Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_StretchCodes

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
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Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: James Albis

Title of Proposal: An Act Concerning the Establishment of High Performance Green Building Standards for Voluntary Adoption by Municipalities

Statutory Reference: 16a-38k, 7-148

Proposal Summary:
To allow for the creation of residential and commercial construction standards that are consistent with nationally recognized sustainable construction codes. These codes would be able to be adopted voluntarily by municipalities as a "stretch" building code.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

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

This proposal was included in the preliminary recommendations of multiple working groups of the Governor's Council on Climate Change. Massachusetts allows for municipalities to implement "stretch energy codes." Failure to pass this bill will make it more difficult to meet the goals in Connecticut's Global Warming Solutions Act. We believe that the Department of Administrative Services (DAS) is the best agency to implement the concept of stretch codes and would be willing to work with them to on amending the language to reflect that.

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

If this is a resubmission, please share: *(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?* *(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?* *(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?* *(4) What was the last action taken during the past legislative session?* This proposal was introduced as Governor's Bill 5008 in 2020. The bill did not move forward as a result of the legislative session ending early due to COVID-19.

PROPOSAL IMPACT

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

Agency Name: DAS **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)* Potential impact if stretch codes are adopted.
State None.
Federal None.
Additional notes on fiscal impact

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

This proposal could generate important environmental outcomes that meet the mission of DEEP, including improving energy efficiency and resilience to natural disasters and other hazards. Improving energy efficiency in particular could assist the state in meeting the carbon emission reduction goals in the Global Warming Solutions Act.

◊ EVIDENCE BASE

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

Impact can be measured in terms of the number of municipalities that adopt stretch codes. Over time, it may be possible to compare metrics such as per capita energy use in municipalities that have adopted stretch codes versus municipalities that have not.

Insert fully drafted bill here

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, 2021*):

(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 described in subsection (b) of this section, provided any regulations adopted pursuant to this section before the effective date of this section shall remain in effect until the regulations described in subsection (b) of this section are adopted. The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Administrative Services and the Institute for Sustainable Energy, shall exempt any facility from complying with the regulations adopted pursuant to subsection (b) of this section if the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Administrative Services and the Secretary of the

Office of Policy and Management, finds, in a written analysis, that the measures needed to comply with the building construction standards are not cost effective, as defined in subdivision (8) of subsection (a) of section 16a-38. 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. For purposes of subdivisions (1) and (2) of this subsection, a state facility shall not include a salt shed, parking garage or any type of maintenance facility, provided such shed, garage or facility has incorporated best energy efficiency standards to the extent economically feasible.

(b) Not later than January 1, [2020] 2022, the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Administrative Services, shall adopt regulations, in accordance with the provisions of chapter 54, to adopt (1) state building construction standards, [that (1) are] and (2) residential and commercial building construction standards that may be adopted by municipalities. Each set of such standards shall be (A) based on a nationally recognized model for sustainable construction codes that promotes the construction of high performance green buildings that have reduced emissions, have enhanced building occupant health and comfort, are designed to 54 conserve water resources, are designed to promote sustainable and regenerative materials cycles and provide enhanced resilience to natural, technological and human-caused hazards, and [(2)] (B) include a standard for inclusion of electric vehicle charging stations, and thereafter update such regulations as the Commissioner of Energy and Environmental Protection deems necessary.

(c) Any municipality that adopts the residential and commercial building construction standards that are adopted in regulations pursuant to subsection (b) of this section shall inform the Commissioner of Energy and Environmental Protection of such adoption. The commissioner shall maintain a list of municipalities that adopt such building construction standards on the Department of Energy and Environmental Protection's Internet web site.

(d) The Commissioner of Energy and Environmental Protection, or the commissioner's designee, may review a decision by any municipal official or any municipal board of appeals whenever the commissioner, or the commissioner's designee, determines that such official or board of appeals misconstrued or misinterpreted a provision of the residential and commercial building construction standards that are adopted in regulations pursuant to subsection (b) of this section. In undertaking any such review, the commissioner, or the commissioner's designee, shall consult with such official or board of appeals. If the commissioner determines that a provision of such standards was misconstrued or misinterpreted, the commissioner may issue an interpretation of such standards and may grant a variance from any provision of such standards or determine the suitability of alternate materials and methods of construction. Any such determination or grant by the commissioner or the

commissioner's designee, shall be in writing and sent to such municipal official or municipal board of appeals, by registered mail, return receipt requested. Any person aggrieved by any such determination or grant by the commissioner, or the commissioner's designee, may appeal to the Superior Court for the judicial district where the affected premises or proposed construction is located.

Sec. 2. Subdivision (7) of subsection (c) of section 7-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(7) (A) (i) Make rules relating to the maintenance of safe and sanitary housing;

(ii) Regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of the municipality;

(iii) Regulate and prohibit the moving of buildings upon or through the streets or other public places of the municipality, and cause the removal and demolition of unsafe buildings and structures;

(iv) Regulate and provide for the licensing of parked trailers when located off the public highways, and trailer parks or mobile manufactured home parks, except as otherwise provided by special act and except where there exists a local zoning commission so empowered;

(v) Establish lines beyond which no buildings, steps, stoop, veranda, billboard, advertising sign or device or other structure or obstruction may be erected;

(vi) Regulate and prohibit the placing, erecting or keeping of signs, awnings or other things upon or over the sidewalks, streets and other public places of the municipality;

(vii) Regulate plumbing and house drainage;

(viii) Prohibit or regulate the construction of dwellings, apartments, boarding houses, hotels, commercial buildings, youth camps or commercial camps and commercial camping facilities in such municipality unless the sewerage facilities have been approved by the authorized officials of the municipality;

(ix) Adopt the standards for residential and commercial building construction contained in the regulations adopted pursuant to subsection (b) of section 16a-38k, as amended by this act;

(B) (i) Regulate and prohibit, in a manner not inconsistent with the general statutes, traffic, the operation of vehicles on streets and highways, off-street parking and on-street residential neighborhood parking areas in which on-street parking is limited to residents of a given

neighborhood, as determined by the municipality;

(ii) Regulate the speed of vehicles, subject to the provisions of the general statutes relating to the regulation of the speed of motor vehicles and of animals, and the driving or leading of animals through the streets;

(iii) Require that conspicuous signage be posted in any area where a motor vehicle may be subject to towing or to the use of a wheel-locking device that renders such motor vehicle immovable, and that such signage indicate where the motor vehicle will be stored, how the vehicle may be redeemed and any costs or fees that may be charged;

(C) Regulate and prohibit the construction or use, and require the removal of sinks, cesspools, drains, sewers, privies, barns, outhouses and poultry pens and houses;

(D) (i) Regulate and prohibit the going at large of dogs and other animals in the streets and public places of the municipality and prevent cruelty to animals and all inhuman sports, except that no municipality shall adopt breed-specific dog ordinances;

(ii) Regulate and prohibit the keeping of wild or domestic animals, including reptiles, within the municipal limits or portions thereof;

(E) Define, prohibit and abate within the municipality all nuisances and causes thereof, and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists;

(F) (i) Keep streets, sidewalks and public places free from undue noise and nuisances, and prohibit loitering thereon;

(ii) Regulate loitering on private property with the permission of the owner thereof;

(iii) Prohibit the loitering in the nighttime of minors on the streets, alleys or public places within its limits;

(iv) Prevent trespassing on public and private lands and in buildings in the municipality;

(G) Prevent vice and suppress gambling houses, houses of ill-fame and disorderly houses;

(H) (i) Secure the safety of persons in or passing through the municipality by regulation of shows, processions, parades and music;

(ii) Regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity;

(iii) Regulate auctions and garage and tag sales;

(iv) Prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers in a manner not inconsistent with the general statutes;

(v) Regulate and prohibit swimming or bathing in the public or exposed places within the municipality;

(vi) Regulate and license the operation of amusement parks and amusement arcades including, but not limited to, the regulation of mechanical rides and the establishment of the hours of operation;

(vii) Prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played;

(viii) Preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises;

(ix) Establish a system to obtain a more accurate registration of births, marriages and deaths than the system provided by the general statutes in a manner not inconsistent with the general statutes;

(x) Control insect pests or plant diseases in any manner deemed appropriate;

(xi) Provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health;

(xii) Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes;

(xiii) Make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants;

(xiv) Regulate, in addition to the requirements under section 7-282b, the installation, maintenance and operation of any device or equipment in a residence or place of business which is capable of automatically calling and relaying recorded emergency messages to any state police or municipal police or fire department telephone number or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third party

which shall thereafter call and relay such emergency messages to a state police or municipal police or fire department telephone number. Such regulations may provide for penalties for the transmittal of false alarms by such devices or equipment;

(xv) Make and enforce regulations for the prevention and remediation of housing blight, including regulations reducing assessments and authorizing designated agents of the municipality to enter property during reasonable hours for the purpose of remediating blighted conditions, provided such regulations define housing blight and require such municipality to give written notice of any violation to the owner and occupant of the property and provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action being taken, and further provided such regulations shall not authorize such municipality or its designated agents to enter any dwelling house or structure on such property, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe civil penalties for the violation of such regulations of not less than ten or more than one hundred dollars for each day that a violation continues and, if such civil penalties are prescribed, such municipality shall adopt a citation hearing procedure in accordance with section 7-217 152c;

(xvi) Regulate, on any property owned by the municipality, any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe or similar device;

Sec. 3. Subsection (c) of section 29-251c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(c) The commissioner shall establish a program of education and training in the mechanics and application of the State Building Code, the standards for residential and commercial building construction contained in the regulations adopted pursuant to subsection (b) of section 16a-38k, as amended by this act, and the Fire Safety Code conducted for any municipal or state code official, or any candidate for such positions, and a continuing educational program in the mechanics and application of the State Building Code and the Fire Safety Code for any architect, engineer, landscape architect, interior designer, builder, contractor or superintendent of construction doing business in this state.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_Streamlining

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

Lead agency division requesting this proposal: Sec. 1-2: Water Planning and Management; Sec. 3: Land and Water Resources; Sec. 4-5: Air Bureau; Sec. 6-7: Forestry; Sec. 8: Pesticide Management Program; Sec. 9: Waste Engineering and Enforcement Division; Sec. 10: Water Permitting and Enforcement

Agency Analyst/Drafter of Proposal: Sec. 1-2: Jennifer Perry; Sec. 3: David Blatt; Sec. 4-5: Paul Kritzler; Sec. 6-7: Chris Martin, Rick Jacobson; Sec. 8-9: Diane Jorsey; Sec. 10: Ozzie Inglese

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

Statutory Reference: Sec. 1: 22a-416d; Sec. 2: 22a-523**;** Sec. 3: 22-11h(c); Sec. 4: 22a-73; Sec. 5: 22a-174; Sec. 6: 23-37(d); Sec. 7: 23-53; Sec. 8: 22a-54(f); Sec. 9: 22a-50(g); Sec. 10: 22a-6f

Proposal Summary:

Sec. 1: This proposal is to amend statute and regulations to allow for online wastewater treatment facility operator certification exams, revise existing regulations to incorporate a Class 4 Operator In Training classification, and allow an operator to retain certification through appropriate continuing education after leaving the field and allow transition of administration of an operator certification renewal program to the New England Interstate Water Pollution Control Commission (NEIWPCC) which administers wastewater certification programs for other New England States.

Sec. 2: This proposal is to amend statute 22a-523. Since the creation of the Nitrogen Credit Advisory Board (NCAB), the Clean Water Fund has financed numerous treatment plant upgrades that remove nitrogen. Over time, the number of towns that sell nitrogen credits has grown as the number of towns that purchase nitrogen credits has decreased. In accordance with current statute, one NCAB member is required to be “a representative from a municipality with a population of less than twenty thousand that purchases nitrogen credits”. Currently, only three towns in the state meet that requirement, Beacon Falls, Seymour and Killingly. It is possible that this list could shrink further through regionalization of wastewater treatment or further treatment plant upgrades to remove additional nitrogen. Therefore, the Department

proposes to eliminate this requirement from Statute.

Sec. 3: This proposal would make clear that aquaculture structures approved by the Army Corps of Engineers are exempt from state permits under sections 22a-359 through 22a-363f, in accordance with existing practice and legislative intent.

Sec. 4: Repeals the requirement that Connecticut municipalities obtain approval from the Department of Energy and Environmental Protection (DEEP) prior to the adoption of a municipal noise control ordinance. This simplifies the process for municipalities and eases an administrative burden for DEEP.

Sec. 5: Provides DEEP the authority to require a source of air pollution required to obtain a permit under Title V of the Clean Air Act to comply with 40 Code of Federal Regulations Part 62. This corrects an inconsistency between the statute and its implementing regulations and maintains the viability of the CT's federally approved Title V program rather than the threat of a Federally implemented Title V program.

Sec. 6: Technical Revision to Sec 23-37(d) eliminating statutory conflict with Sec 23-35 and 23-55 whereby the State Fire Warden has the ability to maintain trained and equipped fire crews for BOTH in-state and out-of-state forest fire response.

Sec. 7: Technical Revision to Sec 23-53 inserting Article XV which extends Article IX liability provisions to other Forest Fire Compacts.

Sec. 8: To enable the holder of a pesticide certification that has lapsed for less than one year to renew their certification without re-examination and to establish late fees for the late renewal.

Sec. 9: Currently, state statutes establish a 5 year cycle for pesticide registration and renewal. This proposal would give the Commissioner the flexibility to register, renew and collect fees on an annual basis. This flexibility is needed as the department works toward moving the pesticide registration process to e-licensing or other similar electronic filing system. This proposal does not change the amount of the registration fee registrants currently pay. It only adds flexibility to the schedule by which the Commissioner registers and renews pesticides.

Sec. 10: Establish the authority to set annual fees for General Permits.

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

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

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

Sec. 2: Currently the NCAB consists of 5 active members of the identified 12 appointees, a designee of the Commissioner of Energy and Environmental Protection, a designee of Secretary of the Office of Policy and Management, designee of the State Treasurer, and two public members. There are currently vacancies or expired terms for 7 of the 9 total non-agency board members. The requirements for the 9 public members are identified in Section 22a-523. It has been difficult to get public members with interest and appropriate affiliation. The requirement for one of those members to be a representative from one of only three possible towns with that number likely to continue to decrease adds an unnecessary limitation and is the reason to revise the statute to remove this requirement.

Sec. 3: Public Act 99-93 intended to make the Department of Agriculture, Bureau of Aquaculture the lead agency for regulating aquaculture structures in the state's waters, and sought to exempt aquaculture projects from DEEP structures and dredging regulation. However, if read literally, the language of 22a-11h(c) contradicts this intent. The exemption applies to "individual structures used for aquaculture . . . which do not otherwise require a permit under federal Army Corps of Engineers regulations . . ." However, placement of virtually any structure in U.S. waters requires some type of Corps permit, although many activities are authorized almost automatically by general permit. It is believed that the statute was intended to apply only to individual Corps permits, which are used only for the most complex or controversial applications. In practice, the Interagency Aquaculture Working Group has followed this interpretation, and not required a DEEP permit under sections 22a-359 through 22a-363f for Corps-authorized projects. The proposed language change would codify this practice and provide certainty for agencies, applicants, and the general public.

Sec. 4: Section 16 of the proposed bill makes amendments to the state's noise program to providing municipalities the option to adopt a noise program without obtaining approval from DEEP. Funding for the state noise program was eliminated over 30 years ago. As such, DEEP does not have staff trained for noise related issues nor does DEEP have the equipment to test and enforce noise regulations. Regulation of noise has been transferred to local authorities. Noise events are highly localized, limited in duration and often occur outside of normal working hours. Making the state's noise control program smarter and more flexible by providing municipalities the opportunity to adopt a program that best

serves their need is a reasonable and responsible approach to this issue since local governments are the authorities best situated for effective enforcement.

Sec. 5: In response to federal mandates under the Clean Air Act, DEEP promulgated a Title V operating permit program, recognizing that the state was more appropriately positioned to regulated Connecticut sources of air pollution than the federal government. The Title V operating permit program consolidates the myriad of statutory and regulatory air pollution control requirements applicable to the State's largest air pollution emitters into a comprehensive document, enabling those sources and DEEP to more easily assure compliance and limit emissions for benefit of the environment and human health. Through this program DEEP is delegated the authority to implement multiple federal requirements codified in Title 40 Code of Federal Regulations Parts 60, 61, 63, 72-78 and many others. Title 40 Code of Federal Regulations Part 62, is explicitly included in this list in the implementing regulations, as it should be, but was omitted from the Connecticut General Statutes Section 22a-174(c) the governing statute. This statutory omission has resulted in a deficiency in Connecticut's Title V Program and the inability to issue state-level permits which include the federal Part 62 requirements. This deficiency impacts the status of Connecticut's Title V Program with EPA, and impacts DEEP's ability to issue a series of permits to sewage sludge incinerators subject to the Part 62 requirement.

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

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

Sec. 6: Sec 23-35 and 23-55 authorize the State Fire Warden to maintain trained and equipped fire crews for in-state and out-of-state forest fire response. Public Act 19-37 An Act Concerning Qualified Forest Firefighters inserted language into Sec 23-37(d) "in this state" which appears to create a conflict for the Agency to hire qualified temporary emergency workers to provide obligated mutual aid to the Northeastern Interstate Forest Fire Protection Compact, state to state (and/or province) requests, and national response through requests from the USDA Forest Service.

Sec. 7: To reduce the risk exposure to the state and allow the exchange of life-saving resources across compacts. The Northeastern Interstate Forest Fire Protection Compact, established in 1949, was the

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

Sec. 8: This proposal is for a one year grace period and late fees for the renewal of lapsed pesticide certification (commercial supervisor, commercial operator and Private Applicator). In circumstances where a person's certification has lapsed, staff expends significant resources to re-administer the appropriate exam when the need for re-examination does not otherwise exist. This proposal will enable more efficient processing of applications for certification renewal as well as provide for consistency in the way that these certifications are managed compared to holders of arborist certification for which Regulations of Connecticut State Agencies (RCSA Sec 23-61a-4(c) already provide for a grace period.

