attempts to determine whether any lien or bona fide security exists against such abandoned vessel and shall make reasonable attempts to notify all persons with a lien or bona fide security interest against the vessel of the status and location of the abandoned vessel. For the purposes of this section a person who with a bona fide security interest in a vessel means a person who has filed or recorded such security interest with the appropriate state or federal agency.

(f) (1) Any party with a lien or bona fide security interest against an abandoned vessel, as filed with the Secretary of the State, may seek a writ of attachment in accordance with the provisions of section 49-55d, at such party's own expense and not later than the issuance of a notice of assumed ownership to the party with standing by the Commissioner of Energy and Environmental Protection. If such party with a lien or a bona fide security interest fails to seek a writ of attachment before the issuance of a notice of assumed ownership, such party shall be deemed to have discharged such lien or security interest and the Secretary of the State shall record such discharge upon notification by the Commissioner of Energy and Environmental Protection that a notice of assumed ownership has been issued to the party with standing. (2) Any party with a lien or bona fide security interest against an abandoned vessel as filed with an agency of the United States may seek a writ of attachment in accordance with the provisions of section 49-55d. (3) Any party with a lien against the vessel or person with a bona fide security interest in the vessel may request that the Commissioner of Energy and Environmental Protection suspend the abandoned boat procedures pursuant to subsection (h) of this section for the purpose of arranging for the removal, transport or storage of an abandoned vessel. (4) Any party with a lien against the vessel or person with a bona fide security interest in the vessel who takes an abandoned vessel into custody shall be liable to the applicable party with standing for any damage incurred to the property of the party with standing caused by or during the removal of such abandoned vessel. (5) Any abandoned vessel, once removed entirely from the property of the party with standing by a person with a lien against the vessel, person with a bona fide security interest, or an agent thereof, shall no longer be deemed to be an abandoned vessel and shall otherwise be processed pursuant to chapter 847.



(g) In the event an abandoned vessel is registered in another state, the Commissioner of Energy and Environmental Protection shall notify the registering agency of that state and the agency of that state responsible for recording liens and security interests against vessels, by electronic mail, of the abandonment of the vessel and shall allow such agencies fifteen business days to return information regarding the owner of record of such vessel and any person who may have recorded or registered a lien or security interest against the vessel, or to otherwise intervene in the abandoned vessel procedures described in this section. If such agencies identify the existence of liens or security interests against the vessel, the commissioner shall make reasonable attempts to notify those who have registered or recorded such liens or security interests. If such agencies do not provide the requested information or otherwise intervene in such procedures not later than fifteen business days after receipt of such notification, any further obligation to identify or contact the last owner of record or persons with a lien or security interest against the vessel shall be considered to be waived. If an abandoned vessel is documented according to the maritime or admiralty laws of the United States, the commissioner may use the publicly available information contained in such documentation to identify the last owner of record.

(h) The Commissioner of Energy and Environmental Protection shall establish the following online process for the disposition of abandoned vessels. Such process shall apply, in its entirety, only to those abandoned vessels that are not documented according to the maritime or admiralty laws of the United States. The provisions of this subsection shall not apply to vessels that are documented according to the maritime or admiralty laws of the United States except the provisions of subdivisions (1) to (5), inclusive, of this subsection.

(1) The party with standing shall file a notarized notice of abandoned vessel with the Commissioner of Energy and Environmental Protection in person, by mail, or by paid delivery service. Such filing shall be on forms as prescribed by the commissioner. The fee for filing such notice shall be twenty dollars.

(2) Upon receipt of any such filing, the commissioner shall determine whether such vessel is reported as stolen or missing. If the vessel was reported as stolen or missing, the police department with whom the report was filed shall, upon notification by the commissioner and at the expense of the person who abandoned such vessel, either take such vessel into custody or otherwise arrange for the return of the abandoned vessel to the owner of the vessel.





(3) The commissioner shall post information regarding the report of the abandoned vessel online, on a publicly accessible abandoned vessel Internet web site. Such information shall be sufficient to identify the abandoned vessel and shall contain, at a minimum and where such information is known, the registration or documentation number of such vessel, the make and model of such vessel, the length and color of such vessel, the town and water body nearest to the location of such vessel abandonment and instructions for contacting the commissioner.

(4) The commissioner shall send a certified letter to the person who abandoned such vessel, provided such person can be identified, and in such letter identify the abandoned vessel, notify the recipient of the consequences of abandonment under the law and provide instructions regarding retrieval of such vessel.

(5) The commissioner shall provide to the party with standing a water resistant adhesive label advising that the subject vessel is being processed pursuant to the provisions of this section and that contains instructions on how to contact the commissioner in order to acquire more information or intervene in such procedures. The party with standing shall immediately affix the label to the abandoned boat in a prominent location in such a manner as to be visible to an approaching party.

(6) A forty-five-day abandoned boat period shall commence beginning on the date of the first attempt to deliver the certified letter described in subdivision (4) of this subsection. In any case in which a vessel is not registered, such period shall begin when the commissioner posts information regarding the abandoned vessel on the Internet web site described in subdivision (3) of this subsection. The commissioner may suspend such abandoned boat period for not more than six months for just cause, provided the commissioner shall state in writing, for publication on such abandoned boat Internet web site described in subdivision (3) of this subsection, the reason for such suspension and the elements necessary to resume the abandoned boat period.

(7) On the day following the expiration of the abandoned boat period, if the person who abandoned such vessel did not contact the commissioner or otherwise failed to remove such abandoned vessel, the commissioner shall issue a notice of assumed ownership, by certified mail, to the party with standing and provide a copy of the notice to the Commissioner of Motor Vehicles by electronic mail. If such abandoned vessel is the subject of a commercial lien, as filed with the Secretary of the State, the Commissioner of Energy and Environmental Protection shall send a copy of such notice of assumed ownership, by electronic



mail, to said Secretary. Said Secretary shall consider such notice of assumed ownership to be a termination of any and all liens and security interests against such vessel and to satisfy the notice of removal requirements of section 49-56a. Upon issuance of said notice of assumed ownership the party with standing shall be deemed to be the owner of the abandoned vessel, and the original of the notice of assumed ownership shall be prima facie evidence of such ownership. The Commissioner of Motor Vehicles shall cancel the existing registration for such vessel and shall note the transfer of ownership to the party with standing in the vessel registration record, if such record exists. If such vessel is registered by a registering agency other than the Department of Motor Vehicles, the Commissioner of Energy and Environmental Protection shall notify such agency, by electronic mail, of the transfer of ownership.

(8) If the person who abandoned such vessel contacts the Commissioner of Energy and Environmental Protection, such person shall have until the last day of the abandoned boat period described in subdivision (6) of this subsection to remove such abandoned vessel from the property or possession of the party with standing, as applicable. If the person who abandoned such vessel fails to remove such vessel by said day, the Commissioner of Energy and Environmental Protection shall cause the registration of the abandoned vessel to be cancelled and shall issue a notice of assumed ownership to the party with standing. The commissioner may suspend the abandoned boat period, in accordance with subdivision (6) of this subsection, at the request of the person who abandoned the vessel and for just cause shown. The person who abandoned the vessel shall be liable for any property damage caused by the removal of the abandoned vessel that is undertaken pursuant to this subdivision.

(i) During, and for a period of forty-five days following the end of, an event that resulted in the widespread displacement of vessels as declared by the commissioner, and that was declared to be an emergency by the Governor pursuant to chapter 517, there shall be no fee for the filing of a notice of abandoned vessel, pursuant to subdivision (1) of subsection (h) of this section, and notarization of such notice shall not be required. Notwithstanding sections 1-217 and 14-10, the commissioner may at his discretion publish the name and town of record, as it appears on vessel registration records, of the owner of any abandoned vessel for which such filing is made during the declared emergency or for forty five days following the end of such, and may continue to publish this information until such time that the vessel is no longer abandoned.