Sec. 9: Currently, the department processes pesticide registration applications manually. There are currently over 1,000 registrants and approximately 13,000 products registered. Due to the volume of registration and renewal applications received, workload is spread out and pesticides are registered and renewed in five year cycles based on the first letter of the registrant's name. However, registrants find this schedule very confusing and often submit the incorrect fee. Therefore, a significant amount of staff time is spent working with registrants to collect the correct fee and issuing refunds for overpayments. The department is now working to move the pesticide registration process to e-licensing or other similar electronic filing system. Electronic submission of registration and renewal applications will reduce the staff time required to process these applications and allow the department to register and renew products on an annual basis, thereby eliminating the confusion currently created by the current 5 year registration cycle. Because the department does not know exactly when electronic filing of pesticide registration and renewal applications will be available, state statutes must give the commissioner the flexibility to maintain the 5 year registration cycle until an electronic filing system is up and running. All of the other New England states currently register and renew products on an annual basis and have found that this registration schedule greatly simplifies the pesticide registration and renewal process. Registrants prefer an annual registration cycle. Registrants who are not sure how long their product will be distributed do not want to pay the registration fee five years in advance. If a registrant discontinues a product during the 5 year registration cycle, the department must, pursuant to regulations, issue a refund which adds to the staff workload. In addition, many registrants, particularly small businesses, find it difficult to pay the registration fee for multiple years up front. If the proposal is not enacted into law this session, the department will not be able to take full advantage of receiving pesticide registration and renewal applications electronically. In addition, moving the pesticide registration application process to an electronic filing system will be much more complicated because it would have to accommodate a complex 5 year registration cycle rather than a simple annual registration and renewal.

Sec. 10: This proposal amends section 22a-6f to establish authority to set annual fees for General Permits. As more individual permits move to general permits, the application fees become lower and the department loses annual fees which are intended to support the agency's costs for monitoring compliance with the terms and conditions of authorization. This proposal would allow annual fees to be established in the development of a general permit and would help cover the cost of compliance monitoring.

◊ **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?

Sec. 1 is a resubmission and was included in 2020 HB 5497, which was slated to receive a public hearing on March 20, 2020 that was cancelled due to COVID-19.

Sec. 2 is a new proposal.

Sec. 3: In 2020, this proposal was section 5 of HB 5497, AAC Minor Revisions to Environmental Statutes, which, like all other bills, was not acted upon due to the COVID-19 pandemic. In 2019, this proposal was section 5 of SB 998, the Department's 2019 minor revisions bill, which passed the Senate but died on the House floor after a strike-all amendment which included the proposal as section 3.

Sec. 4: The proposal was included in the DEEP minor revisions bill in 2019, S.B. 998 in 2019. The bill cleared committee and passed the Senate in 2019 but was not taken up by the House. The proposal was also included in DEEP's 2020 legislative package and was slated to have a public hearing on March 20 before the session was cut short due to COVID-19.

Sec. 5: New proposal.

Sec. 6: New proposal.

Sec. 7: Resubmission from 2019's SB 998. This provision was included as Section 7 of the raised bill, and was included as Section 5 of the strike-all amendment, LCO 11059, that passed the Senate but was not taken up for a vote in the House.

Sec. 8: This proposal was part of HB5497 AAC Minor Revision to Environment-Related Statutes (see section 4) in the 2020 legislative session.

Sec. 9: New proposal.

Sec. 10: New proposal.

PROPOSAL IMPACT

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

Agency Name: Sec. 3: Bureau of Aquaculture, Department of Agriculture
Agency Contact (*name, title, phone*): Sec. 3: David Carey, Director (203) 874-0696
Date Contacted: Sec. 3: July 15, 2019 and in regular contacts afterwards

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

Summary of Affected Agency's Comments
Sec. 3: DA/BA has been supportive of the proposal.

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

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

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

Sec. 2: None

Sec. 3: None

Sec. 4: This proposal eases administrative burdens for towns and would decrease the time spent by municipal staff and legal counsel on the approval process.

Sec. 5: None
Sec. 6: None

Sec. 7: None

Sec. 8: None

Sec. 9: None

Sec. 10: In accordance with CGS Section 22a-6(b), municipalities seeking coverage under a general permit would pay 50% of the annual fee.

State
Sec. 1: None

Sec. 2: None

Sec. 3: Potential savings through avoided costs to DEEP for staff resources that might be spent on duplicative regulatory proceedings and hearings.

Sec. 4: Eliminates the time DEEP staff spend to review and amend the approximately 3-5 municipal ordinances that are submit each year. DEEP would realize savings in staff time, which could be redistributed to efforts such as meeting climate change goals.

Sec. 5: No impact. The addition of 40 CFR 62 to the Title V program authorities would be implemented with existing resources.

Sec. 6: None

Sec. 7: None, until and unless Connecticut experiences a wildland fire(s) that exceeds the capacity of instate and within Compact resources. Any costs incurred to secure additional resources from beyond those available within the Northeast Compact to address such wildland fire(s) must be considered and weighed against the significant cost and destructive aftermath to life and property absent these resources being made available. Article IX of CGS section 23-53 requires 100% reimbursement to

Connecticut by the requesting agency should state resources be deployed out of state. It is fair and equitable to maintain reciprocal liability provisions to cover any lawfully incurred expenses in the exercise of these services from out of state providers to extinguish forest fires.

Sec. 8: Generation of revenues due to the collection of late fees and cost savings due to the streamlining of the renewal process.

Sec. 9: The purpose of this proposal is to give the Commissioner authority to charge annual fees in advance of moving the current manual pesticide registration process to an electronic filing system. This move, coupled with collecting fees annually, will streamline the current registration process and reduce the demand on staff resources and ensure a consistent flow of revenue.

Sec. 10: Regulated activities have historically been authorized under individual permits which are required to pay annual fees sufficient to cover the costs for compliance monitoring. Over the past two decades, such regulated activities have predominantly been authorized under general permits which do not require payment of an annual fee. This bill would seek to recover the resulting loss of annual fees revenue to cover the cost of compliance monitoring activities. To illustrate this fiscal impact, an average loss of $1.5 million/year would be realized as individually permitted activities under the pretreatment program (industrial and commercial discharges to the sewer) become regulated under general permits. With respect to fiscal impacts to other state agencies, CGS Section 22a-6f(a) provides that any agency, board, commission, council, or department of the state seeking coverage under a general permit, may have an annual fee waived provided the DEEP is compensated in-kind in an equal amount to such fee pursuant to a written agreement.

Federal

Sec. 1: None

Sec. 2: None

Sec. 3: None

Sec. 4: None

Sec. 5: Addressing this minor revision will assist CT in maintaining a federally approvable Title V permitting program and avoid jeopardizing associated funding collected through the program.

Sec. 6: None

Sec. 7: None

Sec. 8: None

Sec. 9: None

Sec. 10: Any federal facility seeking coverage would be required to pay the annual fee specified by the general permit.
Additional notes on fiscal impact

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

Sec. 3: Aquaculture projects are currently reviewed on a cooperative basis by staff of DA/BA, DEEP, and the Army Corps. Opponents of certain aquaculture projects have discovered the flaw in the 22-11h(c) language and have pressed for the full DEEP permit process to apply, potentially including time-consuming hearings. The proposed language would codify current practice, in which the Corps is responsible for public notice and comment procedures for aquaculture projects.

Sec. 4: The Connecticut noise program has not been funded for at least 30 years. Repealing the need for municipalities to receive DEEP approval would better align noise control policies to allow for local control and enforcement. It would provide municipalities with more flexibility in addressing their local concerns regarding noise and ease administrative burdens. Programmatically it would allow DEEP to reallocate the time staff spends on noise approvals to higher priority goals within the Department.

Sec. 5: This proposal supports continued satisfaction of DEEP's clean air goals to maintain and reduce air pollution and greenhouses gases in the state. Maintaining the Title V permit program authority current with federal requirements is an important component of DEEP's tools to maintain clean air for Connecticut's citizens.

Sec. 6: This proposal will allow the private individuals that the Department of Energy and Environmental Protection provides specialized annual wildfire response training to, and maintains an annual roster for, their intended purposes: both for instate fire suppression, and for mutual aid response to other states and provinces through Compact and/or individual state or province requests, as outlined in Sec 23-35 and 23-55, and as committed to in Article VIII of Sec. 23-53 the Northeastern Interstate Forest Fire Protection Compact.

Sec. 7: Amending Section 23-53 by including extended liability coverage for resources exchanged between compacts will reduce the state's risk exposure and will allow other Compacts to provide assistance to Connecticut if needed. Often when Connecticut experiences increased wildfire activity, the potential for wildfire is occurring regionally, usually as a result of widespread drought conditions. This limits the ability of Northeast Compact member states and provinces to provide mutual aid to Connecticut, as their resources may be needed in their home states or provinces.

Sec. 8: This proposal is anticipated to result in greater agency efficiency for DEEP staff by eliminating the need to re-administer exams for individuals that have not submitted their renewal applications in a timely manner.

Sec. 9: This proposal will have a positive impact on the Pesticide Program. The ability of the commissioner to register and renew pesticides on an annual basis, coupled with receiving registration and renewal applications electronically, will significantly reduce the demand on limited staff resources.

◊ **EVIDENCE BASE**

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

N/A

Insert fully drafted bill here

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

(d) As used in this section the terms "class I", "class II", "class III" and "class IV" mean the classifications of wastewater treatment plants provided for in regulations adopted by the Department of Energy and Environmental Protection. The Commissioner of Energy and Environmental Protection may establish requirements for the presence of approved operators at pollution abatement facilities. Applicants for class I**, [and]** class II**, class III and class IV** certificates shall **[only]** be required to pass the relevant standardized national examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators. **[Applicants for class III and class IV certificates shall only be required to pass the relevant standardized national examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators supplemented with additional questions submitted by the commissioner to such board. Operators with certificates issued by the commissioner prior to May 16, 1995, shall not be required to be reexamined.]** The commissioner**, or the commissioner's designated agent,** shall administer and proctor the examination of all applicants. The qualifications of the operators at such facilities shall be subject to the approval of the commissioner. The commissioner may adopt regulations, in accordance with the provisions of chapter

54, **[requiring all operators at pollution abatement facilities to satisfactorily complete, on a regular basis, a state-certified training course, which may include training on the type of municipal pollution abatement facility at which the operator is employed and training concerning regulations promulgated during the preceding year. Any applicant for certification who passed either the examination prepared and administered on December 8, 1994, by the commissioner or the examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators and administered on December 8, 1994, by the commissioner shall be issued the appropriate certificate in accordance with the regulations adopted under this section.]** **concerning application, examination, certification, renewal and continuing education requirements.** On and after October 1, 2018, each certified operator shall obtain not less than six hours of continuing education each year. A record of such continuing education shall be maintained by the certified operator and by the facility employing the operator and shall be made available for inspection upon request by the commissioner.

Section 2. Subsection (1) of section 22a-523 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection shall establish a Nitrogen Credit Advisory Board to assist and advise the commissioner in administering the nitrogen credit exchange program. The board shall consist of the Commissioner of Energy and Environmental Protection or the commissioner's designee, the Secretary of the Office of Policy and Management or the secretary's designee, the State Treasurer or the Treasurer's designee and nine public members to be appointed in accordance with this section. The nine public members shall include an official of a major publicly-owned treatment works appointed by the speaker of the House of Representatives, a municipal public works official appointed by the president pro tempore of the Senate, a representative from a municipality with a population of greater than twenty thousand that purchases nitrogen credits and a representative from a municipality with a population of less than twenty thousand that sells credits appointed by the majority leader of the House of Representatives, a representative from a municipality with a population of greater than twenty thousand that sells nitrogen credits and a representative from a municipality with a population of less than twenty thousand **[that purchases nitrogen credits]** appointed by the majority leader of the Senate, and three persons having experience in either wastewater treatment, environmental law or finance, one to be appointed by the minority leader of the House of Representatives, one to be appointed by the minority leader of the Senate, and one to be appointed by the Governor. All initial appointments shall be made not later than August 1, 2001, and shall be made so the composition of the board is, to the extent possible, balanced with regard to buyers and sellers of credits, large and small municipalities and representatives from different geographic regions of the state.

Section 3. Subsection (c) of section 22-11h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Section 4. : Section 22a-73 of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) To carry out and effectuate the purposes and policies of this chapter it is the public policy of the state to encourage municipal participation by means of regulation of activities causing noise pollution within the territorial limits of the various municipalities. To that end, any municipality may develop and establish a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and its development and adoption of a noise control ordinance.

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

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

Section 5: Subsection (c) of section 22a-174 of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The commissioner shall have the power, in accordance with regulations adopted by him, (1) to require that a person, before undertaking the construction, installation, enlargement or establishment of a new air contaminant source specified in the regulations adopted under subsection (a) of this section, submit to him plans, specifications and such information as he deems reasonably necessary relating to the construction, installation, enlargement, or establishment of such new air contaminant source; (2) to issue a permit approving such plans and specifications and permitting the construction, installation, enlargement or establishment of the new air contaminant source in accordance with such plans, or to issue an order requiring that such plans and specifications be modified as a condition to his approving them and issuing a permit allowing such construction, installation, enlargement or establishment in accordance therewith, or to issue an order rejecting such plans and specifications and prohibiting construction, installation, enlargement or establishment of a new air contaminant source in accordance with the plans and specifications submitted; (3) to require periodic inspection and maintenance of combustion equipment and other sources of air pollution; (4) to require any person to maintain such records relating to air pollution or to the operation of facilities designed to abate air pollution as he deems necessary to carry out the provisions of this chapter and section 14-164c; (5) to require that a person in control of an air contaminant source specified in the regulations adopted under subsection (a), obtain a permit to operate such source if the source (A) is subject to any regulations adopted by the commissioner concerning high risk hazardous air pollutants, (B) burns waste oil, (C) is allowed by the commissioner, pursuant to regulations adopted under subsection (a), to exceed emission limits for sulfur compounds, (D) is issued an order pursuant to section 22a-178, or (E) violates any provision of this chapter, or any regulation, order or permit adopted or issued thereunder; (6) to require that a person in control of an air contaminant source who is not required to obtain a permit pursuant to this subsection register with him and provide such information as he deems necessary to maintain his inventory of air pollution sources and the commissioner may require renewal of such registration at intervals he deems necessary to maintain such inventory; (7) to require a permit for any source regulated under the federal Clean Air Act Amendments of 1990, P.L. 101-549; (8) to refuse to issue a permit if the Environmental Protection Agency objects to its issuance in a timely manner under Title V of the federal Clean Air Act Amendments of 1990; and (9) notwithstanding any regulation adopted under this chapter, to require that any source permitted under Title V of the federal Clean Air Act Amendments of 1990 shall comply with all applicable standards set forth in the Code of Federal Regulations, Title 40, Parts 51, 52, 59, 60, 61, **62,** 63, 68, 70, 72 to 78, inclusive, and 82, as amended from time to time.

Section 6. Section 23-37 subsection (d) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage)*:

(d) If the state forest fire warden determines that additional state forest fire control personnel are required to assist in extinguishing a forest fire either in this state[,] or in another state that is a member of a compact authorized to provide reciprocal aid, the state forest fire warden

may temporarily supplement state forest fire control personnel with temporary emergency workers who meet the training and qualification requirements of the National Incident Management System: Wildland Fire Qualification System Guide published by the National Wildfire Coordinating Group, as amended from time to time. The Department of Administrative Services shall assist the state fire warden in developing appropriate classifications for such temporary emergency workers.

Section 7. Section 23-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage)*:

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

NORTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

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

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

It shall be the duty of the commission to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the prevention and control of forest fires in the area comprising the member states, to coordinate the forest fire plans and the work of the appropriate agencies of the member states and to facilitate the rendering of aid by the member states to each other in fighting forest fires.

The commission shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the entire region covered by the compact which shall serve as a common forest fire plan for that area.

The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor and to the legislature of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the interests and purposes of this compact.

The commission shall consult with and advise the appropriate administrative agencies of the states party hereto with regard to problems connected with the prevention and control of forest fires and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the signatory states any and all measures that will effectuate the prevention and control of forest fires.

ARTICLE V

Any two or more member states may designate the Northeastern Forest Fire Protection Commission as a joint agency to maintain such common services as those states deem desirable for the prevention and control of forest fires. Except in those cases where all member states join in such designation for common services, the representatives of any group of such designating states in the Northeastern Forest Fire Protection Commission shall constitute a separate section of such

commission for the performance of the common service or services so designated provided that, if any additional expense is involved, the state so acting shall appropriate the necessary funds for this purpose. The creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities or duties of the states participating therein as embodied in the other articles of this compact.

ARTICLE VI

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

ARTICLE VII

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

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

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

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

ARTICLE VIII

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

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

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

ARTICLE IX

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

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

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

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

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are

killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

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

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

ARTICLE X

When appropriations for the support of this commission or for the support of common services maintained by the commission or a section thereof under the provisions of article V are necessary, the commission or a section thereof shall allocate the costs among the states affected with consideration of the amounts of forested land in those states that will receive protection from the service to be rendered and the extent of the forest fire problem involved in each state, and shall submit its recommendations accordingly to the legislatures of the affected states.

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

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

ARTICLE XI

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

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

ARTICLE XII

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

ARTICLE XIII

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

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

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

ARTICLE XIV

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

ARTICLE XV

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

Section 8. Subsection (f) of section 22a-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) The commissioner may by regulation adopted in accordance with the provisions of chapter 54 prescribe fees for applicants to defray the cost of administering examinations and assisting in carrying out the purposes of section 22a-451, except the fees for certification and renewal of a certification shall be as follows: **[**(1)**]** (A) For supervisory certification as a commercial applicator, two hundred eighty-five dollars; **[**(2)**]** (B) for operational certification as a commercial applicator, eighty dollars, and **[**(3)**]** (C) for certification as a private applicator, one hundred dollars. A federal, state or municipal employee who applies pesticides solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a federal, state or municipal employee for which a fee has not been paid shall be void if the holder leaves government employment. The fees collected in accordance with this section shall be deposited in the General Fund.

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

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

Section 9. Section 22a-50(g) of the General Statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

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

Section 10. Section 22a-6f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

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

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

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

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

(e) Unless otherwise specified in a general permit issued on or after October 1, 2021, any person or municipality authorized to engage in a regulated activity covered by a general permit pursuant to any

provision of this title shall pay an annual fee as follows: (1) If the person or municipality engaged in the regulated activity is required to register with the Department of Environmental Protection and obtain approval of the registration before the activity is authorized, two hundred dollars; or (2) if the person or municipality intending to engage in the regulated activity is only required to register with the Department of Environmental Protection before the activity is authorized, one hundred dollars. No annual fee for a general permit issued on or after October 1, 2021 shall exceed one thousand dollars.

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

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

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_RadiationSecurity

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection
Liaison: Mandi Careathers/James Albis **Phone:** 860.306.1660/860.967.8524 **E-mail:** Mandi.Careathers@ct.gov/James.Albis@ct.gov
Lead agency division requesting this proposal: Air Bureau
Agency Analyst/Drafter of Proposal: Paul Kritzler

Title of Proposal: An Act Concerning Radiation Security, Safety and Sustainability
Statutory Reference: 22a-151, 22a-153, 22a-154, 22a-156, 22a-157, 22a-6a
Proposal Summary: This proposal amends several sections of the general statutes to authorize the Governor to begin the three to five year process to enter into an agreement with the United State Nuclear Regulatory Commission (NRC) in accordance with section 247b of the Atomic Energy Act of 1954 whereby the NRC relinquishes to the State portions of its regulatory authority to license and regulate byproduct materials (radioisotopes); source materials (uranium and thorium); and certain quantities of special nuclear materials in order to enhance local control and security. Upon approval by the NRC and assumption of regulatory authority for this radioactive material, Connecticut would become an "Agreement State*." The NRC would remain the sole regulatory authority for commercial nuclear reactors (Millstone), spent fuel storage facilities (Connecticut Yankee), consumer product distribution, and certain amounts of special nuclear material in the state.* The amendment would also authorize the Governor and DEEP to take actions necessary to implement radiation safety and security measures recommended in the National Council on Radiation Protection and Measurements Reports No. 138 "Management of Terrorists Events Involving Radioactive Material" and No. 179, "Guidance for Emergency Response Dosimetry." Upon implementation, the Agreement State program is self-funded through fee based regulations.

PROPOSAL BACKGROUND

- ◊ **Reason for Proposal**

Please consider the following, if applicable:

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

This proposal will centralize all aspects of authority over ionizing radiation and radioactive material which will provide a number of benefits including: increased safety and security, decreased state financial liability and increased state revenue for the General Fund, ensured sustainability of radiation safety resources for the State of Connecticut, decreased barriers to interstate commerce by ensuring compatible requirements, and decreased costs for Connecticut State agencies and businesses.

<u>Streamlining (Decreased Business Costs and Better Administration)</u>

Due to the transfer of licenses to a single entity from NRC to DEEP, there will be a centralization for ionizing radiation sources within the regulated community, such as medical institutions, educational institutions, pharmaceutical companies and physicians. Currently, the regulated community must interact with a federal agency for part of their operations and a state agency for the remainder, a framework that is cumbersome and leaves gaps in the efficient control and security of radioactive material that could place the public at potential risk to exposure to ionizing radiation as well as adversely impact efficiency of business operations. As an Agreement State, licensees will have ready access state inspection and licensing personnel to more efficiently resolve questions and issues. Current DEEP response time to questions and requests is approximately one month on average while response from NRC can typically take eight months or more.

Connecticut is only one of ten states that are not Agreement States. All other states in New England and New York are Agreement States. Ensuring regulatory and licensing requirements are compatible with nearby states minimizes barriers to interstate commerce due to reciprocity agreements and ensures a consistent framework that enhances industry compliance.

<u>Increased Revenue</u>

Currently the State of Connecticut collects $25,000 per year in fees from the 125 licensed entities in the states. The NRC collects $1.3 million in fees per year from those licenses. Connecticut State Agencies (UCONN Health, Connecticut Agriculture Station, DOT, DPH and DEEP) pay $115,900 annually to NRC in radioactive material license fees. Following approval from NRC those licensing fees will be transferred to the State of Connecticut, a portion of which must be used to expand DEEP's radiation group and the remainder of which will be transferred to the General Fund at the end of each fiscal year. Please see the fiscal note for more information.

<u>Increased Security and Decreased State Financial Liability (Examples of Savings)</u>

The proposal will work to reduce security gaps and decrease state financial liability, examples of which include: 1) DEEP investigating concerns about potential personnel over exposure to radiation at a NRC licensed facility because the NRC did not have the resources to send someone to investigate and requested DEEP assistance, 2) Homeowner found a radioactive material source on their property and federal government requested DEEP assistance to secure and safely remove the source – federal radiological responders were not immediately available to respond to incident, 3) DEEP identified loss of control of radioactive material at NRC licensed facility and reported incident to the NRC – NRC did not have resources to immediately send to Connecticut so DEEP conducted an on-scene investigation while NRC did a telephone interview with the facility, 4) DEEP identified residual radioactive material during a state confirmatory survey at a facility after NRC terminated the license so DEEP ensured the material was properly removed prior to transfer of ownership of the facility. In all these instances DEEP expended resources with no means for reimbursement.

Additionally, increased state control over these licenses would allow for better coordination with other state agencies. This proposal would also ease burdens on legacy radiation sites such as those in Waterbury and New Haven by expanding local control of oversight. It would ensure protective standards are met through the DEEP Radiation group's expanded authority.

Sustainability

With the passage of the bill and attaining Agreement State status, DEEP would be adequately funded to respond properly to protect public health, and funding would continue despite potential disruptions in funding from other sources such as the Millstone Nuclear Power Plant. Additionally, as the NRC states on their website, states entering into agreements gain the benefits of additional NRC training and workshops, evaluation of technical licensing and inspection issues, early involvement in NRC regulatory efforts, and participation in the Organization of Agreement States (OAS). These benefits will provide more security and protection for Connecticut citizens with regards to sources of ionizing radiation,[1] and additionally the trained radiation professional staff would provide defense-in-depth for radiation emergency response for Millstone Nuclear Power Station."

[1] https://www.nrc.gov/about-nrc/state-tribal/agreement-states.html

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

If this is a resubmission, please share:

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

This proposal was approved in 2020, but was not introduced before the session was suspended due to COVID-19.

PROPOSAL IMPACT

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

Agency Name: DPH, DoL, DMV, State Police, DESPP, DPUC, Insurance, DEMHS, DOT **Agency Contact (*name, title, phone*):** **Date Contacted:** Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments In 2020, DEEP contacted both DPH and UConn Health, who would be affected most by the change, and both were supportive of the proposal. All other affected regulated entities which may include other agencies will be notified that the proposal is being put forward. Affected agencies per C.G.S. section 16a-103 are directed to initiate studies for changes in their laws and regulations which may be effected by the presence of nuclear materials in the state. However all authority over regulation of such materials is vested in the Commissioner of DEEP. As such, notification of the proposal is largely informative, as this the number or amount of nuclear materials in state will not change due to this proposal as it is only a transfer of NRC licenses to the state for existing sources.
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 This legislation and the formation of the subsequent program could result in increase in revenue and administrative costs for DEEP. <u>Increased Revenue</u>

The increased revenue will support the additional positions needed to develop and implement the program. Through contact with the NRC, DEEP anticipates that approximately 125 licenses will be transferred to DEEP. The fees for these licenses is anticipated to be $1.3 million dollars per year. DEEP collects $25,000 from these same sources with NRC licenses in fees. As such the new Materials Program would provide $1,275,000 in additional revenue annually before accounting for operation costs (explained below). The revenue gain has been benchmarked against fees collected in Vermont, Massachusetts, New York and Rhode Island. Additional revenue could be gained through licensing actions such as application for a new license, renewal, or amendment. Connecticut would also collect a nominal amount of money for reciprocity fees (NRC charges $2500 per year) for sources who are licensed in other states but may be doing business in Connecticut.

Savings

Connecticut State Agencies (UCONN Health, Connecticut Agriculture Station, DOT, DPH and DEEP) pay $115,900 annually to NRC in radioactive material license fees which would be exempted under a new Materials Program. NRC also provides training and travel expenses for state personnel. The proposal also transfers all funds not used for administration in the fiscal year to the General Fund.

Costs

The establishment of the program would require increased staff to oversee the new licenses. It is anticipated that the new program would require four additional staff including a Supervising Radiation Control Physicists, an Environmental Analyst, and two Environmental Compliance Specialists. At current rates the total fiscal cost of this increased staff is anticipated to be $511,656 per year. Staff costs and operating fees would be covered by revenue gained through licensing fees. The NRC provides training and funds training travel for agreement state personnel.

Overall

The overall increase in revenue would be 1.2 million dollars per year (1.3 in current NRC licensing fees minus $100,000 in fees from Connecticut state agencies), while costs would be approximately $500,000 per year (estimated staff costs), resulting in a yearly transfer of approximately $500,000 per year to the General Fund, even granted a potential decrease in licensing fees which would save Connecticut businesses money.

Federal

Decrease in revenue and workload as licenses are transferred from NRC to DEEP.

Additional notes on fiscal impact

The proposal would be positioned to reduce costs for 125 businesses in Connecticut who are currently licensed by the NRC. Connecticut will both decrease licensing fees in regulation adopted pursuant to this passage of this proposal, decrease administrative costs and time as licenses will now be administered by DEEP rather than the federal NRC.

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

This proposal would align policy with that of forty other states in the nation and expand the control over sources of ionizing radiation in the state to improve safety and security. It would build a robust radiation control program for Connecticut and secure future funding, training and oversight. All administrative costs would be borne by the fees collected on the facilities whose licenses are being transferred to DEEP.

Programmatically, this proposal would transfer license oversight from NRC to the DEEP for administration. Following adoption of the proposal and letter for intent form the Governor, the NRC will assign a program manager to Deep's Division of Radiation to assist in the process of building up the Agreement materials program, a process that would be expected to take three to five years as the NRC reviews the Agreement State application. The DEEP Division of Radiation would need to hire 4 FTE positions. Existing programs would experience a co-benefit from the NRC training and the decrease in regulatory gaps as explained above between the NRC and state programs. Anticipated program adoption would require the adoption of new regulations to meet NRC requirements, and to implement a new fee schedule in year 1, the transfer of existing staff and hiring of new staff through existing resources in year 2, and the transfer of administrative costs to the NRC fund upon completion and acceptance by NRC of the State program in the subsequent years (anticipated to be year 3-5).

◊ **EVIDENCE BASE**

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

Agreement States maintain Performance Indicators (PIs) for the following categories:

- Status of the Materials Inspection Program
- Technical Quality of Inspections
- Technical and Staffing Training
- Technical Quality of Licensing Actions
- Technical Quality of Incident and Allegation Activities

In addition the NRC conduct periodic assessment of the Agreement State by conducting an Integrated Materials Performance Evaluation Program (IMPEP) review (Including review of the above listed PIs.). This review is conduction one year after the Agreement State is initiated and every four years thereafter. Additionally, special reviews may be scheduled due to loss of key staff, loss of operating funding, or other acute problems that may affect program performance including changes to regulatory structure, regulatory overreach, or a group of licenses requires special attention. Additionally both the NRC or the Agreement State may schedule a special review.

AN ACT CONCERNING RADIATION SECURITY, SAFETY, AND SUSTAINABILITY

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

Section 1. Section 22a-151 of the general statutes is amended by adding subdivisions (9) and (10) as follows (*Effective October 1, 2021*):

(9) "Radioactive materials" means any solid, liquid or gas that emits ionizing radiation spontaneously.

(10) "Commissioner" means the Commissioner of Energy or Environmental Protection or a designee or agent of the Commissioner of Energy or Environmental Protection.

Sec. 2. Section 22a-153 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

(c) **[**Said**]** The commissioner shall **[**make such regulations as may be necessary to carry out the provisions of said sections**]** adopt regulations, in accordance with the provisions of chapter 54, regarding sources of ionizing radiation and radioactive materials, including, but not limited to:

(1) Regulations necessary to secure agreement state status from the Nuclear Regulatory Commission pursuant to Section 274 of the Atomic Energy Act of 1954, 42 USC 2021, as amended;

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

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

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

(5) Regulations as may be necessary to carry out the provisions of sections 22a-151 to 22a-158, inclusive, as amended by this act;

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

(7) Regulations to reciprocate in the recognition of specific licenses issued by the NRC or another state that has reached agreement with the NRC pursuant to 42 U.S.C. § 2021(b).

(d) The Governor or the commissioner is authorized to employ such consultants, experts and technicians as **[**he shall deem**]** necessary for the purpose of conducting investigations and reporting **[**to him**]** on matters connected with the implementation of the provisions of **[**said sections**]** sections 22a-148 to 22a-158, inclusive, as amended by this act.

(e) There is established an account to be known as the "ionizing radiation management account". Said account shall be established by the Comptroller as a separate, nonlapsing account within the General Fund. All moneys collected in accordance with section 22a-148, or 22a-150, or any regulations adopted in accordance with subsection (c) of this section, shall be deposited in the General Fund and credited to the ionizing radiation management account. Any balance remaining in the account at the end of any fiscal year shall be transferred to the General Fund. Said account may also receive moneys from other sources. The account shall be available to the commissioner to implement, administer and enforce (1) the ionizing radiation program, or (2) the provisions of sections 22a-148 to 22a-158, inclusive, as amended by this act, and section 7 of this act, or any regulations or guidelines adopted pursuant to said sections. Nothing in this subsection shall prevent the commissioner from obtaining or using funds from sources other than the ionizing radiation management account for the purposes of implementing, administering, and enforcing an ionization radiation program.

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

Sec. 3. Subsection (a) of section 22a-154 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) The [Commissioner of Energy and Environmental Protection may provide by regulation for] commissioner shall adopt regulations, in accordance with the provisions of chapter 54, for the general or specific licensing of [by-product, source, special nuclear materials and other] sources of ionizing radiation. [, or devices or equipment utilizing such materials, and for amendment, suspension, or revocation of licenses issued pursuant thereto.] The commissioner may issue, deny, renew, modify, suspend or revoke such licenses and may include such terms and conditions in such licenses that the commissioner deems necessary.

Sec. 4. (NEW) (*Effective October 1, 2021*) (a) Any person who violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections, or any owner of land who permits such violations to occur on such owner's land, shall be assessed a civil penalty of not more than ten thousand dollars per day for each offense. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense. If two or more persons are responsible for such violation, such persons shall be jointly and severally liable under this section. The Attorney General, upon request of the Commissioner of Environmental Protection, shall institute a civil action in the superior court for the judicial district of Hartford to recover such penalty. Any such action brought by the Attorney General pursuant to this section shall have precedence in the order of trial as provided for in section 52-191 of the general statutes. For the purposes of this section, "person" includes, but is not limited to, any responsible corporate officer or municipal official.

(b) Any person who, with criminal negligence, violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections shall be fined not more than twenty-five thousand dollars per day for each violation or be imprisoned not more than one year, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than two years, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense.

(c) Any person who knowingly violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections shall be fined not more than fifty thousand dollars per day for each day of violation or be imprisoned not more than three years, or both. A subsequent conviction for any such violation shall carry a fine of not more than one hundred thousand dollars per day for each day of violation or imprisonment for not more than ten

years, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense.

(d) Any person who knowingly makes a false statement, representation or certification in an application, record, report, plan or other document filed or required to be maintained under sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under said sections, or any regulation adopted or registration, license or order issued pursuant to said sections, shall, upon conviction, be fined not more than twenty-five thousand dollars per day for each violation or imprisoned not more than two years for each violation, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense. For the purposes of this subsection, "person" includes, but is not limited to, any responsible corporate officer or municipal official.

Sec. 5. Section 22a-157 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

No person shall construct, operate, use, manufacture, produce, transport, transfer, receive, acquire, decommission, own or possess any source of ionizing radiation, **[**unless exempt, licensed or registered in accordance with the provisions of sections 22a-151 to 22a-158, inclusive**]** unless such activity is in compliance with all requirements of this chapter, including any regulations adopted, or registration or license issued under this chapter. No person shall produce, transport, store, possess, manage, treat, remediate, or dispose of any radioactive materials, unless such activity is in compliance with all requirements of this chapter including any regulations adopted, or registration or license issued under this chapter. No person shall fail to register a source of ionizing radiation required to be registered under this chapter, including any regulations adopted, or registration or license issued under this chapter.

Sec. 6. (NEW) (*Effective October 1, 2021*) (a) If a person causes or is responsible for any exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation, or causes or is responsible for pollution, contamination or potential pollution or contamination of any land, water, air or other natural resource of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste, and who does not act immediately to prevent, abate, contain, mitigate or remove such hazard, potential hazard, pollution, contamination, or potential pollution or contamination, to the satisfaction of the commissioner, or if such person is unknown, and such hazard, potential hazard, pollution, contamination, or potential pollution or contamination, is not being prevented, abated, contained, mitigated or removed by the federal government, a state agency, a municipality or a regional or

interstate authority, the commissioner may take steps he or she deems necessary to protect human health and the environment including, but not limited to, investigating, monitoring, abating, containing, mitigating, or removing such hazard, potential hazard, pollution, contamination, or potential pollution or contamination. The commissioner may enter into a contract with any person for the purpose of carrying out the provisions of this subsection.