(j) A notice of abandoned vessel, as described in subdivision (1) of subsection (h) of this section, shall be prepared and submitted to the Commissioner of Energy



and Environmental Protection for each abandoned vessel, including any vessel that is documented with the United States Coast Guard in accordance with the maritime or admiralty laws of the United States, that is relocated to an abandoned boat holding area by persons or agents acting in a relief or emergency capacity. The person designating the vessel for removal to the abandoned boat holding area shall be responsible for preparing and submitting the form.

(k) The commissioner may waive the requirement to contact the person who abandoned such vessel by certified mail, as required by subsection (h) of this section, if contact with such person is otherwise established by electronic mail or another suitable means of communication, as determined by the commissioner.

(l) Notwithstanding any provisions of the general statutes, any waste oil, fuel, antifreeze or other hazardous materials stored on an abandoned vessel and incidental to the operation and maintenance of such abandoned vessel shall be deemed household hazardous waste, for the purpose of disposal of such materials, if removed from such abandoned vessel in preparation for the storage, removal or destruction of such abandoned vessel.

(m) Any person who abandons a vessel shall have committed a violation and shall be fined not less than three hundred dollars nor more than five hundred dollars, except if such abandonment occurred during a declared emergency and as a result of the conditions that caused such emergency to be declared.



## **Department of Energy & Environmental Protection**

### **Index of Year 2014 Legislative Proposals to the**

### **Office of Policy and Management**

## **Department of Energy & Environmental Protection**

### **Branch of Energy**

#### **BUREAU OF ENERGY AND TECHNOLOGY POLICY (BETP)**

##### **I. AAC Revisions to the Energy Requirements of the Connecticut High Performance Building Construction Standards (DEEP-ENERGY1)**

- Implementation of this proposal will create an indexed mechanism to require energy efficiency beyond the baseline that is technologically feasible and cost effective. This will enable the state to continue to lead by example with respect to publicly financed new construction and major renovation projects. This proposed legislation does maintain an exemption process for those projects where the standard is truly not cost effective.

##### **II. AAC Advanced Building Efficiency (DEEP-ENERGY2)**

- Enabling legislation that would allow any Connecticut municipality to adopt the State's High Performance Building Construction Standards as the building code required within that jurisdiction.

#### **PUBLIC UTILITY REGULATORY AUTHORITY (PURA)**

##### **III. AAC the Underground Damage Prevention Program (DEEP-ENERGY3)**

- This proposal would increase the maximum civil penalty for violations of these Statutes and associated regulations, update definitions to reflect current practices and technologies, and reflect the recent change of the Department of Public Utility Control to the Public Utilities Regulatory Authority.



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DEEP-ENERGY1-HPBSRevisions

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Energy & Environmental Protection

Liaison: Robert LaFrance Phone: 860-424-3401  
E-mail: Robert.LaFrance@ct.gov

Lead agency division requesting this proposal: Bureau of Energy & Technology Policy (BETP)

Agency Analyst/Drafter of Proposal: David Kalafa

**Title of Proposal** AAC Revisions to the Energy Requirements of the Connecticut High Performance Building Construction Standards

**Statutory Reference** CGS Sec. 16a-38k

### Proposal Summary

Connecticut law requires state funded school construction and building projects (for new construction which utilize \$5.0 million or more in state funds, or renovation of a state facility utilizing \$2.0 million or more of state funds), to comply with the Leadership in Energy and Environmental Design's (LEED) silver rating or an equivalent rating. In addition, Connecticut law requires that these buildings meet energy performance standards that are at least 20% higher than the American Society of Heating, Ventilation and Air Conditioning Engineers 90.1.-2004 (ASHRAE), or an equivalent measure (C.G.S. Sec. 16a-38k). Connecticut's "High Performance Building Regulation" requires buildings to meet energy performance standards that are at least 21% above the more stringent of either the current Connecticut Building Code, or ASHRAE 90.1- 2004. Connecticut's current building code implements the energy portion of the 2009 International Energy Conservation Code (IECC) and ASHRAE 90.1-2007 standard.

Connecticut is currently working towards the adoption and implementation of the 2012 IECC and ASHRAE 90.1-2010 standard as the baseline code. It is estimated that under the 2012 IECC, building energy requirements will be 30% more efficient than the 2006 IECC and ASHRAE 90.1 – 2004 standard that Connecticut's high performance energy efficiency standard was originally benchmarked to. Existing Connecticut regulation requires publicly funded buildings to meet energy performance standards that are at least 21% above the code. Therefore, as the State adopts updated codes and standards compliance will become more technically difficult and economically challenging for state funded building construction projects to achieve. As such, the issue Connecticut must address for publicly financed building construction/renovation is to develop updated standards for energy efficiency that are more stringent than baseline code requirements, pushing the efficiency envelope and leading by example, in a manner that is technically feasible, cost effective and do not need to be continually revised as code



requirements are changed.

This proposed legislation removes the benchmarked percentage above current or specific code altogether and ties required energy efficiency for publicly financed buildings to a national or regional benchmark score of 75, as determined by the EPA's Energy Star Target Finder (A free, nationally recognized, energy utilization index calculator –

[http://www.energystar.gov/index.cfm?c=new\\_bldg\\_design.bus\\_target\\_finder](http://www.energystar.gov/index.cfm?c=new_bldg_design.bus_target_finder).

Much like the EPA's Energy Star Portfolio Manager does for existing buildings the Target Finder is a national database that benchmarks energy efficiency by specific building categories for new construction, by climate zone as established by the United States Department of Energy. Therefore it is representative of both what is technically and financially feasible. As new building construction becomes more energy efficient and is entered into the Target Finder system, the benchmarked efficiency scores will continue to increase, pushing the standard that publicly funded Connecticut buildings and schools will be required to adhere to. This tool will serve as the index by which energy efficient design for publicly funded building sis maximized in a manner that is technological feasible and cost effective.

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

- Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*  
**More stringent requirements in soon to be adopted State Building Code necessitate a change in Connecticut's High Performance Building Construction Standard for publicly funded buildings.**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*  
**The District of Columbia, under the Green Building Act of 2006 requires District-owned commercial buildings to be designed to 75 points on the EPA target Finder tool. While not researched in depth, an initial conversation with a DC contact indicates it has worked well.**
- (3) *Have certain constituencies called for this action?*  
**The Office of the State Building Inspector at DAS requested that DEEP work to develop a revised energy standard. This proposal was developed by DEEP in conjunction with the Office of the State Building Inspector and the Institute for Sustainable Energy at Eastern Connecticut State University.**
- (4) *What would happen if this was not enacted in law this session?*  
**Once the new building code is adopted, the existing high performance standard for energy efficiency in publicly funded buildings will most likely become technologically unfeasible and or cost prohibitive, resulting in numerous requests to DEEP for exemption to the requirement.**

- Origin of Proposal                      X New Proposal                      \_\_\_ Resubmission

*If this is a resubmission, please share:*

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



## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: DAS/DCS Office of the State Building Inspector  
Agency Contact (name, title, phone): Joseph Cassidy, Acting State Building Inspector  
Date Contacted: Joe and or his staff participated on a DEEP workgroup which was initiated in October of 2012 to address this issue.

Approve of Proposal  YES  NO  Talks Ongoing

### Summary of Affected Agency's Comments

It was in response to a request by the Office of the State Building Inspector to convene the workgroup to address the issue. The OSBI was involved in the development of this proposal and supports it.