(b) Any person who causes or is responsible for any exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation or who causes or is responsible for pollution, contamination, or potential pollution or contamination of any land, water, air or other natural resource of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste shall be liable for all costs and expenses incurred by the commissioner pursuant to subsection (a) of this section, including all costs and expenses to restore the air, water, land and other natural resources of the state, and shall be liable for all attorneys' fees, court costs and any other legal expenses incurred by the state regarding the recovery of such costs. Nothing in this subsection shall preclude the commissioner from seeking additional compensation or such other relief that a court may award, including punitive damages. When such hazard, potential hazard, pollution, contamination or potential pollution or contamination results from the action or inaction of more than one person, each person shall be held jointly and severally liable for such costs. Upon request of the commissioner, the Attorney General shall bring a civil action to recover all such costs and expenses from the person who caused or is responsible for any hazard, potential hazard, pollution, contamination or potential pollution or contamination.

(c) Any person who prevents, abates, contains, removes or mitigates any (1) exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation that is not authorized by regulation, registration or license, or (2) any pollution or contamination or potential pollution or contamination of any land, water, air or other natural resources of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste that is not authorized by regulation, registration or license, shall be entitled to reimbursement of the reasonable costs incurred or expended for such abatement, containment, removal, or mitigation from any person whose negligent, reckless, or intentional action or inaction caused such hazard, potential hazard, pollution, contamination or potential pollution or contamination. When such hazard, potential hazard, pollution, contamination or potential pollution or contamination results from the action or inaction of more than one person, each person shall be held jointly and severally liable for such costs.

(d) Whenever the commissioner incurs contractual obligations in carrying out the duties of subsection (a) of this section and the person who causes or is responsible for the hazard, potential hazard, pollution, contamination or potential pollution or contamination does not assume such contractual obligations, the commissioner shall request the Attorney General to bring a civil action pursuant to

subsection (a) of this section to recover the costs and expenses of such contractual obligations and other costs and expenses provided for in subsection (b) of this section. If any such person is unknown, the commissioner shall request the federal government to assume such contractual obligations to the extent provided for by federal law.

Sec. 7. Subsection (a) of section 22a-6a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any person who knowingly or negligently violates any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6 or 22a-7, chapter 440, chapter 441, section 22a-69 or 22a-74, subsection (b) of section 22a-134p, section 22a-148 to 22a-150, inclusive, 22a-153, 22a-154, as amended by this act, 22a-157, as amended by this act, 22a-158, 22a-162, 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-358, 22a-359, 22a-361, 22a-362, 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted or issued thereunder by the Commissioner of Energy and Environmental Protection shall be liable to the state for the reasonable costs and expenses of the state in detecting, investigating, controlling and abating such violation. Such person shall also be liable to the state for the reasonable costs and expenses of the state in restoring the air, waters, lands and other natural resources of the state, including plant, wild animal and aquatic life to their former condition insofar as practicable and reasonable, or, if restoration is not practicable or reasonable, for any damage, temporary or permanent, caused by such violation to the air, waters, lands or other natural resources of the state, including plant, wild animal and aquatic life and to the public trust therein. Institution of a suit to recover for such damage, costs and expenses shall not preclude the application of any other remedies.

Sec. 8. Section 16a-101 of the general statutes is repealed and the following is substituted in lieu thereof *(effective October 1, 2021)*:

Sec. 16a-101. (Formerly Sec. 19-405). Definitions. As used in this chapter:

(1) “Atomic energy” means [all forms of energy released in the course of nuclear fission or nuclear transformation;]"Atomic energy" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(2) “By-product material” means [any radioactive materials, except special nuclear materials, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials;]"By-product material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(3) “Production facility” means [(A) any equipment or device capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (B) any important component part especially designed for such equipment or device;]"Production Facility" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(4) "Radioactive material" means "Radioactive Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(5) "Source material" means "Source Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

[(4)] (6) “Special nuclear material” means [(A) plutonium and uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission has determined the material to be such; or (B) any material artificially enriched by any of the foregoing;]"Special Nuclear Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

[(5)] (7) “Utilization facility” means [(A) any equipment or device, except an atomic weapon, capable of making use of special nuclear materials in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (B) any important component part especially designed for such equipment or device.]"Utilization Facility" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_PublicAccess

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: Mandi.Careathers@ct.gov/James.Albis@ct.gov

Lead agency division requesting this proposal: Water Protection and Land Reuse

Agency Analyst/Drafter of Proposal: David Blatt

Title of Proposal: An Act Concerning Coastal Public Access

Statutory Reference: 22a-92, 22a-93, 22a-106(c)

Proposal Summary:
This proposal would strengthen existing state policies to promote access to the waters of Long Island Sound by the general public. Sections 1, 2 and 3 make technical amendments to the policies of the Coastal Management Act to clarify that public access in general, not just state-owned facilities, is a high priority for state and local governments. Section 4 would codify the Supreme Court's decision in Leydon v. Greenwich by prohibiting coastal municipalities from barring nonresidents from their beaches and parks adjacent to state waters. In addition, differential fees for beach access or parking would be capped at 50% above the fees charged to residents.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

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

Shoreline public access has recently been highlighted as a significant need, given the current climate of heightened attention to racial injustice and social inequities, at the same time as the COVID-19 pandemic has increased the need for safe outdoor recreational opportunities. In recent years, most new public access sites have been obtained at the municipal level through coastal site plan permit conditions, but coastal towns often face opposition from waterfront property developers seeking to maximize the private value of coastal property. Coastal

Management Act policies do require a preference for water-dependent uses, which are defined as including general public access. However, this statutory policy is not as explicit and straightforward as it could be. As a result, several coastal municipalities, particularly New Haven and Bridgeport, have asked us for legal support in helping them implement their plans for a system of waterfront access points. By clarifying statutory policies promoting public access, Sections 1, 2 and 3 of this proposal will enhance the municipal ability to require new public access opportunities when waterfront development occurs, in conformance with the Coastal Management Act. Section 4 is necessary to address controversies that arose this summer, in the context of the pandemic and of social justice movements, when municipal beaches restricted access to residents only. The Connecticut Supreme Court has already ruled in the 2001 case of Leydon v. Greenwich that towns could not discriminate in this manner, but left open the question of differential parking and access fees. This proposal would codify the Leydon ruling and establish a firm ceiling on differential fees for nonresident access to town beaches and similar facilities providing access to public trust waters that are held in trust for all residents of the state.

◊ **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: 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)* There may be municipal fiscal impacts, positive or negative, depending on how municipal beach entry and parking measures are currently handled with regard to non-residents of the municipality.
State None
Federal None
Additional notes on fiscal impact

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

Long Island Sound is recognized as Connecticut's most important natural and cultural resource, but the general public cannot be expected to understand or support efforts for its preservation unless the public can go to the shore and see it. Our coast is largely privately owned, with relatively few public access opportunities, and in large part this is by design. As Prof. Andrew Kahrl, points out in his book Free the Beaches: The Story of Ned Coll and the Battle for America's Most Exclusive Shoreline, https://yalebooks.yale.edu/book/9780300215144/free-beaches, coastal Connecticut has a long and shameful history of deliberately excluding low-income and minority residents from shoreline access and amenities. One example cited is alteration of the initial legislative language of the Coastal Management Act to specify only state-owned recreational facilities rather than general public access. This proposal now seeks to retrieve that historic lost opportunity. Fortunately, many coastal municipalities have been supportive of public access, recognizing that the vast majority of state residents do not own waterfront property. In addition, groups such as the Long Island Sound Study Citizen's Advisory Council and the CT Coastal Public Access Defense are bringing new attention to the public access issue. Note also that the proposal would not prevent limiting the capacity of municipal facilities as both towns and DEEP have done during the current pandemic; capacity limits would simply not be based on residency, e.g. first-come, first-served.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can

help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

Through existing processes, LWRD tracks the addition of new coastal public access areas and facilities. While public access policies are one of many factors affecting the increase or decrease in available public access, we will be able to monitor the overall level of coastal public access over time and track it in a database, as staff resources permit.

Insert fully drafted bill here

Section 1. Subdivision (6) of subsection (a) of section 22a-92 is amended to read as follows (*Effective July 1, 2021*):

(6) To encourage public access to the waters of Long Island Sound ~~[by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are]~~ consistent with sound resource conservation procedures and constitutionally protected rights of private property owners;

Section 2. Subdivision (1)(J) of subsection (c) of section 22a-92 is amended to read as follows (*Effective July 1, 2021*):

(J) **to promote general public access to the public beach and to marine and tidal waters and** to make effective use of ~~[state-owned]~~ coastal recreational facilities in order to expand coastal recreational opportunities including the development or redevelopment of existing ~~[state-owned]~~ facilities where feasible;

Section 3. Subdivision (17) of section 22a-93 is amended to read as follows (*Effective July 1, 2021*):

(17) "Adverse impacts on future water-dependent development opportunities" and "adverse impacts on future water-dependent development activities" include but are not limited to (A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing **or potential future** public access to **the public beach or to** marine or tidal waters;

Section 4. Add a new section 22a-111c as follows (*Effective July 1, 2021*):

Notwithstanding any provision of the general statutes or of any special act, no coastal municipality shall prohibit nonresidents of such municipality entry to or use of any municipal park, beach or other facility adjacent to marine or tidal waters except on the same basis as residents of such municipality; nor shall any coastal municipality impose on nonresidents as a condition to such entry or use any entrance, beach pass or parking fee in amount greater than fifty percent more than the amount charged to residents of such municipality.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_MediumHeavyDuty

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860.306.1660/860.967.8524
E-mail: Mandi.Careathers@ct.gov/James.Albis@ct.gov

Lead agency division requesting this proposal: Air Bureau

Agency Analyst/Drafter of Proposal: Paul Kritzler

Title of Proposal: An Act Concerning Medium and Heavy-Duty Vehicle Standards

Statutory Reference:
22a-174g

Proposal Summary:
This proposal requires the Commissioner of the Department of Energy and Environmental Protection (Commissioner) to assess the need to adopt new vehicle standards for medium and heavy-duty (10,001 GVWR or greater) vehicles to meet Environmental Protection Agency (EPA) National Ambient Air Quality Standards (NAAQS) for which Connecticut is in non-attainment and to meet the greenhouse gas (GHG) reduction requirements of section 22a-200a. Upon a finding by the Commissioner that standards are necessary to meet these requirements, the proposal grants the authority to the Commissioner to adopt emission standards of the California Air Resources Board (CARB) for new medium and heavy-duty (MD/HD) vehicles.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

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

Connecticut has significant air quality concerns. In particular, Connecticut is not in attainment for the 2008 and 2015 ozone standards. In 2017, Connecticut failed to attain the "moderate" designation and will be classified as "serious" which will require additional control measures to meet the new attainment date. Estimates of future ozone levels in Connecticut completed in

collaboration with the Ozone Transport Commission (OTC) show non-attainment, particularly in coastal areas close to New York City, persisting through 2023 and beyond. According to 2016 data, mobile sources comprise 67% of emissions of nitrogen oxides (NOx), a precursor to ground level ozone (smog) which can be harmful to the health of children, the elderly or people with asthma. Heavy duty vehicles account for 40% of on-road vehicle NOx emissions, the single biggest contribution and modelling using the EPA MOVES model shows that contribution rising to 66% by 2045. With regard to GHG emissions, MOVES modeling estimates that the heavy-duty sector will become an increasingly larger portion of GHG emissions through 2045.

Additionally, emissions from MD/HD vehicles tend to have significant impacts in Environmental Justice and Low and Moderate Income (LMI) communities. LMI and underserved communities often abut major transportation corridors and centers such as highways and ports. As such, these communities have borne disproportionate public health impacts from transportation-related air pollution, especially from MD/HD vehicles which use these routes. In an effort to mitigate these impacts, DEEP has prioritized emissions reduction in environmental justice communities and distressed municipalities for a number of grant programs, and in developing policies and standards.

To address these issues, Connecticut needs to evaluate HD vehicle emissions standards for the potential to adopt in Connecticut, and if it is deemed they are necessary, the state will need to act quickly to adopt standards that provide manufacturers with an adequate lead time to comply.

In the last year, significant changes have occurred in the area of MD/HD emission standards that warrant further evaluation by DEEP to assess these policies and how advancing these efforts can help to address Connecticut's air quality challenges. On July 14, 2020 Connecticut joined with 14 other states and the District of Columbia on a Multistate Zero Emission MD/HD MOU. The MOU commits the signatory states to evaluating and adopting policies to promote the electrification of MD/HD fleets with the ultimate goal of ensuring that 100% of new MD/HD sales will be zero emission vehicles by 2050. There are now over 50 MD/HD models available for sale in the United States, with more expected in the coming years.

Additionally, on July 1, 2020 the California Air Resources Board (CARB) approved the adoption of the California Advanced Clean Trucks (ACT) Rule, which will require manufacturers delivering HD trucks to California to meet a zero emission vehicle percentage requirement for their delivered fleet starting in 2024. The ACT rule will be a primary driver to meeting the goals of the MD/HD MOU and speed up the transition to a zero emission vehicle fleet in California.

Lastly, on August 27, 2020 CARB approved a Heavy-Duty Vehicle Omnibus Regulation that will lower NOx emissions from new heavy duty trucks by 90% and particulate matter by 50%

beginning with the 2024 model year. CARB also improved in-use standards and warranty provisions intended to ensure each vehicle complies with the standards during its useful life.

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

If this is a resubmission, please share:

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

This proposal was submitted in 2020 as part of Governor's bill SB 10. It received a public hearing on 2/28/2020, but no further action was taken due to the suspension of the session due to COVID-19.

PROPOSAL IMPACT

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

Agency Name: Department of Motor Vehicles
Agency Contact (*name, title, phone*): John Getsie, Joseph Ciotto, Sharon Geanuracos, Michaela Rosenberger
Date Contacted: September 18, 2020

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

Summary of Affected Agency's Comments
DEEP and DMV staff met on 9/18/2020 and DMV staff were generally supportive. Draft proposal was then circulated to DMV on 9/23/2020 for any specific feedback.

Will there need to be further negotiation? ☒ **YES** ☐**NO** Further discussion and collaboration will be helpful

◊ **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 assessment of the need for heavy-duty vehicle emissions requirements and the potential for adoption for regulations would be accomplished through existing resources. Establishing a subsequent regulatory program including emission standards, in-use requirements, and enforcement would require additional resources to be determined during the regulation rulemaking process in consultation with the OPM and OTG prior to the initiation of such process.
Federal None
Additional notes on fiscal impact

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

The assessment and possible establishment of HD standards including ZEV standards to meet NAAQS and climate change goals corresponds with current DEEP policy and strategic planning to meet state GHG reduction targets and federal Clean Air Act obligations while also working to address equality issues with regard to air pollution. Specifically, heavy-duty standards are a control measure that can help to meet ozone attainment requirements for the 2008 and 2015 attainment standards and GHG reductions from the program would help to meet the GHG reduction targets set forth in Connecticut's Global Warming Solutions Act. Mobile sources are the single largest source sector contributor to GHG emissions in the state, and new vehicle standards have already been adopted for passenger vehicles. Adoption of heavy-duty standards would build upon the already existing Low Emission Vehicle and Zero Emission Vehicle standard programs.

◊ **EVIDENCE BASE**

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

The assessment would build upon modelling data from the DEEP Air Bureau regarding the contribution of heavy-duty vehicles to air quality and climate change. The assessment would take into account existing emissions of NOx, and its effect on the formation of smog. It would determine whether heavy-duty standards are necessary to meet attainment and 2030 and 2050 climate goals. Measurable outcomes would be determined using existing modelling platforms, such as MOVES or the State Inventory Projection Tool (SIT), which would allow quantification of program emissions benefits. Periodic evaluation of the ongoing program would occur as CARB updated regulations and Connecticut adopted revised regulations.

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

Section 1. Section 22a-174g is amended by adding the following subsections (*Effective October 1, 2021*):

(c) (1) On or before December 31, 2021, the Commissioner of Energy and Environmental Protection shall assess the energy, environmental and air quality impacts of adopting California's medium and heavy duty vehicle standards in Connecticut. (2) Pursuant to subdivision (1), if the commissioner deems such adoption necessary to meet federal air quality standards or state greenhouse gas reduction requirements the commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the medium and heavy duty motor vehicle standards of the state of California, and shall amend such regulations from time to time, in accordance with changes to such standards. Such regulations may incorporate by reference the California motor vehicle standards established in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26 of the California Health and Safety Code, as may be amended from time to time.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_LargeScaleReclamation

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

Lead agency division requesting this proposal: Bureau of Materials Management and Compliance Assurance

Agency Analyst/Drafter of Proposal: Gabrielle Frigon

Title of Proposal: An Act Concerning a Pilot Program for Large-Scale Beneficial Reuse of Certain Soil Projects

Statutory Reference: 22a-209f

Proposal Summary:
To allow up to four locations in the state to receive 100,000 cubic yards or more of lightly contaminated soils for the reclamation of underutilized and environmentally impaired sites and thereby return such sites to productive use.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

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

Currently there are few options for the reuse of contaminated soils in the state, resulting in the transport of this material to out of state receiving facilities via thousands of loaded trucks on CT roads every year. This bill proposes to provide DEEP authority to establish a pilot that will allow up to four locations in the state to receive and place lightly contaminated soils at underutilized sites to render them developable and return the properties to productive use. DEEP has been approached regarding several such large-scale beneficial reuse of soils proposals. The current mechanism for approval of these projects is to permit the proposed activities as landfills (solid waste disposal areas). This proposed legislation would allow for a process to authorize the placement of large volumes of lightly contaminated soils at select locations while protecting public health and the environment through institutional and environmental controls. No changes have been made since the bill was raised in March 2020. Massachusetts established a regulatory protocol for similar projects authorizing large-scale filling of non-operating quarries.

◊ **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?

The bill was not acted upon as a result of the abrupt end of the 2020 legislative session due to the novel corona virus and resulting state-wide COVID-19 response in March of 2020. The bill was introduced by the Environment Committee and was scheduled for public hearing on 3/20/2020.

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)*
Potential increase in municipal property taxes assessed by returning underutilized properties to productive use and higher value.