Will there need to be further negotiation?  YES  NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)  
Potential for increased construction costs. However, any increase in cost will be offset by the required energy efficiency measures and resulting usage reductions and savings to operational costs.

**State**  
Potential for increased construction costs. However, any increase in cost will be offset by the required energy efficiency measures and resulting usage reductions and savings to operational costs.

**Federal**  
None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

If the existing requirements under CGS Sec 16a-38k and corresponding Connecticut Regulation are not revised, once new building code is adopted, increasing the baseline energy efficiency requirement, a standard of 21% above the new code will be potentially unobtainable. The result will be an influx of requests to DEEP for a waiver to the high performance standard for publicly funded construction, resulting in new construction that meets the new energy code floor, but nothing beyond that baseline. Implementation of this proposal will create an indexed mechanism to require energy efficiency beyond the baseline that is technologically feasible and cost effective. This will enable the state to continue to lead by example with respect to publicly financed new construction and major renovation projects. This proposed legislation does maintain an exemption process for those projects where the standard is truly not cost effective.



**AN ACT CONCERNING REVISIONS TO THE ENERGY REQUIREMENTS OF THE CONNECTICUT HIGH PERFORMANCE BUILDING CONSTRUCTION STANDARDS**

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

Section 1. Section 16a-38k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

Sec. 16a-38k. Building construction standards for new construction or renovation of certain state facilities. Regulations. (a) Notwithstanding any provision of the general statutes, any (1) new construction of a state facility that is projected to cost five million dollars, or more, and for which all budgeted project bond funds are allocated by the State Bond Commission on or after January 1, 2008, (2) renovation of a state facility that is projected to cost two million dollars or more, of which two million dollars or more is state funding, approved and funded on or after January 1, 2008, (3) new construction of a facility that is projected to cost five million dollars, or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009, and (4) renovation of a public school facility as defined in subdivision (18) of section 10-282 that is projected to cost two million dollars or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009, shall comply with the regulations as described in subsection (b) of this section [or exceed compliance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program] until the regulations described in subsection (c) [(b)] of this section are adopted. The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Construction Services and the Institute for Sustainable Energy, shall exempt any facility from complying with said regulations if the Commissioner of Energy and Environmental Protection, in consultation with the Secretary of the Office of Policy and Management finds, in a written analysis, that [the cost of such compliance significantly outweighs the benefits]the measures needed to comply with the building construction standards are





not cost effective as defined in Connecticut General Statute, Section 16a-38(a)(8). Nothing in this section shall be construed to require the redesign of any new construction of a state facility that is designed in accordance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, provided the design for such facility was initiated or completed prior to the adoption of the regulations described in subsection (b) of this section.

(b) Not later than January 1, 2007, the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Construction Services, shall adopt regulations, in accordance with the provisions of chapter 54, to adopt state building construction standards that are consistent with or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, including energy standards that exceed those set forth in the 2004 edition of the American Society of Heating, Ventilating and Air Conditioning Engineers (ASHRAE) Standard 90.1 by no less than twenty per cent, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, and thereafter update such regulations as the Commissioner of Energy and Environmental Protection deems necessary.

(c) Not later than January 1, 2015, the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Construction Services, shall adopt regulations in accordance with chapter 54, to adopt state building construction standards that are consistent with or exceed the achievement of 75 points on the EPA national energy performance rating system as determined by the ENERGY STAR Target Finder tool, and thereafter update such regulations as the Commissioner of Energy and Environmental Protection deems necessary.

(d) The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Construction Services and the Institute for Sustainable Energy, shall exempt any facility from complying with subsection (c) of this section, if



said facility cannot be defined as an eligible building type as determined by the ENERGY STAR Target Finder tool. Facilities that cannot be defined as an eligible building type as determined by the ENERGY STAR Target Finder tool shall adhere to the energy building construction standards as set forth in the 2007 edition of the American Society of Heating, Ventilating and Air Conditioning Engineers (ASHRAE) Standard 90.1 by no less than twenty per cent, or the current Connecticut State Building Code, whichever is more stringent.



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

**DEEP-ENERGY2 Advanced Building Efficiency**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

Department of Energy & Environmental Protection

Liaison: Robert LaFrance

Phone: 860-424-3401

E-mail: Robert.LaFrance@ct.gov

Lead agency division requesting this proposal: BETP

Agency Analyst/Drafter of Proposal:

Jessie Stratton

### Title of Proposal

AAC Advanced Building Efficiency

### Proposal Summary

Enabling legislation that would allow any CT municipality to adopt the State's High Performance Building Construction Standards pursuant to 16a-38k as the building code required within that jurisdiction rather than be governed by 29-253

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

### Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* No
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* Yes. MA has a "stretch" building code that municipalities may adopt; to date ... have done so
- (3) *Have certain constituencies called for this action?* Yes
- (4) *What would happen if this was not enacted in law this session?* Local municipalities that wished to adopt more stringent standards such as those already adopted by other states and required for State funded construction and renovation would not be allowed to do so

### Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

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

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: DAS, Department of Construction services

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?     YES     NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

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

Enabling so none

**State**

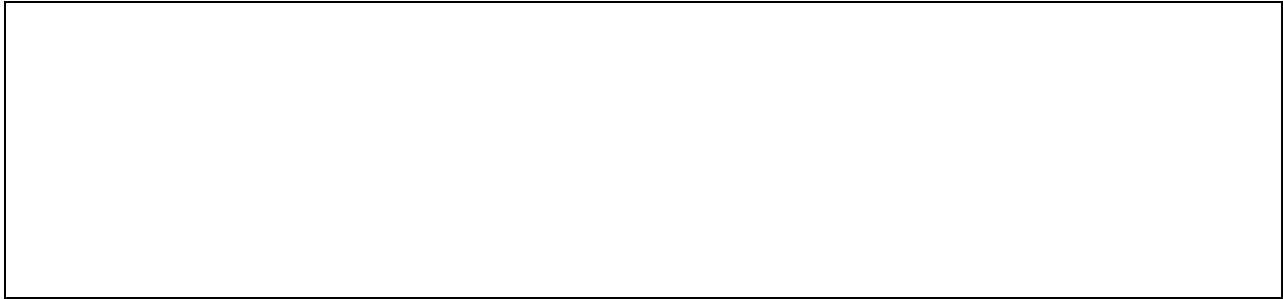
None

**Federal**

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



***AN ACT CONCERNING ADVANCED BUILDING EFFICIENCY***

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

Section 1. Section 29-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

Sec. 29-253 of the General statutes is repealed and the following substituted in lieu thereof: (a) The State Building Code, including any to said code adopted by the State Building Inspector and Codes and Standards Committee, shall be the building code for all towns, cities and boroughs, provided that any such jurisdiction may adopt the High Performance Building Construction Standards promulgated in accordance with Section 16a-38k in place of the State code.

(b) Nothing in this section shall prevent any town, city or borough from adopting an ordinance governing the demolition of buildings deemed to be unsafe. As used in this subsection, “unsafe building” means a building that constitutes a fire hazard or is otherwise dangerous to human life or the public welfare.



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

**DEEP-Energy3-CBYDRevisions.doc**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

Department of Energy and Environmental Protection

Liaison: Robert La France

Phone: 860-424-3401

E-mail: [robert.lafrance@ct.gov](mailto:robert.lafrance@ct.gov)

Lead agency division requesting this proposal:

Public Utilities Regulatory Authority

Agency Analyst/Drafter of Proposal:

Karl Baker

### Title of Proposal

Proposed changes to the Underground Damage Prevention Program

### Statutory Reference

§16-345 through §16-356

### Proposal Summary

This proposal would increase the maximum civil penalty for violations of these Statutes and associated regulations, update definitions to reflect current practices and technologies, and reflect the recent change of the Department of Public Utility Control to the Public Utilities Regulatory Authority.