State
None

Federal

None
Additional notes on fiscal impact

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

◊ **EVIDENCE BASE**

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

Insert fully drafted bill here

Section 22a-209f of the general statutes is amended by adding subsection (c) as follows:

(c) (1) For purposes of this subsection: (A) "Beneficially reclaimed materials" means any of the following materials that may contain de minimis amounts of solid waste that is present incidentally in such materials, including any mixture of the following materials:

(i) Soil or dewatered sediment that does not exceed the criteria established by regulations adopted pursuant to section 22a-133k including, but not limited to, criteria for any additional polluting substances for which criteria are not specified in such regulations;

(ii) Asphalt, brick, concrete or ceramic material, provided such material is virtually inert and poses no threat to pollute any groundwater or surface waters;

(iii) Casting sand;

(iv) Crushed recycled glass; or

(v) Street sweepings or catch basin clean-out materials.

"Beneficially reclaimed materials" does not include materials that contain any asbestos, polychlorinated biphenyls, persistent bioaccumulative toxins, hazardous waste or, unless approved by

the commissioner in writing, pyrrhotite-containing concrete;

(B) "Soil" means unconsolidated geologic material overlying bedrock;

(C) "Dewatered sediment" means unconsolidated material occurring in a surface water body, with water removed;

(D) "Casting sand" means waste sand from the casting of metals, provided such sand not a hazardous waste

(E) "Crushed recycled glass" has the same meaning as provided in section 22a-208z;

(F) “Hazardous waste” means a hazardous waste as defined in section 22a-448;

(G) “Persistent Bioaccumulative Toxins” are long-lived chemicals that accumulate in the tissues of humans and animals and are toxic.

(H) “Aquifer Protection Area” has the same meaning as provided in section 22a-354h.

(2) (A) The Commissioner of Energy and Environmental Protection may establish a pilot program for the beneficial use of beneficially reclaimed materials. The primary purpose of such program shall be to allow beneficially reclaimed materials to be used as fill when there is an engineering need for fill materials and to facilitate the reclamation or redevelopment of environmentally impaired or underutilized land.

(B) To implement the pilot program established under this subdivision, the commissioner may issue no more than four authorizations provided: (i) such authorization does not allow an activity for which an individual or general permit has been issued, (ii) such authorization is not inconsistent with the requirements of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.), (iii) such authorization is for single location only and provides for not less than 100,000 cubic yards of beneficially reclaimed materials to be used as fill at such location; (iv) that prior to the submission of an application for authorization in accordance with this subsection, each municipality in which beneficially reclaimed materials will be used as fill has issued all the necessary approvals specified in subdivision (4) of this subsection; and (v) the commissioner finds that the beneficial use of beneficially reclaimed materials does not does harm, or present a threat to, human health, safety or the environment.

(3) The commissioner may establish guidelines protective of public health, safety and the environment for authorizations made and for a letter of credit provided in accordance with this subsection and shall give public notice on the Department of Energy and Environmental Protection's Internet web site of such guidelines, or any subsequent revision of the guidelines, with an opportunity for submission of written comments by interested persons for a period of thirty days following the publication of the notice. The commissioner shall post a response to any comments received on the Department of Energy and Environmental Protection's Internet web site. At a

minimum, any such guidelines shall contain a preference for use of environmentally impaired or underutilized locations, provided that any location for which an authorization is issued under this subsection shall:

(A) Be in an area (i) where the quality of the groundwaters of the state, as classified in regulations adopted pursuant to section 22a-426, and the classification maps adopted pursuant to said section, is either "GB" or "GC", or (ii) that is served by a public drinking water supply;

(B) Not be in an aquifer protection area; and

(C) Be operated in compliance with the Connecticut Water Quality Standards regulations (section 22a-426-1 to 22a-426-9) and not adversely affect sensitive receptors or resources, including, but not limited to, public or private water supply wells, wetlands, floodplains, or threatened or endangered species.

(4) Prior to the submission of an application for authorization in accordance with this subsection, an applicant shall: (A) obtain a valid certificate of zoning approval, special permit, special exception or variance, or other documentation, from each municipality in which beneficially reclaimed materials will be used as fill; (B) obtain a copy of wetlands, aquifer protection, costal site plan, and any other required approval from a municipality, as municipality is defined in §§ 22a-207, 22a-38, 22a-354h (same definition as 22a-38) and 8-1a; and (C) comply with the process specified in section 22a-20a(b), regardless of whether the location where beneficially reclaimed materials will be used as fill is located in an environmental justice community;

(5) An application for authorization pursuant to this section shall be submitted on forms prescribed by the commissioner and, shall include, at a minimum, the following information: (A) a plan for ensuring that only beneficially reclaimed materials that satisfy the requirements of this subsection are used as fill and describing acceptability criteria for the beneficially reclaimed materials proposed for beneficial use at the subject location; (B) a plan describing the process for placing and recording the placement of beneficially reclaimed materials; (C) a plan for monitoring the waters of the state during the filling process and for a period of not less than thirty years after filling is complete; (D) a proposed Letter of Credit that conforms to the guidelines established by the Commissioner and the basis for the cost estimate used in such proposed letter of credit; (E) the qualifications of the environmental professionals intended to exercise oversight of all aspects of the proposed activities; (F) a redevelopment plan for the location where beneficially reclaimed materials will be placed, including engineering plans and drawings in support of such redevelopment; (G) a list of each municipal approval required for the proposed placement of beneficially reclaimed materials and a written copy of each such approval; and (H) any additional information required by the commissioner. Any such application shall be accompanied by a non-refundable application fee of twenty-five thousand dollars.

(6) Notwithstanding section 22a-208a or any regulations adopted pursuant to section 22a-209, the issuance of an authorization under this subsection, or a modification of an authorization under this subsection when such modification is sought by the holder of an authorization, shall conform to the following procedures: (A) The commissioner shall publish a notice of intent to issue an authorization on the Department of Energy and Environmental Protection's Internet web site. Such notice shall, at a minimum, include: (i) The name and mailing address of the applicant and the address of the location of the proposed activity; (ii) the application number; (iii) the tentative decision regarding the application; (iv) the type of authorization sought, including a reference to the applicable statute or regulation; (v) a description of the location of the proposed activity and any natural resources that will be affected by such activity; (vi) the name, address and telephone number of any agent of the applicant from whom interested persons may obtain copies of the application; (vii) the length of time available for submission of public comments to the commissioner; and (viii) any other additional information the commissioner deems necessary. There shall be a comment period of thirty days following the publication of such notice by the commissioner during which interested persons may submit written comments to the commissioner; (B) the commissioner shall post a response to any comments received on the Department of Energy and Environmental Protection's Internet web site; and (C) the commissioner may approve or deny such authorization based upon a review of the submitted information. Any authorization issued pursuant to this subsection shall define clearly the activity covered by such authorization and may include such conditions or requirements as the commissioner deems appropriate, including, but not limited to, investigation or remediation of a location prior to placement of beneficially reclaimed materials, operation and maintenance requirements, best management practices, qualifications and requirements for environmental professional exercising oversight, groundwater monitoring, compliance with fill management, closure, redevelopment or other plans, reporting and recordkeeping requirements, auditing by an independent party and a specified term. The commissioner shall require the posting of a letter of credit to assure compliance with any authorization issued under this subsection, including, but not limited to, implementation of a closure plan and post-closure maintenance and monitoring.

(7) The commissioner may suspend or revoke such an authorization and may modify an authorization if such modification is not sought by the holder of an authorization, in accordance with the provisions of section 4-182 and the applicable rules of practice adopted by the department.

(8) Unless required by the federal Clean Water Act, a discharge permit under section 22a-430 shall not be required for a discharge authorized under this subsection. In addition, the Soil Reuse provisions of the State Remediation Standards, adopted pursuant to section 22a-133k, shall not apply to an activity authorized under this subsection.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_EfficiencyStandards

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

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

Agency Analyst/Drafter of Proposal: Julia Dumaine

Title of Proposal: AAC Energy Savings and Efficiency Standards

Statutory Reference: CGS Section 16a-48

Proposal Summary:
To minimize consumers' energy costs from commonly-used products and appliances, protect Connecticut's businesses and residents from the repeal of federal lighting efficiency standards, and to establish and update state appliance and equipment energy and water efficiency standards.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

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

1. This model act sets specific, up-to-date efficiency standards for selected residential and commercial products. These energy- and water-efficiency standards are based on various sources including ENERGY STAR® and WaterSense specifications that have achieved high market shares, standards developed and adopted by the California Energy Commission, and standards issued by the U.S. Department of Energy (DOE) in 2016 that have been put on indefinite hold by the current federal administration. Additionally, this bill seeks to establish an efficiency standard for types of light bulbs that were removed from the definition of "general service

lamps" by the DOE on September 5, 2019, thus voiding any federal preemption. This proposed efficiency standard is equivalent to that originally required by Congress through 2007 Energy Independence and Security Act, 45 lumens/watt.

2. Several other states used the model bill this year, including Maine, Massachusetts, Rhode Island and Illinois. In 2019, Hawaii, Colorado, Nevada, Vermont and Washington passed bills using the 2019 version of the model bill.
3. Product efficiency organizations have organized action in a coordinated manner to work toward a common approach across multiple states, to simplify implementation by manufacturers.
4. If CT does not adopt this bill then federal actions may preempt CT's ability to continue its progress in saving energy and could also result in inefficient products being "dumped" into Connecticut's market by states that have passed standards for these products.

◊ **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?

In early 2019, the bill was passed through the Joint Committee on Energy and Technology and was provided with a House calendar number and a favorable report. The substitute language approved by said committee addressed the concerns of stakeholders that emerged during the public hearing process, and most stakeholders actively withdrew their opposition to the bill. However, the bill was never called to a vote before the end of the session, resulting in a failure of passage. In early 2020, DEEP resubmitted the bill, and worked with E&T Committee leadership to address concerns. This proposal makes a handful of changes from the 2019 proposal, including adding new updated standards, removing some standards at the request of E&T leadership, and changing dates to reflect implementation based on 2020 passage rather than 2019 passage. This resubmitted version of the bill (September 2020) contains those same modifications from earlier in 2020, and does not include any additional modifications.

PROPOSAL IMPACT

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

Agency Name: N/A **Agency Contact (*name, title, phone*):** **Date Contacted:** Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

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

Municipal *(please include any municipal mandate that can be found within legislation)* If a municipality needs to purchase a product covered by this bill, initial upfront costs will be more than offset by savings over time. Most payback periods within a year. More information on attached fact sheets.
State If the State needs to purchase a product covered by this bill, initial upfront costs will be more than offset by savings over time. Most payback periods within a year. More information on attached fact sheets.
Federal Initial upfront costs will be more than offset by savings over time. Most payback periods within a year. More information on attached fact sheets.
Additional notes on fiscal impact

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

See attached fact sheets (Attachment 1) and estimates of savings (Attachment 2).

◊ **EVIDENCE BASE**

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

DEEP does not currently track, or have the means to track the sales of the products included in this bill. However, the savings estimates used to support this bill are based on inputs and assumptions from U.S. Environmental Protection Agency (EPA) ENERGY STAR unit shipment reports, and data from DOE, the U.S. Energy Information Administration (EIA), the California Energy Commission, and industry.

Insert fully drafted bill here

Section 1. Section 16a-48 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021)*:

(a) As used in this section:

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

(2) "Fluorescent lamp ballast" or "ballast" means a device designed to operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation, but does not include such devices that have a dimming capability or are intended for use in ambient temperatures of zero degrees Fahrenheit or less or have a power factor of less than sixty-one hundredths for a single F40T12 lamp;

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

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

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

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

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

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

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

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

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

(12) "Low-voltage dry-type transformer" means a transformer that: (A) Has an input voltage of six hundred volts or less; (B) is between fourteen kilovolt-amperes and two thousand five hundred one kilovolt-amperes in size; (C) is air-cooled; and (D) does not use oil as a coolant. "Low-voltage dry-type transformer" does not include such transformers excluded from the low-voltage dry-type distribution transformer

definition contained in the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations;

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

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

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

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

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

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

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

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

(21) "Commercial clothes washer" means a soft mount front-loading or soft mount top-loading clothes washer that is designed for use in (A)

applications where the occupants of more than one household will be using it, such as in multifamily housing common areas and coin laundries; or (B) other commercial applications, if the clothes container compartment is no greater than three and one-half cubic feet for horizontal-axis clothes washers or no greater than four cubic feet for vertical-axis clothes washers;

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

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

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

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

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

(27) "Furnace air handler" means the section of the furnace that includes the fan, blower and housing, generally upstream of the burners

and heat exchanger. The furnace air handler may include a filter and a cooling coil;

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

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

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

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

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

(33) "State regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications,

has an inner reflective coating on the outer bulb to direct the light, has an E26 medium screw base, a rated voltage or voltage range that lies at least partially within one hundred fifteen to one hundred thirty volts, and that falls into one of the following categories: (A) A bulged reflector or elliptical reflector or a blown PAR bulb shape and that has a diameter that equals or exceeds two and one-quarter inches, or (B) a reflector, parabolic aluminized reflector, bulged reflector or similar bulb shape and that has a diameter of two and one-quarter to two and three-quarters inches. "State regulated incandescent reflector lamp" does not include ER30, BR30, BR40 and ER40 lamps of not more than fifty watts, BR30, BR40 and ER40 lamps of sixty-five watts and R20 lamps of not more than forty-five watts;

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

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

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

(37) "Portable electric spa" means a factory-built electric spa or hot tub, [supplied with equipment for heating and circulating water] which may include any combination of integral controls, water heating or water circulating equipment;

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

(39) "Walk-in refrigerator" means a space refrigerated to temperatures at or above thirty-two degrees Fahrenheit that has a total

chilled storage area of less than three thousand square feet, can be walked into and is designed for the refrigerated storage of food and food products. "Walk-in refrigerator" does not include refrigerated warehouses and products designed and marketed exclusively for medical, scientific or research purposes;

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

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

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

[(43) "Compact audio player" means an integrated audio system encased in a single housing that includes an amplifier and radio tuner with attached or separable speakers and can reproduce audio from one or more of the following media: Magnetic tape, compact disc, digital versatile disc or flash memory. "Compact audio player" does not mean a product that can be independently powered by internal batteries, has a powered external satellite antenna or can provide a video output signal;**]**

[(44)**]** (43) "Component television" means a television composed of two or more separate components, such as a separate display device and tuner, marketed and sold as a television under one model or system

designation, which may have more than one power cord;

[(45)] (44) "Computer monitor" means an analog or digital device designed primarily for the display of computer generated signals and that is not marketed for use as a television;

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

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

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

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

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

(49) "Compressor" means a machine or apparatus that converts different types of energy into the potential energy of gas pressure for displacement and compression of gaseous media to any higher-pressure values above atmospheric pressure and has a pressure ratio at full-load operating pressure greater than 1.3;

(50) "Air purifier" or "room air cleaner" means an electric, cord-connected, portable appliance that removes particulate matter from the air;

(51) "Industrial air purifier" means an indoor air cleaning device manufactured, advertised, marketed, labeled and used solely for industrial use that is marketed solely through industrial supply outlets or businesses and prominently labeled as "Solely for industrial use. Potential health hazard: emits ozone.";

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

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

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

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

(56) "Electric vehicle supply equipment" means conductors, including ungrounded, grounded and equipment grounding conductors, electric vehicle connectors, attachment plugs and all other fittings, devices, power outlets or apparatuses installed specifically for

the purpose of delivering energy from the premises wiring to the electric vehicle. "Electric vehicle supply equipment" includes charging cords with NEMA 5-15P and NEMA 5-20P attachment plugs. "Electric vehicle supply equipment" does not include conductors, connectors and fittings that are part of a vehicle;

(57) "General service lamp" means a lamp that: (A) Has an American National Standards Institute base; (B) is able to operate at a voltage of twelve volts or twenty-four volts, at or between one hundred to one hundred thirty volts, at or between two hundred twenty to two hundred forty volts, or of two hundred seventy-seven volts for integrated lamps, or is able to operate at any voltage for nonintegrated lamps; (C) has an initial lumen output of greater than or equal to three hundred ten lumens, or two hundred thirty-two lumens for modified spectrum general service incandescent lamps, and less than or equal to three thousand three hundred lumens; (D) is not a light fixture; (E) is not an LED downlight retrofit kit; and (F) is used in general lighting applications. "General service lamps" include, but are not limited to, general service incandescent lamps, compact fluorescent lamps, general service light-emitting diode lamps and general service organic light-emitting diode lamps. "General service lamps" do not include: (i) Appliance lamps; (ii) black light lamps; (iii) bug lamps; (iv) colored lamps; (v) G shape lamps with a diameter of five inches or more as defined in American National Standards Institute C79.1–2002; (vi) general service fluorescent lamps; (vii) high-intensity discharge lamps; (viii) infrared lamps; (ix) J, JC, JCD, JCS, JCV, JCX, JD, JS and JT shape lamps that do not have Edison screw bases; (x) lamps that have a wedge base or prefocus base; (xi) left-hand thread lamps; (xii) marine lamps; (xiii) marine signal service lamps; (xiv) mine service lamps; (xv) MR shape lamps that have a first number symbol equal to sixteen and a diameter equal to two inches as defined in American National Standards Institute C79.1–2002, operate at twelve volts and have a lumen output greater than or equal to eight hundred; (xvi) other fluorescent lamps; (xvii) plant light lamps; (xviii) R20 short lamps; (ixx) reflector lamps that have a first number symbol less than sixteen and a diameter less than two inches as defined in American National

Standards Institute C79.1–2002 and that do not have E26/E24, E26d, E26/50x39, E26/53x39, E29/28, E29/53x39, E39, E39d, EP39 or EX39 bases; (xx) S shape or G shape lamps that have a first number symbol less than or equal to 12.5 and a diameter less than or equal to 1.5625 inches as defined in American National Standards Institute C79.1–2002; (xxi) sign service lamps; (xxii) silver bowl lamps; (xxiii) showcase lamps; (xxiv) specialty MR lamps; (xxv) T shape lamps that have a first number symbol less than or equal to eight and a diameter less than or equal to one inch as defined in American National Standards Institute C79.1–2002, have nominal overall length less than twelve inches and are not compact fluorescent lamps; and (xxvi) traffic signal lamps;