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

### • Reason for Proposal

It has been many years since the underground damage prevention statutes and regulations have been significantly updated. In light of new technology, new federal government regulations and increased public concern over excavation damage, it is time to revise these statutes and regulations. It is important to note that a failure to strengthen these provisions most likely would result in decreased federal grant funding. The proposed changes to the statutes are shown below. If these changes are approved, we anticipate proposing changes to the regulations prior to the effective date of the statutory revisions. We are requesting an effective date for these statutory revisions of October 1, 2015 in order for PURA to promulgate the new regulations.

Some of the definitions have been updated to reflect current practices, such as exempting homeowners from being considered a 'public utility'. The exemption for tilling for agricultural purposes has been removed in anticipation of a modification to regulations creating a new method of coordination



between farmers and public utilities.

Many other changes reflect changes in technology (such as the mapping systems) and changes to provide more clarity to the meaning and purpose of the program. The mention of the two day waiting period for markouts has been removed, and refers to regulations. This was done to provide flexibility in the regulations for other types of notifications to the clearinghouse. Other changes reflect the recent change of the Department of Public Utility Control to the Public Utilities Regulatory Authority.

One area that is a significant change is a proposed increase in the maximum fine. This is being proposed for two reasons: violators with significant disregard for the law and changes at the federal government level. There are some entities that do not appear to be worried about the current fining authority and continue to cause damages. Also, the federal government now has provisions in their laws that would allow them to fine violators if we do not have strong enough enforcement capabilities at the state level. The fining level proposed matches the fining level recently enacted by the federal government. There will be restraints set in the regulations creating a graduated scale of maximum civil penalty based on factors called out in the regulations.

- **Origin of Proposal**       **New Proposal**       **Resubmission**

### PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency's Comments**

Will there need to be further negotiation?     YES     NO



- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

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

None

**State**

The proposed increase in the maximum civil penalty amount, Section 16-356, could potentially result in increased revenues for the general fund. It is important to note that a failure to strengthen these provisions of the Connecticut damage prevention program most likely would result in decreased federal grant funding for the Gas Pipeline Safety program.

**Federal**

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

None





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**AN ACT CONCERNING THE UNDERGROUND DAMAGE PREVENTION PROGRAM**

Section 16-345 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Sec. 16-345. Definitions. As used in this chapter:

[(a)](1) "Person" means an individual, partnership, corporation, limited liability company or association, including a person engaged as a contractor by a public agency but excluding a public agency.

[(b)](2) "Public agency" means the state or any political subdivision thereof, including any governmental agency.

[(c)](3) "Public utility" means the owner or operator of underground facilities for furnishing electric, gas, telephone, telegraph, **communications**, pipeline, sewage, water, community television antenna, steam [or ], traffic signal, **fire signal or similar** service, including a municipal or other public owner or operator. **A public utility does not include the owner of facilities for utility service solely for such owner's private residence.**

[(d)](4) "Central clearinghouse" means the [group of] **organization organized and operated by** public utilities [formed ]pursuant to section 16-348, **as amended by this act**, for the purposes of receiving and giving notice of excavation, **discharge of explosives and demolition** activity within the state.

[(e)](5) "Excavation" means an operation for the purposes of movement or removal of earth, rock or other materials in or on the ground, or otherwise disturbing the subsurface of the earth, by the use of powered or mechanized equipment, including but not limited to digging, blasting, auguring, back filling, test boring, drilling, pile driving, grading, plowing-in, hammering, pulling-in, trenching[ and], tunneling,[]; excluding the movement



29 of earth by tools manipulated only by human or animal power and the tilling of soil for  
30 agricultural purposes.] **dredging, reclamation processes and milling.**

31 [(f)](6) "Demolition" means the wrecking, razing, rending, moving or removing of any  
32 structure.

33 [(g)](7) "Damage" includes, but is not limited to, the substantial weakening of structural  
34 or lateral support of a utility [line] **facility such that the continued integrity of the**  
35 **particular utility facility involved is or is likely to be imperiled,** penetration or  
36 destruction of any utility [line] **facility** protective coating, housing or other protective  
37 device or the severance, partial or complete, of any utility [line] **facility.**

38 [(h)](8) ["Approximate location of underground facilities"] "**Approximate location of an**  
39 **underground utility facility**" means a strip of land not more than three feet wide  
40 **centered on the actual location of an underground utility facility** or a strip of land  
41 extending not more than one and one-half feet on either side of the **actual location of**  
42 **an** underground [facilities] **utility facility.**

43  
44 Section 16-346 of the general statutes is repealed and the following is substituted in lieu  
45 thereof (*Effective October 1, 2015*):

46  
47 Sec. 16-346. Compliance with chapter required prior to excavation[ or ], discharge of  
48 explosives **or demolition.** No person, public agency or public utility shall engage in  
49 excavation[ or ], discharge **of** explosives [at or near the location of a public utility  
50 underground facility or demolish a structure located at or near or containing a public  
51 utility facility] **or demolition** without having first ascertained the location of all  
52 underground facilities of public utilities in the area of such excavation, discharge or  
53 demolition in the manner prescribed in this chapter and in such regulations as the  
54 [department] **Public Utilities Regulatory Authority** shall adopt pursuant to section 16-  
55 357.

56



57 Section 16-347 of the general statutes is repealed and the following is substituted in lieu  
58 thereof (*Effective October 1, 2015*):

59  
60 Sec. 16-347. Public utilities to file with [Public Utilities Regulatory Authority] **central**  
61 **clearinghouse**. A public utility shall [file] **register** with the [Public Utilities Regulatory  
62 Authority the location of its] **central clearinghouse, the geographic areas in which it**  
63 **owns or operates** underground facilities, [except facilities for storm sewers, ]by  
64 reference to a standard [grid] **mapping** system, to be established by the [department]  
65 **central clearinghouse**, and the title, address and telephone number of its  
66 representative designated to receive the notice required by section 16-349, **as**  
67 **amended by this act**.

68  
69 Section 16-348 of the general statutes is repealed and the following is substituted in lieu  
70 thereof (*Effective October 1, 2015*):

71  
72 Sec. 16-348. Central clearinghouse. Apportionment of costs. The public utilities of the  
73 state shall, under the direction of the Public Utilities Regulatory Authority, organize and  
74 operate a central clearinghouse within the state for receiving and giving the notices  
75 required by section 16-349, **as amended by this act**. The authority shall apportion the  
76 cost of this service equitably among the public utilities, [for those underground facilities  
77 registered with the authority, as provided in section 16-347, except sanitary sewer or  
78 water facilities owned or operated by] **except** a city, town or borough **that owns or**  
79 **operates only a sanitary sewer or water facilities**.

80  
81 Section 16-349 of the general statutes is repealed and the following is substituted in lieu  
82 thereof (*Effective October 1, 2015*):

83  
84 Sec. 16-349. Notice of proposed excavation, discharge of explosives or demolition.  
85 Except as provided in section 16-352, **as amended by this act**, a person, public



86 agency or public utility responsible for excavating, [or] discharging explosives [at or near  
87 the location of public utility facilities] or demolishing a structure [containing a public utility  
88 facility] shall notify the central clearinghouse of such proposed excavation, discharge or  
89 demolition, [orally or in writing, at least two full days, excluding Saturdays, Sundays and  
90 holidays, but not more than thirty days before commencing such excavation, demolition  
91 or discharge of explosives] **in a manner as prescribed by regulations pursuant to**  
92 **section 16-357**. Such notice shall include the name, address and telephone number of  
93 the [entity giving notice, the name of the] person, public agency or public utility  
94 performing the [work] **excavation, discharge of explosives or demolition** and the  
95 date, location and type of excavation, demolition or discharge of explosives. The central  
96 clearinghouse shall immediately transmit such information to the public utilities whose  
97 facilities may be affected. In the event the proposed excavation, demolition or discharge  
98 of explosives has not [commenced] **been completed** within [thirty days] **the allotted**  
99 **time frame prescribed by regulation** of such notification, or the excavation, demolition  
100 or discharge of explosives will be expanded outside of the location originally specified in  
101 such notification, the person, public agency or public utility responsible for such  
102 excavation, demolition or discharge of explosives shall again notify the central  
103 clearinghouse [at least two full days, excluding Saturdays, Sundays and holidays, but  
104 not more than thirty days before commencing or expanding such excavation, demolition  
105 or discharge of explosives] **in a manner as prescribed by regulations pursuant to**  
106 **section 16-357**.

107  
108 Section 16-350 of the general statutes is repealed and the following is substituted in lieu  
109 thereof (*Effective October 1, 2015*):

110  
111 Sec. 16-350. Permits to require compliance with chapter. Evidence re. Any permit  
112 issued by a public agency for excavation, demolition or discharge of explosives shall  
113 require compliance with this chapter. No such permit shall be issued by any public  
114 agency unless such public agency receives satisfactory evidence from the person,



115 public agency or public utility seeking such permit that the requirements of this chapter  
116 have been met. Such evidence shall be obtained from the central clearinghouse and  
117 shall be in such form as the [department] **authority** may prescribe by regulations  
118 pursuant to section 16-357.

119

120 Section 16-351 of the general statutes is repealed and the following is substituted in lieu  
121 thereof (*Effective October 1, 2015*):

122

123 Sec. 16-351. Information and assistance re location of underground facilities. A public  
124 utility receiving notice pursuant to section 16-349, **as amended by this act**, shall inform  
125 the person, public agency or public utility proposing to excavate, discharge explosives  
126 or demolish [a structure ]of the approximate location of its underground facilities in the  
127 area in such manner as will enable such person, public agency or public utility to  
128 establish the [precise] **actual** location of the underground facilities, and shall provide  
129 such other assistance in establishing the [precise] **actual** location of the underground  
130 facilities as the [department] **authority** may require by [regulation] **regulations adopted**  
131 pursuant to section 16-357. Such person, public agency or public utility shall designate  
132 the area of the proposed excavation, demolition or discharge of explosives as the  
133 [department] **authority** may prescribe by [regulation] **regulations adopted pursuant to**  
134 **section 16-357**. The public utility receiving notice shall mark the approximate location of  
135 its underground facilities in such manner and using such methods, including color  
136 coding, as the [department] **authority** may prescribe by [regulation] **regulations**  
137 **adopted pursuant to section 16-357**. If the [precise] **actual** location of the  
138 underground facilities cannot be established, the person, public agency or public utility  
139 shall so notify the public utility whose facilities may be affected, which shall provide such  
140 further assistance as may be needed to determine the [precise] **actual** location of the  
141 underground facilities in advance of the proposed excavation, discharge of explosives  
142 or demolition.

143



144 Section 16-352 of the general statutes is repealed and the following is substituted in lieu  
145 thereof (*Effective October 1, 2015*):

146  
147 Sec. 16-352. Emergency excavation, demolition or discharge of explosives. (a) In case  
148 of emergency involving danger to life, health or property or which requires immediate  
149 correction to continue the operation of a major industrial plant, or to assure the  
150 continuity of public utility service, excavation or demolition without explosives may be  
151 made without the [two day] notice required by section 16-349, **as amended by this act,**  
152 provided notice thereof [by telephone] is given as soon as reasonably possible.

153  
154 (b) In case of an emergency involving an immediate and substantial danger of death or  
155 serious personal injury, explosives may be discharged if notice thereof is given at any  
156 time before discharge.

157  
158 Section 16-354 of the general statutes is repealed and the following is substituted in lieu  
159 thereof (*Effective October 1, 2015*):

160  
161 Sec. 16-354. Care to be exercised near underground facilities. Requirements re. A  
162 person, public agency or public utility responsible for excavating, discharging explosives  
163 or demolition shall exercise reasonable care when working in proximity to the  
164 underground facilities of any public utility and shall comply with such safety standards  
165 and other requirements as the [department] **authority** shall prescribe by [regulation]  
166 **regulations adopted** pursuant to section 16-357. If the facilities are likely to be  
167 exposed, such support shall be provided as may be reasonably necessary for protection  
168 of the facilities. If [gas facilities are likely to be exposed]**excavation is within the**  
169 **approximate location of facilities containing combustible or hazardous fluids or**  
170 **gases,** only hand digging **or soft digging** shall be employed. **As used in this section,**  
171 **“soft digging” means a non-mechanical and non-destructive excavation process**  
172 **used to excavate and evacuate soils at a controlled rate, using high pressure**



173 **water or air jet to break up the soil, often used in conjunction with a high power**  
174 **vacuum unit to extract the soil without damaging the facilities.**

175

176 Section 16-355 of the general statutes is repealed and the following is substituted in lieu  
177 thereof (*Effective October 1, 2015*):

178

179 Sec. 16-355. Procedure when contact is made with or damage is suspected or done to  
180 underground facilities. When any contact is made with or any damage is suspected or  
181 done to any underground facility of a public utility, the person, public agency or public  
182 utility responsible for the operations causing the contact, suspected damage or damage  
183 shall immediately notify the public utility whose facilities have been affected, which shall  
184 dispatch its own personnel as soon as reasonably possible to inspect the underground  
185 facility and, if necessary, effect temporary or permanent repairs. If a serious electrical  
186 short is occurring or if dangerous fluids or gas are escaping from a broken line, the  
187 person, public agency or public utility responsible for the operations causing the  
188 damage shall alert all persons within the danger area and take all feasible steps to  
189 insure the public safety pending the arrival of repair personnel. As used in this section,  
190 "contact" includes, without limitation, the striking, scraping or denting, however slight, of  
191 any underground utility facility, [the structural or lateral support of an underground utility  
192 line and] **including** any underground utility [line] **facility** protective coating, housing or  
193 other protective device. **Contact does not include damage, as defined in section**  
194 **16-345, as amended by this act.**

195

196 Section 16-356 of the general statutes is repealed and the following is substituted in lieu  
197 thereof (*Effective October 1, 2015*):

198

199 Sec. 16-356. Civil penalty. Application for hearing. Any person, public agency or public  
200 utility which the Public Utilities Regulatory Authority determines, after notice and  
201 opportunity for a hearing as provided in section 16-41, to have failed to comply with any



202 provision of this chapter or any regulation adopted under section 16-357 shall forfeit and  
203 pay to the state a civil penalty of not more than [forty] **two hundred** thousand dollars,  
204 provided any violation involving the failure of a public utility to mark [the] **any**  
205 approximate location of **an** underground [facilities] **utility facility** correctly or within the  
206 timeframes prescribed by regulation, which violation did not result in any property  
207 damage or personal injury and was not the result of an act of gross negligence on the  
208 part of the public utility, shall not result in a civil penalty of more than one thousand  
209 dollars. Notwithstanding the provisions contained in subsection (d) of section 16-41, the  
210 person, public agency or public utility receiving a notice of violation pursuant to  
211 subsection (c) of section 16-41 shall have thirty days from the date of receipt of the  
212 notice in which to deliver to the authority a written application for a hearing.