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

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

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

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

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

(63) "Replacement aerator" means an aerator sold as a replacement, separate from the faucet to which it is intended to be attached;

(64) "Plumbing fixture" means an exchangeable device that connects to a plumbing system to deliver and drain away water and waste;

(65) "Urinal" means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system;

(66) "Water closet" means a plumbing fixture having a water-containing receptor that receives liquid and solid body waste through an exposed integral trap into a drainage system;

(67) "Dual-flush effective flush volume" means the average flush volume of two reduced flushes and one full flush;

(68) "Dual-flush water closet" means a water closet incorporating a feature that allows the user to flush the water closet with either a reduced or a full volume of water;

(69) "Trough-type urinal" means a urinal designed for simultaneous use by two or more persons;

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

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

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

(73) "Spray sprinkler body" means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice;

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

(75) "Cold only unit water cooler" means a water cooler that dispenses cold water only;

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

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

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

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

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

(c) The provisions of subsections (b) to (h), inclusive, of this section

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

(d) (1) The Commissioner of Energy and Environmental Protection [shall] may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of subsections (b) to (h), inclusive, of this section and to establish minimum energy efficiency standards for the types of new products set forth in subsection (b) of this section. [The regulations shall provide for] Upon the effective date of this section, the following minimum energy efficiency standards shall apply:

(A) Commercial clothes washers shall meet the requirements [shown in Table P-3 of section 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4] of federal efficiency standards, provided such standards are equivalent to or have a higher efficiency than the standards required by the United States Department of Energy on January 1, 2018;

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

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

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

(E) Large packaged air-conditioning equipment having not less than

seven hundred sixty-one thousand BTUs per hour of capacity shall meet a minimum energy efficiency ratio of 9.7 for units using both electric heat and air conditioning or units solely using electric air conditioning, and 9.5 for units using both natural gas heat and electric air conditioning;

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

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

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

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

(J) On or after January 1, 2009, residential furnaces and boilers purchased by the state shall meet or exceed the following annual fuel utilization efficiency: (i) For gas and propane furnaces, ninety per cent annual fuel utilization efficiency, (ii) for oil furnaces, eighty-three per cent annual fuel utilization efficiency, (iii) for gas and propane hot water boilers, eighty-four per cent annual fuel utilization efficiency, (iv) for oil-fired hot water boilers, eighty-four per cent annual fuel utilization efficiency, (v) for gas and propane steam boilers, eighty-two per cent annual fuel utilization efficiency, (vi) for oil-fired steam boilers, eighty-two per cent annual fuel utilization efficiency, and (vii) for furnaces with furnace air handlers, an electricity ratio of not more than 2.0, except air handlers for oil furnaces with a capacity of less than ninety-four thousand BTUs per hour shall have an electricity ratio of 2.3 or less;

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

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

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

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

(O) On or after July 19, 2022, residential pool pumps shall meet federal efficiency requirements specified in the dedicated pool pump

rules published by the United States Department of Energy on January 18, 2017, and effective on May 18, 2017;

[(O)] (P) On or after January 1, [2009] 2021, pool heaters shall meet the efficiency requirements [of sections 1605.1 and 1605.3 of the January 2006 California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations] established in 10 CFR 430 by the United States Department of Energy as of April 16, 2013, for gas-fired and oil-fired pool heaters and the Air-conditioning, Heating, and Refrigeration Institute Certification Reference 1160 for electric heat pump pool heaters;

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

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

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

are unwarranted and may accept, reject or modify according to [subparagraph (A) of] subdivision (3) of this subsection.

(2) Such efficiency standards, where in conflict with the State Building Code, shall take precedence over the standards contained in the Building Code. Not later than July 1, 2007, and biennially thereafter, the Commissioner of Energy and Environmental Protection [shall] may review and increase the level of such efficiency standards by adopting regulations in accordance with the provisions of chapter 54 upon a determination that increased efficiency standards would serve to promote energy conservation in the state and would be cost-effective for consumers who purchase and use such new products, provided no such increased efficiency standards shall become effective within one year following the adoption of any amended regulations providing for such increased efficiency standards.

(3) [(A)] The Commissioner of Energy and Environmental Protection [shall] may adopt regulations, in accordance with the provisions of chapter 54, to designate additional products to be subject to the provisions of subsections (b) to (h), inclusive, of this section and to establish efficiency standards for such products upon a determination that such efficiency standards [(i)] (A) would serve to promote energy conservation in the state, [(ii)] (B) would be cost-effective for consumers who purchase and use such new products, and [(iii)] (C) would not impose an unreasonable burden on Connecticut businesses.

[(B) The Commissioner of Energy and Environmental Protection, in consultation with the Multi-State Appliance Standards Collaborative, shall identify additional appliance and equipment efficiency standards. The commissioner shall review all California standards and may review standards from other states in such collaborative. The commissioner shall issue notice of such review in the Connecticut Law Journal, allow for public comment and may hold a public hearing within six months of adoption of an efficiency standard by a cooperative member state regarding a product for which no equivalent Connecticut or federal standard currently exists. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 adopting such efficiency

standard unless the commissioner makes a specific finding that such standard does not meet the criteria in subparagraph (A) of this subdivision.]

(e) On or after July 1, 2006, except for [commercial clothes washers, for which the date shall be July 1, 2007,] commercial refrigerators and freezers, for which the date shall be July 1, 2008, and large packaged air-conditioning equipment, for which the date shall be July 1, 2009, no new product of a type set forth in subsection (b) of this section or designated by the Commissioner of Energy and Environmental Protection may be sold, offered for sale, or installed in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards set forth in such regulations adopted pursuant to subsection (d) of this section.

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

(g) Manufacturers of any new products set forth in [subsection (b)] subsections (b) and (i) of this section for which (1) no efficiency standards exist in California, and (2) the [Commissioner of Energy and Environmental Protection] state of Connecticut adopts efficiency standards, shall certify to the [commissioner] Commissioner of Energy and Environmental Protection that such products are in compliance with the provisions of this section, except that certification is not required for single voltage external AC to DC power supplies and walk-in refrigerators and walk-in freezers. All single voltage external AC to DC power supplies shall be labeled as described in the January 2006 California Code of Regulations, Title 20, Section 1607(9). The commissioner [shall promulgate] may adopt regulations governing the

certification of such products. The commissioner shall publish an annual list of any products set forth in [subsection (b)] subsections (b) and (i) of this section on the department's Internet web site that designates which such products are certified in California and which such products not certified in California have demonstrated compliance with efficiency standards adopted [by the commissioner pursuant to subparagraph (B) of subdivision (3) of subsection (d) of this section] in the state of Connecticut.

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

(i) Notwithstanding subsection (d) of this section, the provisions of this subsection and subsections (j) to (n), inclusive, of this section apply to the testing, certification and enforcement of efficiency standards for the following types of new products sold, offered for sale, lease or rent or installed in the state: (1) Air purifier; (2) cold temperature fluorescent lamps; (3) commercial dishwashers; (4) commercial steam cookers; (5) computers and computer monitors; (6) electrical vehicle supply equipment; (7) faucets; (8) general service lamps; (9) high color rendering index fluorescent lamps; (10) impact-resistant fluorescent lamps; (11) portable electric spas; (12) residential ventilating fans; (13) showerheads; (14) spray sprinkler bodies; (15) urinals; (16) water closets; and (17) water coolers.

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

(k) Notwithstanding subsection (d) of this section, the following minimum energy efficiency standards are established for the types of products set forth in subsection (i) of this section:

(1) Air purifiers, except industrial air purifiers, shall meet the following requirements as measured in accordance with the "Energy Star Program Requirements Product Specification for Room Air Cleaners, Version 2.0": (A) Clean air delivery rate (CADR) for smoke shall be 30 or greater; (B) models with a CADR for smoke less than 100, CADR/Watt for smoke shall be greater than or equal to 1.7; (C) models with a CADR for smoke greater than or equal to 100 and less than 150, CADR/Watt for smoke shall be greater than or equal to 1.9; (D) models with a CADR for smoke greater than or equal to 150, CADR/Watt for smoke shall be greater than or equal to 2.0; (E) for ozone-emitting models, measured ozone shall be less than or equal to 50 parts per billion (ppb); (F) models with a Wi-Fi network connection enabled by default when shipped, partial on mode power shall not exceed 2 watts; and (G) models without a Wi-Fi network connection enabled by default when shipped, partial on mode power shall not exceed 1 watt.

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

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

(4) Computers and computer monitors shall meet the requirements of subsection (v) of section 1605.3 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, and compliance with such requirements shall be as measured in accordance with test methods prescribed in subsection (v) of section 1604 of said California regulation. Any regulations adopted by the commissioner pursuant to this

subsection shall define "computer" and "computer monitor" to have the same meaning as set forth in subsection (v) of section 1602 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, provided the commissioner may amend such regulations so that the definitions of "computer" and "computer monitor" and the minimum efficiency standards for computers and computer monitors conform to subsequently adopted versions of the referenced sections of the California Code of Regulations;

(5) Electric vehicle supply equipment included in the scope of the version 1.0 "Energy Star Program Requirements Product Specification for Electric Vehicle Supply Equipment" (Rev. Apr-2017), shall meet the qualification criteria of that specification.

(6) Faucets, except for metering faucets, shall meet the standards in this subparagraph when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads" in Appendix S to Subpart B to 10 CFR 430, Subpart B in effect on January 3, 2017. Lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 1.5 gallons per minute at 60 pounds per square inch. Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch, with optional temporary flow of 2.2 gallons per minute, provided they default to a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch after each use. Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 0.5 gallons per minute at 60 pounds per square inch;

(7) General service lamps shall meet or exceed a lamp efficacy of 45 lumens per watt, when tested in accordance with the applicable federal test procedures for general service lamps, prescribed in 10 CFR 430.23(gg) in effect on January 3, 2017;

(8) High color rendering index fluorescent lamps shall meet the minimum efficacy requirements contained in 10 CFR 430.32(n)(4) in effect on January 3, 2017, as measured in accordance with the "Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color

Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps" in Appendix R to 10 CFR 430, Subpart B in effect on January 3, 2017;

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

(10) Residential ventilating fans shall meet the qualification criteria of the version 4.1 product specification of the "Energy Star Program Requirements Product Specification for Residential Ventilating Fans" developed by the United States Environmental Protection Agency;

(11) Showerheads shall not exceed a maximum flow rate of 2.0 gallons per minute at 80 pounds per square inch when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads" in Appendix S to 10 CFR 430, Subpart B in effect on January 3, 2017;

(12) Spray sprinkler bodies that are not specifically excluded from the scope of the version 1.0 product specification of the "WaterSense Specification for Spray Sprinkler Bodies" developed by the United States Environmental Protection Agency shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of that specification;

(13) Urinals and water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards in subparagraphs (A) to (D), inclusive, of this subdivision when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals" in Appendix T to 10 CFR 430, Subpart B in effect on January 3, 2017, and water closets shall pass the waste extraction test for water closets in Section 7.10 of the American Society of Mechanical Engineers A112.19.2/CSA B45.1-2018. (A) Wall-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush. (B) Floor-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush. (C) Water

closets, except for dual-flush tank-type water closets, shall have a maximum flush volume of 1.28 gallons per flush. (D) Dual-flush tank-type water closets shall have a maximum dual-flush effective flush volume of 1.28 gallons per flush;

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

(l) (1) Not more than one hundred eighty days after the effective date of this section, and as determined to be necessary by the commissioner thereafter, the commissioner, in consultation with the Attorney General, shall determine if the regulation of any general service lamp is subject to federal preemption. Not more than one hundred eighty days after the effective date of this section, no general service lamp that is not subject to federal preemption may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in subsection (k) of this section.

(2) Before January 1, 2022, no new portable electric spa or bottle-type water dispenser may be sold or offered for sale, lease or rent in the state unless the efficiency of the new product meets or exceeds any efficiency standards set forth in the regulations of state agencies.

(3) On and after January 1, 2022, no new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial steam cooker, computer or computer monitor, electric vehicle supply equipment, faucet, impact-resistant fluorescent lamp, portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, urinal, water closet or water cooler may be sold or offered for sale, lease or rent

in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in subsection (k) of this section.

(4) On and after January 1, 2023, no new high color rendering index fluorescent lamp may be sold or offered for sale, lease or rent in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in subsection (k) of this section, provided, if, on or after January 1, 2022, the state of California adopts a standards for such new product, the commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the efficiency standards set forth in subsection (k) of this section for such new product before January 1, 2023.

(5) One year after the date upon which the sale or offering for sale of certain products becomes subject to the requirements of subdivision (1), (2), (3), or (4) of this subsection, no such products may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards provided in subsection (k) of this section.

(m) If any energy or water conservation standards issued or approved for publication on or before January 1, 2018, pursuant to the Energy Policy and Conservation Act 10 CFR 430 to 10 CFR 431 by the Office of the United States Secretary of Energy are withdrawn, repealed or otherwise voided, the minimum energy or water efficiency level permitted for products previously subject to such energy or water conservation standards shall be such previously applicable federal energy or water conservation standards as such standards existed on January 1, 2018, and no new product may be sold or offered for sale, lease or rent in the state unless it meets or exceeds such standards. This subsection shall not apply to any federal energy or water conservation standard set aside by a court upon the petition of a person who will be adversely affected, as provided in 42 USC 6306(b).

(n) (1) The commissioner may test products set forth in subsection (i) of this section. If any product tested is found not to be in compliance with the minimum efficiency standards established in subsection (k) of

this section, the commissioner shall (A) charge the manufacturer of such product for the cost of the purchase and testing of the product, and (B) make information available to the Attorney General and the public concerning such product.

(2) The commissioner may, after giving prior notice and at reasonable and convenient hours, as determined by the commissioner, periodically inspect or cause inspections to be made of distributors and retailers of new products set forth in subsection (i) of this section to determine compliance with the provisions of this subsection and subsections (i) to (m), inclusive, of this section. The commissioner shall coordinate with the State Building Inspector to conduct or cause to be conducted inspections of newly constructed buildings containing new products that are also subject to the State Building Code before such buildings are occupied.


STATE OF CONNECTICUT
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Agency Legislative Proposal - 2021 Session

Document Name: An Act Concerning Distributed Generation Proposal

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

State Agency: Department of Energy and Environmental Protection
Liaison: Mandi Careathers/James Albis **Phone:** 860-306-1660/860-967-8524 **E-mail:** mandi.careathers@ct.gov/james.albis@ct.gov
Lead agency division requesting this proposal: Bureau of Energy and Technology Policy
Agency Analyst/Drafter of Proposal: Lauren Savidge; Josh Walters

Title of Proposal: An Act Concerning Distributed Generation
Statutory Reference: C.G.S. Sec. 16-245gg(f), 16-244r, and 16-244z
Proposal Summary: Section 1 of this proposal would prohibit small residential solar projects that are eligible for the residential solar investment program (RSIP) administered by the Green Bank from participating in the small zero emission renewable energy certificate (ZREC) program administered by the state's electric distribution companies (EDCs) after the RSIP funding is exhausted. Sections 2 and 3 of this proposal would prevent renewable energy projects from artificially segregating a large project into smaller projects with separate meters in order to be eligible to participate in the low and zero emission renewable energy certificate (LREC/ZREC) program and fit under the statutory maximum cap. In addition, Sections 2 and 3 would require the EDCs to consult with the Department of Energy and Environmental Protection (DEEP) in its LREC/ZREC procurements on siting restrictions.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

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

Under current law, projects that are eligible for the residential solar investment program (RSIP) administered by the Green Bank cannot also participate in the small ZREC program. This ensures different types of projects (i.e. small residential solar and small commercial solar) each have a program to participate in and receive incentives. With the upcoming exhaustion of funding for the RSIP program,

there is potential ambiguity in the statute that could allow developers with RSIP eligible projects to participate in the small ZREC program (i.e., if a project's eligibility for RSIP ceases upon the exhaustion of funding). In addition, the LREC/ZREC program is intended to support small distributed generation, with a statutory facility maximum of 2 MW and 1 MW, respectively. In recent years, particularly in the most recent solicitation, developers have been artificially segregating a large installation with separate meters in order to circumvent the statutory maximum facility size. Finally, as more distributed generation is developed throughout the state, responsible siting practices are needed to ensure state policy goals are aligned. The requirement for EDCs to consult with DEEP on siting restrictions will facilitate these responsible siting practices.

◊ **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?

If Section 1 of this proposal does not pass, the small ZREC market could be flooded with projects that have never participated in the program before, which could more quickly exhaust the ZREC funding and prevent projects that normally expect to participate in small ZREC from going forward. If Sections 2 and 3 of this proposal do not pass, the integrity of the LREC/ZREC program would be affected as developers circumvent the statutory maximum facility size, resulting in a much higher incentive for projects that should be participating in grid-scale procurements with lower development costs.

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)*
State
Federal
Additional notes on fiscal impact

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

Sections 1-3 would implement changes that better align the purpose of the distributed generation programs with the outcome of the procurements and selected bids.

◊ **EVIDENCE BASE**

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

Insert fully drafted bill here

Section 1. Subsection (f) of section 16-245gg of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The purchase price of solar home renewable energy credits shall be determined by the Connecticut Green Bank, and such purchase price shall decline over time commensurate with the schedule of declining performance-based incentives and expected performance-based buydowns. Such purchase price shall not exceed the lesser of either (1) the price of small zero-emission renewable energy credit projects for the preceding year, or (2) five dollars less per renewable energy credit than the alternative compliance payment pursuant to subsection (k) of section 16-245. Any solar project located on a property that contains or will contain any residence of a customer of an electric distribution company that is determined to meet the Connecticut

Green Bank criteria as a residential dwelling for the residential solar investment program shall not be eligible for small zero-emission renewable energy credits pursuant to sections 16-244r and 16-244s or for low-emission renewable energy credits pursuant to section 16-244t. A solar project that meets the Connecticut Green Bank criteria as a residential dwelling for the residential solar investment program shall not be eligible for small zero-emission renewable energy credits pursuant to sections 16-244r and 16-244s or for low-emission renewable energy credits pursuant to section 16-244t upon the exhaustion of funding in the residential solar investment program.