# **Department of Energy & Environmental Protection**

## **Index of Year 2014 Legislative Proposals to the**

### **Office of Policy and Management**

# **Department of Energy & Environmental Protection**

## **Branch of Environmental Quality**

### **Bureau of Air Management (BAM)**

### **Bureau of Materials Management and Compliance Assurance (MMCA)**

### **Bureau of Water Protection and Land Reuse (WPLR)**

#### **I. AAC HAZARDOUS WASTE EXEMPTIONS.**

(DEEP-EQ1)

- This proposal allows for the regulation of drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy that might otherwise be exempt from Connecticut's hazardous waste management regulations. This includes the regulation of certain "fracking" waste.

#### **II. AAC THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND PUBLIC SAFETY**

(DEEP-EQ2)

- **AAC Flammable Product Safety Measures** - Eliminate floating boom requirement for flammable products (gasoline) in order to address the concerns of public safety officials.
- **Ionizing Radiation Source Registration and Fees** - This proposal will amend the general statutes to align the process for registration and regulation of ionizing radiation sources in Connecticut with other similar established programs within DEEP. Additionally, the proposal will amend the general statutes to exempt fire departments from paying a registration fee for chemical detectors used for emergency response and homeland security.

#### **III. AAC ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

(DEEP-EQ3)

- **LEANing Electronics Recycling Related Reporting** - Amend requirement to submit an electronics recycling plan and a report re status of the electronics

recycling program to the Environment Committee, and replace these with DEEP's website.

- **LEANing Solid Waste Statutes** - This proposal would delete requirement for Commissioner to identify, upon request of a municipality, solid waste facilities with capacity to accept said municipality's MSW. Additionally, this proposal would delete requirement for the preparation of a solid waste plan, as it is unnecessary since the institution of the state solid waste plan was adopted.
- **Streamlining Compliance with Product Efficiency Standards** - To streamline the process for certifying manufacturers as compliant with the State's Appliance and Equipment Efficiency Standards in a manner that enables the State to better enforce these provisions as well as to facilitate the public's access to information regarding products that conform to these standards.



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

**DEEP-EQ-1 Hazardous Waste Exemptions**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

Department of Environmental Protection

Liaison: Robert LaFrance

Phone: (860) 424-3401

E-mail: Robert.LaFrance@ct.gov

Lead agency division requesting this proposal:

Bureau of Material Management (MMCA)

Agency Analyst/Drafter of Proposal:

Yvonne Bolton – Chief, MMCA

**Title of Proposal**

**An Act Concerning Hazardous Waste Exemptions**

**Statutory Reference**

22a-449 – new subsection (j)

**Proposal Summary**

This proposal allows for the regulation of drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy that might otherwise be exempt from Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 to 22a-449(c)-100-119, inclusive, and section 22a-449(c)-11 of the Regulations of Connecticut State Agencies. (This includes the regulation of certain "fracking" waste.)

*Please attach a copy of fully drafted bill (required for review)*

### PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?**
- (3) Have certain constituencies called for this action?**



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

This proposal will clarify the permitting requirements for certain hazardous wastes that might enter the state to include “fracking” wastes that fall under a federal exclusion.

- **Origin of Proposal**       **New Proposal**       **Resubmission**

*If this is a resubmission, please share:*

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

There were two related bills from last year.

\* [HB06533](#) AN ACT CONCERNING HYDRAULIC FRACTURING WASTE.

\* [HB05335](#) AN ACT PROHIBITING THE POSSESSION AND STORAGE OF FRACKING BY-PRODUCTS.

**PROPOSAL IMPACT**

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal    \_\_\_ YES    \_\_\_ NO    \_\_\_ Talks Ongoing

**Summary of Affected Agency’s Comments**

Will there need to be further negotiation?    \_\_\_ YES    \_\_\_ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)



<b>Municipal</b> (please include any municipal mandate that can be found within legislation) None.
<b>State</b> None.
<b>Federal</b> None.
Additional notes on fiscal impact

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

DEEP conducted an internal review of issues related to the regulation of fracking waste in Connecticut. Based upon this review this legislative proposal was developed to make certain fracking wastes are appropriately regulated in the state.

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

Section 1. (NEW) (*Effective upon passage*) Section 22a-449 is amended by adding a new subsection 22a-449(j):

(NEW) (j) Solid wastes identified in 40 C.F.R. Part 261.4(b)(5) shall be subject to Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 to 22a-449(c)-119, inclusive, and section 22a-449(c)-11 of the Regulations of Connecticut State Agencies. Nothing in this section shall affect or be construed to relieve any person from such person's obligation to comply with any other state or federal requirement or regulation applicable to the solid wastes identified in 40 C.F.R. Part 261.4(b)(5).



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

**DEEP-EQ-2-Public Safety - Booms and Radiation**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

Department of Environmental Protection

Liaison: Robert LaFrance

Phone: (860) 424-3401

E-mail: Robert.LaFrance@ct.gov

Lead agency division requesting this proposal:

Bureau of Material Management (MMCA)

Bureau of Air – Radiation Division (Air)

Agency Analyst/Drafter of Proposal:

Yvonne Bolton – Chief, MMCA

Paul Kritzler – Air Environmental Analyst

### Title of Proposal

**An Act Concerning the Department of Energy and Environmental Protection and Public Safety**

### Statutory Reference

22a-457a and 22a-148

### Proposal Summary

Sec. 1 This proposal will eliminate a current booming requirement for flammable liquid fuel (gasoline / ethanol type products) transfers from tank ships.

Currently the statute has a broad requirement for booming tank ship vessels to which oil or petroleum liquids are being transferred. This change would provide an exemption to the vessel booming requirement specifically for “flammable liquids”. Flammable liquids include gasoline and alcohol (ethanol) based products which have a flash point below 100°F. The booming (encircling the vessel with float boom) of these flammable liquids presents an unacceptable risk of fire or explosion for the vessel and loading area.

Sec.2 This proposal will amend several sections of the general statutes to align the process for registration and regulation of ionizing radiation sources in Connecticut with other similar established programs within the Department of Energy and Environmental Protection. Additionally, the proposal will amend the radiation statutes to exempt fire departments from paying a registration fee for chemical detectors used for emergency response and homeland security.



Please attach a copy of fully drafted bill (required for review)

## PROPOSAL BACKGROUND

- Reason for Proposal

Please consider the following, if applicable:

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

No for floating booms.

Yes for Radiation. The Department of Emergency Services and Public Protection's Division of Emergency Management and Homeland Security has distributed chemical detectors to fire stations for homeland security purposes. Under the current Connecticut law these devices must be registered and a fee must be paid or result in a violation.

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

No.

**(3) Have certain constituencies called for this action?**

Floating Booms change requested by Public Safety Officials because of potential danger. Most states do not have a requirement for booming vessels that transfer flammable liquids. The US Coast Guard and municipal fire departments with terminals have asked for and support this change. Although the statute gives the DEEP authority to adopt regulation with exemptions this has not been done and the DEEP is not planning to develop regulations at this time

Radiation change requested by Connecticut Conference of Municipalities, C.O.S.T.

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

Floating Booms will continued to be erected even when this exacerbates the fire danger putting public safety officials lives in danger.

Radiation - State Municipal Fire Departments would continue to bear the cost of state registration for their chemical detection devices.

- Origin of Proposal  New Proposal  Resubmission

If this is a resubmission, please share:

**(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?**

**(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? Not with fire department. Internal discussions only**

**(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?**

**(4) What was the last action taken during the past legislative session?**

## PROPOSAL IMPACT

- Agencies Affected (please list for each affected agency)



Agency Name: U.S. Coast Guard, US Department of Homeland Security, City of New Haven Fire Department , CT Department of Agriculture (DAG)  
 Agency Contact (name, title, phone): Daniel A. Ronan, Captain, USCG, 203-468-4406. New Haven Fire Department (NHFD) Michael Grant, Chief, 203-946-6222. George Krivda Legislative Liaison for the DAG(860) 713-2573.  
 Date Contacted: May 10, 2010 meeting included NHFD and USCG, Sept 11- 29, 2009 letters exchanged with USCG, January 6, 2010 letter from NHFD. Contacted DAG on October 31, 2013, and will follow up.