Sec. 2. Subsections (a) and (b) of section 16-244r of the general statutes, as amended by Section 2 of Public Act 19-35, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Commencing on January 1, 2012, and within the period established in subsection (a) of section 16-244s, each electric distribution company shall solicit and file with the Public Utilities Regulatory Authority for its approval one or more long-term contracts with owners or developers of Class I generation projects that emit no pollutants and that are less than one thousand kilowatts in size, located on the customer side of the revenue meter and serve the distribution system of the electric distribution company. The authority may give a preference to contracts for technologies manufactured, researched or developed in the state. Project size under this section in any solicitation issued after the effective date of this Act shall be determined based upon the total megawatts located on a single parcel of land, or contiguous parcels under common ownership or with a common developer, regardless of metering infrastructure. Projects may not subdivide parcels of land for the purpose of meeting the project size requirements in this section.

(b) Solicitations conducted by the electric distribution company shall be for the purchase of renewable energy credits produced by eligible customer-sited generating projects over the duration of the long-term contract. For purposes of this section, a long-term contract is a contract for fifteen years. In conducting any solicitation pursuant to this section after the effective date of this Act, each electric distribution company shall consult with the Department of Energy and Environmental Protection to impose reasonable siting restrictions consistent with the policy goals outlined in sections 22a-1, 22a-1a, and 22a-422 of the general statutes.

Sec. 3. Subsection (a)(1)(A) of section 16-244z of the general statutes, as amended by Section 3 of Public Act 19-35, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a)(1)(A) On or before September 1, 2018, the Public Utilities Regulatory Authority shall initiate a proceeding to establish a procurement plan for each electric distribution company pursuant to this subsection and may give a preference to technologies manufactured, researched or developed in the state, provided such procurement plan is consistent with and contributes to the requirements to reduce greenhouse gas emissions in accordance with section 22a-200a. Each electric distribution company shall develop such procurement plan in consultation with the Department of Energy and Environmental Protection and shall submit such procurement plan to the authority not later than sixty days after the authority initiates the proceeding pursuant to this subdivision,

provided the department shall submit the program requirements pursuant to subparagraph (C) of this subdivision on or before July 1, 2019. The authority may require such electric distribution companies to conduct separate solicitations pursuant to subdivision (4) of this subsection for the resources in subparagraphs (A), (B) and (C) of said subdivision, including separate solicitations based upon the size of such resources to allow for a diversity of selected projects. Project size under this section in any solicitation issued after the effective date of this Act shall be determined based upon the total megawatts located on a single parcel of land, or contiguous parcels under common ownership or with a common developer, regardless of metering infrastructure. Projects may not subdivide parcels of land for the purpose of meeting the project size requirements in this section. In conducting any solicitation pursuant to this section after the effective date of this Act, each electric distribution company shall consult with the Department of Energy and Environmental Protection to impose reasonable siting restrictions consistent with the policy goals outlined in sections 22a-1, 22a-1a, and 22a-422 of the general statutes.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_CLM

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

State Agency: Department of Energy and Environmental Protection
Liaison: Mandi Careathers/James Albis **Phone:** 860-306-1660/860-967-8524 **E-mail:** mandi.careathers@ct.gov/james.albis@ct.gov
Lead agency division requesting this proposal: DEEP Energy Bureau
Agency Analyst/Drafter of Proposal: Michael Li

Title of Proposal: Conservation and Load Management Plan
Statutory Reference: 16-245m
Proposal Summary:

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

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

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

(3) Have certain constituencies called for this action?

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

Regarding the change to the cost effectiveness test criteria, this is one of the main recommendations coming from the GC3 Mitigation Working Group as this change would allow DEEP to consider the value of GHG emission reductions when approving energy efficiency and demand response programs. Accounting for GHG emissions as a benefit would allow DEEP to increase incentives in the C&LM efficiency programs and that would bring CT's incentive levels more in line with NY, RI, and MA. Numerous states use a similar approach to determining the cost effectiveness of efficiency programs including NY, RI, and MA. The vast majority of states with strong efficiency programs use a cost effectiveness test similar to what is proposed in this legislation. The states that use a similar cost test standard to CT all rank very low on the ACEEE energy efficiency state scorecard. The only other state that ranks in the top 20 for efficiency is Michigan.

Adding new Energy Efficiency Board (EEB) members has been advocated by a variety of stakeholders that feel broader representation on the EEB would provide more equity in the

programs offered. Donna Hamzy, CT Conference of Municipalities, and Brenda Watson, Operation Fuel, in particular have advocated for this expansion.

The third change this legislation would accomplish would be to allow DEEP to procure energy efficiency programs in addition to what the utilities offer through Energize CT. Particularly, this would allow DEEP to procure programs that utilities are not well positioned to offer, and to target specific customers, such as environmental justice communities for special programs.

Other states currently have similar policies in place. The most similar is in California where the utilities offer efficiency programs and third parties also offer efficiency programs. In some states, a third party administers most or all of the efficiency programs. Vermont procures all of its energy efficiency programs through a third party administrator, Efficiency Vermont, and the programs are not offered by their utilities. Wisconsin's Focus on Energy program is administered by a third party, APTIM. In Wisconsin, the third party administers the efficiency programs in partnership with the utilities – the utilities do not administer their own programs.

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

If this is a resubmission, please share:

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

This proposal was intended to be included in the September 2020 special session regarding storm response, but was ultimately not included in the call. We are not aware of any opposition to this proposed legislation that led to this omission. Rather, it appears that it was excluded due to the need to narrow the legislative proposals being considered in special session.

PROPOSAL IMPACT

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

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

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

Summary of Affected Agency's Comments

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

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

Municipal *(please include any municipal mandate that can be found within legislation)*
State
Federal
Additional notes on fiscal impact

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

Changes to Section (c) would facilitate meaningful partnership with municipalities and low to moderate income communities in program development and implementation. Section (d)(1)would provide for competition for certain aspects of the Conservation and Load Management Plan, which historically has been administered by the utilities. Competition could bring more innovative approaches that align more with customer interests versus utility interests. Section (d)(3) will change the cost benefit test in a manner that will make the programs more accessible to limited to moderate income ratepayers.

◊ **EVIDENCE BASE**

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

DEEP anticipates being able to track energy efficiency improvements to buildings over time, which also provides GHG emissions reductions. Some of this data is already available through U.S. Energy Information Administration, and is also examined in evaluation studies administered as part of the C&LM Plan. DEEP would also be able to track program participation data which DEEP could use to ensure that historically underserved communities are served through targeted programs that DEEP procures.

Insert fully drafted bill here

Sec. 16-245m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

(a)(1) Repealed by P.A. 18-50, S. 32.

(2) Repealed by P.A. 14-134, S. 130.

(3) Repealed by P.A. 11-61, S. 187.

(b) Repealed by P.A. 18-50, S. 32.

(c) The Commissioner of Energy and Environmental Protection shall appoint and convene an Energy Conservation Management Board which shall include the Commissioner of Energy and Environmental Protection, or the commissioner's designee, the Consumer Counsel, or the Consumer Counsel's designee, the Attorney General, or the Attorney General's designee, and a representative of: (1) An environmental group knowledgeable in energy conservation program collaboratives; (2) the electric distribution companies in whose territories the activities take place for such programs; (3) a state-wide manufacturing association; (4) a chamber of commerce; (5) a state-wide business association; (6) a state-wide retail organization; (7) a state-wide farm association; (8) a municipal electric energy cooperative created pursuant to chapter 101a; [and](9) residential customers; (10) residential customers with low to moderate incomes; and (11) municipalities. The board shall also include two representatives selected by the gas companies. The members of the board shall serve for a period of five years and may be reappointed. Representatives of gas companies, electric distribution companies and the municipal electric energy cooperative shall be nonvoting members of the board. The members of the board shall elect a chairperson from its voting members. If any vote of the board results in an equal division of its voting members, such vote shall fail.

(d) (1) Not later than November 1, 2012, and every three years thereafter, electric distribution companies, as defined in section 16-1, in coordination with the gas companies, as defined in section 16-1, shall submit to the Energy Conservation Management Board a combined electric and gas Conservation and Load Management Plan, in accordance with the provisions of this section, to implement cost-effective

energy conservation programs, demand management and market transformation initiatives. All supply and conservation and load management options shall be evaluated and selected within an integrated supply and demand planning framework. Services provided under the plan shall be available to all customers of electric distribution companies and gas companies, provided a customer of an electric distribution company may not be denied such services based on the fuel such customer uses to heat such customer's home. The Energy Conservation Management Board shall advise and assist the electric distribution companies and gas companies in the development of such plan. The Energy Conservation Management Board shall approve the plan before transmitting it to the Commissioner of Energy and Environmental Protection for approval, modification or rejection. The commissioner shall, in an uncontested proceeding during which the commissioner may hold a public meeting, approve, modify or reject said plan prepared pursuant to this subsection. Following approval by the commissioner, the board shall assist the companies in implementing the plan and collaborate with the Connecticut Green Bank to further the goals of the plan. Said plan shall include a detailed budget sufficient to fund all energy efficiency that is cost-effective or lower cost than acquisition of equivalent supply, and shall be[reviewed and] approved, modified or rejected by the commissioner. The commissioner may, in consultation with the Energy Conservation Management Board, issue a solicitation for active demand response plans administered by third parties, and may select any such plan that meets the goals of this section. Any such selected plan shall be funded by the revenues collected pursuant to this section. The Public Utilities Regulatory Authority shall, not later than sixty days after the plan or plans is approved by the commissioner pursuant to this section, ensure that the balance of revenues required to fund such plans is provided through fully reconciling conservation adjustment mechanisms. Electric distribution companies shall collect a conservation adjustment mechanism that ensures the plan or plans approved by the commissioner pursuant to this section are fully funded by collecting an amount that is not more than the sum of six mills per kilowatt hour of electricity sold to each end use customer of an electric distribution company during the three years of any Conservation and Load Management Plan. The authority shall ensure that the revenues required to fund any plan or plans approved by the Commissioner pursuant to this section with regard to gas companies are provided through a fully reconciling conservation adjustment mechanism for each gas company of not more than the equivalent of four and six-tenth cents per hundred cubic feet during the three years of any Conservation and Load Management Plan.

Said plans, collectively, shall include steps that would be needed to achieve the goal of weatherization of eighty per cent of the state's residential units by 2030 and to reduce energy consumption by 1.6 million MMBtu, or the equivalent megawatts of electricity, as defined in subdivision (4) of section 22a-197, annually each year for calendar years commencing on and after January 1, 2020, up to and including calendar year 2025. Each program contained in the plan submitted by the electric distribution companies and gas companies shall be reviewed [by such companies]and accepted, modified or rejected by the Energy Conservation Management Board prior to submission to the commissioner for approval. The Energy Conservation Management Board shall, as part of its review, examine opportunities to offer joint programs providing similar efficiency measures that save more than one fuel resource or otherwise to coordinate programs targeted at saving more than one fuel resource. Any costs for joint programs shall be allocated equitably among the conservation programs. The Energy Conservation Management Board shall give preference to projects that maximize the reduction of federally mandated congestion charges.

(2) There shall be a joint committee of the Energy Conservation Management Board and the board of directors of the Connecticut Green Bank. The boards shall each appoint members to such joint committee. The joint committee shall examine opportunities to coordinate the programs and activities funded by the Clean Energy Fund pursuant to section 16-245n with the programs and activities contained in the plan or plans developed under this subsection and to provide financing to increase the benefits of programs funded by the plan or plans so as to reduce the long-term cost, environmental impacts and security risks of energy in the state. Such joint committee shall hold its first meeting on or before August 1, 2005.

(3) Programs included in the plan or plans developed under subdivision (1) of this subsection shall be screened through cost-effectiveness testing that compares the value and payback period of program benefits for all energy savings to program costs to ensure that programs are designed to obtain energy savings and [system]societal benefits, including mitigation of federally mandated congestion charges, whose value is greater than the costs of the programs. Program cost-effectiveness shall be reviewed by the Commissioner of Energy and Environmental Protection annually, or otherwise as is practicable, and shall incorporate the results of the evaluation process set forth in subdivision (4) of this subsection. If a program is determined to fail the cost-effectiveness test as part of the review process, it shall either be modified to meet the test or shall be terminated, unless it is integral to other programs that in combination are cost-effective. On or before March 1, 2005, and on or before March first annually

thereafter, the board shall provide a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to energy and the environment that documents (A) expenditures and fund balances and evaluates the cost-effectiveness of such programs conducted in the preceding year, and (B) the extent to and manner in which the programs of such board collaborated and cooperated with programs, established under section 7-233y, of municipal electric energy cooperatives. To maximize the reduction of federally mandated congestion charges, programs in the plan may allow for disproportionate allocations between the amount of contributions pursuant to this section by a certain rate class and the programs that benefit such a rate class. Before conducting such evaluation, the board shall consult with the board of directors of the Connecticut Green Bank. The report shall include a description of the activities undertaken during the reporting period.

(4) The Commissioner of Energy and Environmental Protection shall adopt an independent, comprehensive program evaluation, measurement and verification process to ensure the Energy Conservation Management Board's programs and any other plans approved by the Commissioner pursuant to subdivision (1) of this subsection are administered appropriately and efficiently, comply with statutory requirements, programs and measures are cost effective, evaluation reports are accurate and issued in a timely manner, evaluation results are appropriately and accurately taken into account in program development and implementation, and information necessary to meet any third-party evaluation requirements is provided. An annual schedule and budget for evaluations as determined by the board shall be included in the plan or plans filed with or selected by the commissioner pursuant to subdivision (1) of this subsection. The electric distribution and gas company representatives and the representative of a municipal electric energy cooperative may not vote on board plans, budgets, recommendations, actions or decisions regarding such process or its program evaluations and their implementation. Program and measure evaluation, measurement and verification shall be conducted on an ongoing basis, with emphasis on impact and process evaluations, programs or measures that have not been studied, and those that account for a relatively high percentage of program spending. Evaluations shall use statistically valid monitoring and data collection techniques appropriate for the programs or measures being evaluated. All evaluations shall contain a description of any problems encountered in the process of the evaluation, including, but not limited to, data collection issues, and recommendations regarding addressing those problems in future evaluations. The

board shall contract with one or more consultants not affiliated with the board members to act as an evaluation administrator, advising the board regarding development of a schedule and plans for evaluations and overseeing the program evaluation, measurement and verification process on behalf of the board. Consistent with board processes and approvals and the Commissioner of Energy and Environmental Protection's decisions regarding evaluation, such evaluation administrator shall implement the evaluation process by preparing requests for proposals and selecting evaluation contractors to perform program and measure evaluations and by facilitating communications between evaluation contractors and program administrators to ensure accurate and independent evaluations. In the evaluation administrator's discretion and at his or her request, the [electric distribution and gas companies] administrators of the program under review shall communicate with the evaluation administrator for purposes of data collection, vendor contract administration, and providing necessary factual information during the course of evaluations. The evaluation administrator shall bring unresolved administrative issues or problems that arise during the course of an evaluation to the board for resolution, but shall have sole authority regarding substantive and implementation decisions regarding any evaluation. Board members, including electric distribution and gas company representatives, may not communicate with an evaluation contractor about an ongoing evaluation except with the express permission of the evaluation administrator, which may only be granted if the administrator believes the communication will not compromise the independence of the evaluation. The evaluation administrator shall file evaluation reports with the board and with the Commissioner of Energy and Environmental Protection in its most recent uncontested proceeding pursuant to subdivision (1) of this subsection and the board shall post a copy of each report on its Internet web site. The board and its members, including electric distribution and gas company representatives, may file written comments regarding any evaluation with the commissioner or for posting on the board's Internet web site. Within fourteen days of the filing of any evaluation report, the commissioner, members of the board or other interested persons may request in writing, and the commissioner shall conduct, a transcribed technical meeting to review the methodology, results and recommendations of any evaluation. Participants in any such transcribed technical meeting shall include the evaluation administrator, the evaluation contractor and the Office of Consumer Counsel at its discretion. On or before November 1, 2011, and annually thereafter, the board shall report to the joint

standing committee of the General Assembly having cognizance of matters relating to energy, with the results and recommendations of completed program evaluations.

(5) Programs included in the plans [developed] approved by the Commissioner under subdivision (1) of this subsection may include, but not be limited to: (A) Conservation and load management programs, including programs that benefit low-income individuals; (B) research, development and commercialization of products or processes which are more energy-efficient than those generally available; (C) development of markets for such products and processes; (D) support for energy use assessment, real-time monitoring systems, engineering studies and services related to new construction or major building renovation; (E) the design, manufacture, commercialization and purchase of energy-efficient appliances and heating, air conditioning and lighting devices; (F) program planning and evaluation; (G) indoor air quality programs relating to energy conservation; (H) joint fuel conservation initiatives programs targeted at reducing consumption of more than one fuel resource; (I) conservation of water resources; (J) public education regarding conservation; and (K) demand-side technology programs[recommended by the Conservation and Load Management Plan]. Support for such programs may be by direct funding, manufacturers' rebates, sale price and loan subsidies, leases and promotional and educational activities. The Energy Conservation Management Board shall periodically review contractors to determine whether they are qualified to conduct work related to such programs and to ensure that in making the selection of contractors to deliver programs, a fair and equitable process is followed. There shall be a rebuttable presumption that such contractors are deemed technically qualified if certified by the Building Performance Institute, Inc. or by an organization selected by the commissioner. The plan or plans shall also provide for expenditures by the board for the retention of expert consultants and reasonable administrative costs provided such consultants shall not be employed by, or have any contractual relationship with, an electric distribution company or a gas company. Such costs shall not exceed five per cent of the total cost of the plan.