Approve of Proposal  YES  NO  Talks Ongoing

**Summary of Affected Agency's Comments –**  
**Requested change because of fire and safety risks created by booms. Other states exempt certain types of transfers from boom requirements.**

Will there need to be further negotiation?  YES  NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)  
 Floating Booms – Less risk to life and limb, savings vary but would include health care and liability risks.  
 Radiation - Indeterminate slight savings for municipal fire departments due to registration fee exemptions.

**State**  
 Floating Booms – Less risk to life and limb, savings vary but would include health care and liability risks.  
 Radiation - None

**Federal**  
 None.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Sec 1 The impact of implementing flexibility would be slight because in most cases booms would still be erected where they did not exacerbate fire danger. Exceptions would only be made in acute cases by trained personnel who are accustomed to assessing fire danger in the field and making determinations only after following strict standard operating procedures including any necessary public safety approvals.

Sec 2 The Connecticut Department of Energy and Environmental Protection recently completed its review of internal processes for the registration and regulation of ionizing radiation. The LEAN process identified several areas where improvements in the registration and regulation of sources of ionizing radiation such as x-rays machines and radioactive material could be improved to make it a more efficient program without any reduction in protection of health, public safety, or protection to the





environment.

This proposal would allow municipalities and the State to reduce paper work burdens by requiring biennial registration of sources instead of annual registrations. The proposal is revenue neutral with respect to fees generated, thereby minimizing its impact on municipalities, businesses and the State. It also aligns the regulation of ionizing radiation with other existing programs in the Department to enable the use of established processes for regulation of ionizing radiation.

The proposal also exempts fire departments from the registration fees associated with registering chemical detectors used for emergency response and homeland security. This action will reduce the financial burden of the fees on the municipalities as well as reduce the paperwork burden of processing fees on the state.

Sec. 2. Section 22a-457a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

**Sec. 22a-457a. Floating boom retention devices required, when. Regulations.** Each tank ship and tank barge from which and to which oil or petroleum liquids are being transferred shall be protected by (1) a floating boom retention device which shall enclose the vessel or (2) any other device designed for the retention of oil or petroleum liquids for which the commissioner has issued written approval for the particular site at which the oil or petroleum liquids are transferred. This requirement shall not apply to flammable liquids or those liquids with a flash point less than 100°F, although all fuel transfers shall have proper attendance during the transfer activity. The floating boom retention device or other device approved by the commissioner shall be deployed at sufficient distance from the vessel to catch and contain any spilled oil or petroleum, except when weather, wind, sea, or ice conditions prevent the boom or other device from being wholly or partially deployed in a safe manner. The terminal operator shall report to the Commissioner of Energy and Environmental Protection prior to transfer if the weather, wind, sea, or ice conditions exist or develop after deployment which require removal of the boom or other device. The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, creating exemptions to the use of floating boom retention devices or other devices where he deems them in the best interest of public health and safety and protection of the environment.

Sec. 2. Section 22a-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):



(a) As used in this section, "ionizing radiation" includes gamma rays, x-rays, alpha and beta particles, neutrons, protons, high-speed electrons and other atomic or nuclear particles, but does not include sound or radio waves or light of wave lengths ranging from infrared to ultraviolet inclusive, and "radioactive materials" includes any materials, solid, liquid or gas, that emit ionizing radiation spontaneously.

(b) No person, firm, corporation, town, city or borough shall operate or cause to be operated any source of ionizing radiation or shall produce, transport, store, possess or dispose of radioactive materials except under conditions which comply with regulations or with orders imposed by the Commissioner of Energy and Environmental Protection for the protection of the public health and preservation of the environment. Such regulations or orders shall be based to the extent deemed practicable by said department on the regulations of the United States Atomic Energy Commission, issued under authority granted to said commission by the Atomic Energy Act of 1954 and entitled "Standards for Protection against Radiation", or, if such regulations should be deemed inappropriate by the Commissioner of Energy and Environmental Protection, on the latest recommendations of the National Committee on Radiation, as published by the United States Department of Commerce, National Bureau of Standards. No regulation pertaining to radiation sources and radioactive materials proposed to be issued by the commissioner shall become effective until thirty days after it has been submitted to the Coordinator of Atomic Development Activities unless, upon a finding of emergency need, the governor by order waives all or any part of said thirty-day period. In no case shall any source of ionizing radiation be utilized otherwise than at the lowest practical level consistent with the best use of the radiation facilities or radioactive materials involved.

(c) (1) Except as hereinafter provided, each person, firm, corporation, town, city and borough conducting or planning to conduct any operation within the scope of this section shall register with the Commissioner of Energy and Environmental Protection on forms provided for the purpose and shall reregister **[annually in]** biennially during the month of January in the odd-numbered years. Such registration shall be accompanied by a fee of **[two]** four hundred dollars. The commissioner may require registrants to state the type or types of sources of radiation involved, the maximum size or rating of each source, the qualifications of the supervisory personnel, the protective measures contemplated by the registrant and such other information as it determines to be necessary. After initial registration, re-registration shall be required for any radiation installation or mobile source of radiation at any other time when any increase is contemplated in the number of sources, the source strength, the output or the types of radiation energy involved. The act of registration shall not be interpreted to imply approval by the commissioner of the manner in which the activities requiring registration are carried out. (2) The activities described below are exempted from the registration requirements of this section:



(A) The production, transportation, storage, use and disposal of naturally occurring radioactive materials of equivalent specific radioactivity not exceeding that of natural potassium; (B) the production, transportation, storage, use and disposal of other radioactive materials in quantities insufficient to involve risk of radiologic damage to a person; (C) the operation of equipment that is primarily not intended to produce radiation and that, by nature of design, does not produce radiation at the point of nearest approach in quantities sufficient to produce radiologic damage to a person; (D) the transportation of any radioactive material in conformity with regulations of the Interstate Commerce Commission or other agency of the federal government having jurisdiction. [\(3\) The following entities are exempted from the registration fee requirements of this section for the specific devices described: \(A\) any fire department for the registration of a chemical detector that contains radioactive material.](#)



## Agency Legislative Proposal - 2014 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

DEEP-EQ3- Streamlining

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

Department of Energy and Environmental Protection

Liaison: Robert LaFrance

Phone: 860.424.3401; Cell: 860.622.1797

E-mail: robert.lafrance@ct.gov

Lead agency division requesting this proposal:

**Bureau of Materials Management and Compliance Assurance**

Agency Analyst/Drafter of Proposal:

Yvonne Bolton, Chief Bureau of Materials Management

**Title of Proposal**

**AAC Administrative Streamlining at the Department of Energy and Environmental Protection**

**Statutory Reference**

16a-48(g); 22a-639(a) and (b); 22a-208h; 22a-211;

**Proposal Summary**

**Sec. 1. LEANing Electronics Recycling Related Reporting.** Amend requirement in 22a-639(a) and (b) to submit an electronics recycling plan and a report re status of the electronics recycling program to the Environment Committee, and replace these with DEEP's website

**Sec. 2: Identification of Waste Facilities with MSW Capacity.** Repeal the mandate requiring the Commissioner to identify, upon request of a municipality, solid waste facilities with capacity to accept the municipal solid waste generated by said municipality. (CGS 22a-208h)

**Sec. 3. Solid Waste Management Plan by State, Local and Regional Authorities.** Delete the requirement for the preparation of a solid waste plan or solid waste plans by local or regional authorities as it is unnecessary since a state solid waste plan was adopted under Section 22a-228. (CGS 22a-211)

**Sec. 4. Streamlining Compliance with Product Efficiency Standards.** Amends Section 16a-48 to streamline the process for certifying manufacturers as compliant with the State's Appliance and Equipment Efficiency Standards in a manner that enables the State to better enforce these provisions as well as to facilitate the public's access to information regarding products that conform to these standards.

*Please attach a copy of fully drafted bill (required for review)*



## PROPOSAL BACKGROUND

- Reason for Proposal

**Sec. 1. LEANing Electronics Recycling Related Reporting.** Section 22a-639(a) requires the preparation, posting on the department's website and submission to the Environment Committee of an electronics recycling plan that establishes state-wide per-capita collection and recycling goals and any necessary actions to achieve such goals. This proposal would delete the requirement for submission to the Environment Committee as the plan will be readily accessible and available on the department's website. Similarly, section 22a-639(b) requires the preparation and submission of a report regarding the status of the electronics recycling program. This proposal would eliminate the requirement to submit to the Environment Committee but would require posting on the department's website.

**Sec. 2. Identification of Waste Facilities with MSW Capacity.** Pursuant to section 22a-208h, the Commissioner is to identify, upon request of a municipality, solid waste facilities with capacity to accept the municipal solid waste generated by said municipality. Such mandate is not necessary considering the current availability of permitted public and private capacity and the ease of access to locate such capacity through on-line queries including the Department's website and listservs.

**Sec. 3. Solid Waste Management Plans by State, Local and Regional Authorities.** Pursuant to section 22a-211 the Commissioner of Energy and Environmental Protection is to be responsible for the preparation of a state solid waste plan which is to be effective until the adoption of a state-wide solid waste plan pursuant to section 22a-228. Additionally, municipalities or regional authorities are to submit solid waste plans to the Commissioner for review and approval. The Commissioner may also issue guidelines to assist municipalities in developing such solid waste management plans. These provisions are no longer necessary. In 2006 amendments to the State's Solid Waste Management Plan were made. This is a state-wide solid waste management plan adopted pursuant to section 22a-228, thus superseding the out-dated requirements of section 22a-211.

**Sec. 4. Streamlining Compliance with Product Efficiency Standards**

In order to be a leader in energy efficiency and to benefit from associated cost savings in the long term there must be certainty in the marketplace with respect to the standards being adopted for product efficiency standards.

- Origin of Proposal       New Proposal       Resubmission

*If this is a resubmission, please share:*

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

## PROPOSAL IMPACT

- Agencies Affected (please list for each affected agency)



Agency Name: NA Agency Contact (name, title, phone): Date Contacted:  Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments</b>  
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<b>Municipal</b> (please include any municipal mandate that can be found within legislation) <b>Sec. 1-3; NONE</b> <b>Sec. 4. Streamlining Compliance with Product Efficiency Standards</b> -Minimal as higher initial cost of product is offset by lower energy use
<b>State</b> <b>Sec. 1. LEANing Electronics Recycling Related Reporting. NONE</b>  <b>Sec. 2. Identification of Waste Facilities with MSW Capacity.</b> Removing the mandate would save resources needed to research and verify capacity information. Expect that municipalities already seek out such information as needed.  <b>Sec. 3. Solid Waste Management Plans by State, Local and Regional Authorities. NONE</b>  <b>Sec. 4. Streamlining Compliance with Product Efficiency Standards.</b> Minimal as higher initial cost of product is offset by lower energy use.
<b>Federal</b> NONE
Additional notes on fiscal impact  

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



**LEANing DEEP** . DEEP is required to adopt and maintain many standards these changes would allow Connecticut to take advantage of work already being done and to focus resources on areas unique to our state rather than duplicating efforts already undertaken elsewhere. Authorizing these changes will also benefit the regulated community by providing regulatory certainty and continued transparency.

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

**Section 1.** Section 22a-639 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) Not later than October 1, 2010, and every three years thereafter, the commissioner shall prepare an electronics recycling plan that establishes state-wide per-capita collection and recycling goals and identifies any necessary actions to achieve such goals. Such report shall be posted on the department's web site [and a copy of such report submitted, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment].

(b) Not later than October 1, 2010, and annually thereafter, the commissioner shall gather information from registrants and prepare a report regarding the status of the electronics recycling program. Such report shall be posted on the department's web site. [The commissioner shall submit such report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment, in accordance with the provisions of section 11-4a]. Such report shall contain: (1) Sufficient data, as determined by the commissioner, and analysis of such data to evaluate the effectiveness of the state-wide recycling program and the components of such program, and (2) if at any time the federal government establishes a national program for the collection and recycling of electronic devices and the department determines that the federal law substantially meets or exceeds the requirements of sections 22a-629 to 22a-640, inclusive, information on the federal law.

**Section 2** Section 22a-208h of the general statutes is repealed (*Effective upon Passage*):

[Sec. 22a-208h. Identification of solid waste facilities with capacity to accept municipal solid waste. The Commissioner of Energy and Environmental Protection, upon request of the chief executive officer of a municipality with no available landfill or contract for the disposal of municipal solid waste at a waste-to-energy plant or incinerator, shall identify solid waste facilities with the capacity to accept the municipal solid waste generated by such municipality.]

**Section 3.** Section 22a-211 of the general statutes is repealed (*Effective upon Passage*):



[Sec. 22a-211. (Formerly Sec. 19-524e). Solid waste management plans for state and local or regional authorities. Closing of municipal landfill; plan required. (a) The commissioner shall be responsible for the preparation of a state solid waste management plan which is to be updated biennially. Such plan shall be effective until adoption of a state-wide solid waste management plan pursuant to section 22a-228.

(b) If the commissioner determines that a municipal landfill shall be closed within five years of October 1, 1981, the municipality in which such landfill is located, through a municipal or regional authority, shall submit a solid waste management plan, including provisions for source separation, to the commissioner and the regional planning agency to whose jurisdiction such municipality is designated in the state's solid waste management plan for their review. Such proposed plan shall be consistent with the provisions of this chapter. If the commissioner finds, after consultation with the appropriate regional planning agency, that such proposed plan is consistent with the provisions of this chapter, the commissioner shall notify the municipality or regional authority having submitted the plan for review that such proposed plan is approved. If the commissioner finds after consultation with the appropriate planning agency that such proposed plan is not in compliance with the provisions of this chapter, the commissioner shall communicate the existence and extent of the deficiencies to the municipal or regional authority which submitted the plan for review. The municipality, through its municipal or regional authority, and after consultation with the commissioner and the appropriate planning agency, shall thereafter make such revisions in its proposed plan as may be necessary to correct the deficiencies enumerated by the commissioner. If the municipality, through its municipal or regional authority, makes the revisions required by the commissioner to correct such deficiencies, the commissioner shall thereafter approve the plan.

(c) The commissioner may from time to time issue guidelines for the purpose of assisting municipalities in developing solid waste management plans in conformity with the provisions of this chapter.]

**Section 4.** Section 16a-48(g) of the general statutes is repealed and the following substituted in lieu thereof (*Effective upon Passage*):

(g) Manufacturers of any new products set forth in subsection (b) of this section for which the commissioner adopts efficiency standards that is not certified in California [or designated by the department] 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 department shall promulgate regulations governing the certification of such products. The commissioner shall publish an annual list of such products on the department's website that designates those that certified in California and those that have demonstrated compliance with standards adopted by the commissioner pursuant to subsection (d) (3)(B) of this section.