(e) Deleted by P.A. 11-80, S. 33.

(f) Not later than December 31, 2006, and not later than December thirty-first every five years thereafter, the Energy Conservation Management Board shall, after consulting with the Connecticut Green Bank, conduct an evaluation of the performance of the programs and activities specified in the plan or plans approved by the commissioner pursuant to subsection (d) of this section and submit a report, in

accordance with the provisions of section 11-4a, of the evaluation to the joint standing committee of the General Assembly having cognizance of matters relating to energy.

(g) Repealed by P.A. 06-186, S. 91.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_StripedBassPenalties

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

Lead agency division requesting this proposal: Fisheries Division

Agency Analyst/Drafter of Proposal: Justin Davis

Title of Proposal: An Act Concerning the Penalty Provisions for Striped Bass Fishing Violations

Statutory Reference: 26-159a

Proposal Summary:
Repeal special penalty provisions for violations of striped bass sport fishing regulations. The result would be to treat such violations the same as the violations of other sport fishing regulations by authorizing issuance of infractions (tickets). Under the current statutory framework, the only option available to law enforcement officers is to make a misdemeanor arrest with the offender elevated to the court system. Such arrests are commonly dismissed without action by the courts, undermining the deterrent effect of the existing penalty provisions. Providing DEEP with the authority to issue infractions would increase the frequency with which a penalty, albeit lower, would ultimately be paid by the violator and relieve the courts of having to dismiss such arrests. This would enhance the deterrent effect of the penalties, and ultimately result in better overall compliance.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

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

This proposal will facilitate more effective enforcement of striped bass sportfishing regulations. The Atlantic striped bass stock was recently declared overfished by the Atlantic States Marine Fisheries Commission (ASMFC), and as a result more conservative fishing regulations were enacted coastwide in 2020. Effective enforcement of striped bass regulations will be a key component of stock rebuilding efforts. At recent public hearings on the issue of 2020 striped

bass regulations, DEEP and ASMFC received multiple comments that more effective enforcement of striped bass regulations was necessary.

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

If this is a resubmission, please share:

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

This is a resubmission of Section 2 of 2020 HB 5497 by the Environment Committee. While a public hearing was scheduled on the matter, none was held when the session was ended abruptly due to COVID-19.

PROPOSAL IMPACT

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

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

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

Summary of Affected Agency's Comments
n/a

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

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

Municipal *(please include any municipal mandate that can be found within legislation)*
No impact

State
This proposal is expected to generate revenues resulting from issuance of infractions for striped bass sportfishing violations. DEEP Environmental Conservation Police currently receive approximately 300-400 calls for service (CFS) annually related to enforcement of striped bass sportfishing regulations. A conservative estimate of 300 striped bass infractions annually at $75.00 per infraction equates to an estimated $22,500 of annual revenue. This proposal is intended to enable more effective enforcement of striped bass sportfishing regulation and

deter illegal sportfishing activity. Revenues generated may therefore decline over time as fewer individuals engage in illegal sportfishing for striped bass.
Federal No impact
Additional notes on fiscal impact n/a

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

This proposal represents a shift in policy concerning penalties for striped bass sportfishing violations. By eliminating the specific and more severe penalty schedule for striped bass violations in favor of enabling enforcement officers to issue standard tickets and fines for such violations, the proposal will ultimately provide for more effective enforcement and deterrence given the overburdened nature of the court system. This proposal will also streamline programmatic operations by eliminating the substantial time requirements (paperwork, attending court dates) for Environmental Conservation Police associated with misdemeanor arrests for striped bass sportfishing violations.

◊ **EVIDENCE BASE**

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

The impact of this proposal can be tracked by assessing the number of infractions issued annually by Environmental Conservation Police for striped bass sportfishing violations. The enhanced deterrence provided by this proposal should be evident over time in lower rates of striped bass non-compliance observed by Environmental Conservation Police, as measured by annual calls for service (CFS) and infractions/warning issued.

Insert fully drafted bill here

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

Section 1. Section 26-159a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Regulations concerning certain sport and commercial fishing in the marine district and possession of certain species. Penalty. To establish and manage populations of marine and anadromous finfish and marine arthropods and to facilitate the establishment of unified coastwide regulations in accordance with the provisions of fishery management plans developed pursuant to the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or other regional fishery management

authorities, the Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 governing possession of such species, sport fishing and commercial fishing by persons fishing for such species in the waters of this state or landing such species in this state, regardless of where such species were taken. Such regulations may: (1) Establish the open and closed seasons; (2) establish hours, days or periods during the open season when fishing shall not be permitted in designated waters or areas for all or limited species by all or limited methods; (3) establish legal lengths; (4) prescribe the legal methods of sport fishing for all or limited species; (5) establish for sport fishing the daily creel limit, the season creel limit and the possession limit; (6) restrict sport fishing from boats and other floating devices and sport fishing from designated areas; (7) determine the species which may be taken by commercial fishing methods, provided striped bass, Atlantic salmon, other anadromous salmon, brown trout, rainbow trout and brook trout may only be taken by angling and, if taken in the waters of this state, shall not be sold, bartered, exchanged or offered for sale, barter or exchange; (8) prescribe the legal methods of commercial fishing; (9) determine the specifications, materials and dimensions of nets, seines, fykes, traps, pounds, trawls, trolling gear, long lines, set lines and other commercial fishing gear used in the waters of this state; (10) regulate the use and marking of commercial fishing gear, including boats used to conduct activities authorized pursuant to section 26-142a; (11) determine the number and size of finfish and marine arthropods which may be taken by commercial fishermen; (12) determine the total number and pounds of finfish and marine arthropods, by species, which may be taken by commercial fishing methods or for commercial purposes during a calendar year or lesser period; (13) prohibit the landing of protected species; (14) for a fishing derby or tournament, require that such activity be registered and that an accurate report of all fish tagged, marked and taken, time spent on an area and any other data required by the commissioner for management purposes be returned within a specified period of time. Any person who violates any regulation concerning sport fishing adopted in accordance with the provisions of chapter 54 and this section shall have committed an infraction and may pay the fine by mail or plead not guilty under the provisions of section 51164n.[, except that any person who violates any regulation adopted in accordance with the provisions of chapter 54 and this section pertaining to the taking of striped bass shall be fined one hundred dollars for each fish taken or possessed for the first violation, be fined two hundred dollars for each fish taken or possessed for the second violation and be fined five hundred dollars for each fish taken or possessed or imprisoned not more than thirty days, or both for each subsequent violation. No part of any fine imposed for the taking or possession of any striped bass in violation of any such regulation shall be remitted.]

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_RecycledContentandOrganics

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

State Agency: Department of Energy and Environmental Protection
Liaison: Mandi Careathers/James Albis **Phone:** 860-306-1660/860-967-8524 **E-mail:** mandi.careathers@ct.gov/james.albis@ct.gov
Lead agency division requesting this proposal: Bureau of Materials Management and Compliance Assurance
Agency Analyst/Drafter of Proposal: Gabrielle Frigon

Title of Proposal: An Act Concerning Recycled Content for Consumer Products Sold in Connecticut and Source Separated Organic Material Diversion and Compost Quality Standards
Statutory Reference: New section, 22a-226e and 22a-208q
Proposal Summary: Sec. 1: Would allow DEEP to, in consultation with stakeholders, make recommendations to the Governor and General Assembly regarding recycled content standards consistent with the goals of the state's Comprehensive Materials Management Strategy. Such standards may increase demand for recyclable materials and aid in the development of in-state or regional recycling markets and provide for increased segregation and diversion of recyclable materials from disposal reducing the pressure on in-state waste to energy facilities. Sec. 2: Proposes to expand the distance trigger for source separated organic materials from a twenty to a thirty mile radius; adds institutions to the sectors that must divert food waste within that radius and lowers the generation of food waste volume threshold requiring diversion by generators within the identified radius. Sec. 3: Proposes to re-establish previous authority of the Commissioner pursuant to 22a-208q(b) to develop regulatory standards for composting product quality and use through coordination with CT Agricultural Experiment Station and the Department of Public Health and adds the Department of Agriculture and UCONN Extension Service.

PROPOSAL BACKGROUND

- ◊ **Reason for Proposal**

Please consider the following, if applicable:

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

Sec. 1: EPA has established recycled content recommendations for certain products. Connecticut's evaluation of the feasibility and benefits resulting from a recycled content requirement for consumer products will help to encourage recyclable materials markets and increase the diversion of recyclable materials from disposal. This proposal requires DEEP, in consultation with recyclers, manufacturers and recycling businesses, and regional organizations such as the Northeast Recycling Council, to submit a report to the General Assembly by 12/31/2022 with recommendations for recycled content standards for consumer products sold in the state.

Sec. 2: This proposal will result in the diversion of more food waste from disposal, at in-state waste to energy and out of state landfills, by increasing the radius in which certain generators must divert food waste, adding sectors that generate large amounts of food waste and lowering the generator volumetric threshold. This proposal will better ensure the availability of feedstock to prospective developers.

Sec. 3: This proposal will reinstate the authority for the Commissioner to establish regulatory standards for composting product quality and use is necessary to allow the generation end markets for the composting waste products by creating certainty regarding their acceptability and appropriate use. Also, the establishment of quality standards is especially important in light of PFAS in food packaging wastes and other organic materials. Note. 22a-208q(b) was inadvertently repealed by Public Act 17-218 section 10.

◊ **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?

Sec. 1: 2020 Governor's Bill SB 11 was not acted upon as a result of the abrupt end of the 2020 legislative session due to the novel corona virus and resulting state-wide COVID-19 response in March of 2020. This proposal was included as Section 3 of that bill. The bill was referred the Environment Committee on February 6, 2020, and a Public Hearing was held on March 6, 2020. The only change proposed to the language is the due date for the report, from Dec. 31, 2021 to Dec. 31, 2022.

Sec. 2 and 3 are new proposals.

PROPOSAL IMPACT

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

Agency Name: Sec. 3: Agriculture, Agricultural Experiment Station, UCONN Extension Service and Public Health **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 Sec. 1: None Sec. 2: Potential for cost savings for state institutions resulting from lower tipping fees for food waste. Sec. 3: None
Federal None
Additional notes on fiscal impact

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

Sec. 1: The proposal would work towards establishing recommendations for recycled content standards for certain consumer products sold in Connecticut. Sec. 2: Provides for additional segregation of food scraps from all identified sectors and will drive development of in-state composting facilities, including anaerobic digestion technologies. Sec. 3: Re-establishes the Commissioner's previous authority to develop quality standards for appropriate use in the state and will allow for the development of end markets for compost products generated from different feedstocks.

◊ **EVIDENCE BASE**

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

N/A

Insert fully drafted bill here

Section 1. (NEW) (*Effective upon* passage):

On or before December 31, 2022, the Department of Energy and Environmental Protection, in consultation with retailers, manufacturers recycling businesses in the state, and regional organizations such as the Northeast Recycling Council, shall submit to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to the environment recommendations for recycled content requirements for products sold in the state and recommendations for multi-state coordination in the development of such recycled content standards. In developing such recommendations, the Department of Energy and Environmental Protection shall consider recycled content standards from other jurisdictions.

Section 1. Section 22a-226e of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

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

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

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

(b) Any such wholesaler, distributor, manufacturer, processor, supermarket, resort, [or]conference center and institution that performs composting of source-separated organic materials on site or treats source-separated

organic materials via on-site organic treatment equipment permitted pursuant to the general statutes or federal law shall be deemed in compliance with the provisions of this section.

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

Section 2. Section 22a-208q of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54 and in consultation with the Connecticut Department of Agriculture, the Connecticut Agricultural Experiment Station, the University of Connecticut Extension Service, and the Department of Public Health, to provide specifications for the production, quality and use of compost made from source separated organic materials and mixed municipal solid waste. Such regulations shall promote composting processes which provide a clean, high-quality, nontoxic and marketable end product and shall provide for the protection of land and water resources from contaminants and the prevention of adverse environmental and public health effects resulting from the composting operations or product application. Such regulations shall provide for maximum allowable levels of toxic contaminants and other contaminants in the composting product and shall include testing criteria for such contaminants and establish at least two classes of compost made from source separated organic materials and mixed municipal solid waste: (1) Class I compost made only from compostable source separated organic materials such as food waste, grass clippings and yard waste, which materials have been separated from municipal solid waste at the source of generation, and (2) class II compost made from mixed municipal solid waste which contains compostable organic materials which have not been separated at the source of generation. The maximum allowable contaminant levels established for class I compost shall be at such a level as will allow unrestricted use of the compost. Such regulations shall not allow class II compost to be used for agricultural or horticultural purposes, unless the class II compost meets the maximum allowable contaminant levels established for class I compost, as determined by testing criteria established pursuant to this section.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_EVCharging

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
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E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

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

Agency Analyst/Drafter of Proposal: Jamie Flynn; Michael Li; Kirsten Rigney

Title of Proposal: An Act Concerning Electric Vehicle Charging Stations

Statutory Reference: New Section

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

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

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

(1) As one of several states signatories to the Zero-Emission Vehicle Memorandum of Understanding (ZEV MOU), Connecticut has committed to an ambitious goal of putting 125,000 to 150,000 EVs on the road by 2025. This legislation is necessary to remove barriers to consumers regarding charging accessibility. For most EV drivers, home is the most convenient place to plug-in and charge an electric vehicle. At-home charging is generally less expensive than paying for public charging, which is more likely to be utilized during costly peak demand periods. At-home charging provides EV drivers with the option of scheduling their charging to occur during cheaper, off-peak and overnight hours. Furthermore, drivers are more likely to purchase an EV if they can charge at home.

Over 34% Connecticut residents are currently renters. Roughly 10% of Connecticut's residents live in multi-unit dwellings and many of those residents are minorities. To date, most condominium and homeowners' associations, and landlords have not installed EV charging stations due to a perceived lack of demand and a perception that the equipment may only be used by a few EV drivers and renters. This right-to-charge legislation is intended to remove/lessen the barriers to homeowners/condo owners from installing electric vehicle supply equipment (EVSE) at their place of residence. Specifically, this legislation prohibits condominium and homeowners' associations from restricting an individual homeowner with a designated parking space from installing EV charging equipment. This legislation enables an individual homeowner to submit an application to their association seeking approval to install an EV charging station in their designated parking space or in a common use parking facility. Condominium and homeowners' associations are required to issue a written approval or denial of the application, and cannot impose unreasonable restrictions on an individual homeowner installing the charging equipment. This legislation also sets forth the responsibilities of the individual installing the charging equipment, which include application process requirements; liability insurance coverage; costs for operation and maintenance; electricity associated with the charging equipment; removal of the charging equipment; restoration of the common elements after removal; and disclosure to prospective buyers of the existence of the charging station and the related responsibilities of the owner. It is important to note that right-to-charge laws do not require homeowner associations or rental property building owners to pay for charging an individual's use or to install charging as an amenity for multiple owners.

(2) California, Colorado, Florida, Hawaii, and Oregon have right-to-charge laws for homeowners' and condominium associations, but only California and Colorado have enacted right-to-charge laws for renter-occupied housing units.

(3) We have heard from environmental advocates that this is important legislation to ensure adoption of EVs. The Northeast States for Coordinated Air Use Management (NESCAUM) have also encouraged states to adopt right to charge legislation in order to facilitate EV ownership for renters.

(4) If this legislation is not enacted this session, the barrier of home charging of EVs for renters and condominium owners will remain and a large segment of potential consumers will continue to face this barrier to EV ownership.

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

If this is a resubmission, please share:

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

(1) This proposal was proposed by the Energy and Technology Committee in 2020 as HB 5226 and received a public hearing on February 27, 2020, but it did not move forward due to the end of session due to COVID-19 restrictions ending the legislative session.
(2) There were discussions with homeowner association representatives and realtors as well as the Attorney General's Office to improve this proposal during the last session. DEEP will work with these associations prior to the beginning of the 2021 session as well.
(3) DEEP, CT Association of Realtors, Community Associations Institute – CT Chapter
(4) On February 27, 2020 this proposal received a public hearing by the Joint Committee on Energy and Technology.

PROPOSAL IMPACT

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

Agency Name: N/A **Agency Contact (*name, title, phone*):** **Date Contacted:** Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

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

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

Additional notes on fiscal impact

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

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs. DEEP tracks EV deployment and reports out on EV adoption on an annual basis. DEEP expects that this legislation, in combination with the increasingly robust and equitable CHEAPR rebates, increasing consumer awareness of the negative impacts of fossil fuel consumption on climate change, and the increasing affordability of EVs, will result in increased penetration of EVS among renters and multi-unit dwellers.

Insert fully drafted bill here

AN ACT CONCERNING ELECTRIC VEHICLE CHARGING STATIONS.

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

Section 1. (NEW) (*Effective October 1, 2021*)

(a) As used in this section:
(1) "Association" means any association of homeowners, community association, condominium association, cooperative, common interest associations or nongovernmental entity with covenants, bylaws and administrative provisions with

which a homeowner's compliance is required. "Association" includes an association of unit owners, as defined in section 47-68a of the general statutes, and a common interest community, as defined in section 47-202 of the general statutes;
(2) "Electric vehicle charging station" means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in the electric vehicle. "Electric vehicle charging station" includes any associated metering equipment; and
(3) "Reasonable restrictions" means a restriction that does not significantly increase the cost of the station or significantly decrease its efficiency or specified performance.

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

(c) This section may not apply to bylaws that impose reasonable restrictions on electric vehicle charging stations.

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

(e) If an association requires a unit owner to submit an application for approval to install an electric vehicle charging station, the association shall process and approve the application in the same manner as an application for approval of an architectural modification to the property. The approval or denial of the application shall be in

writing and shall be issued not later than sixty days after the date of receipt of the application. If an application is not denied in writing within such sixty-day period, the application shall be deemed approved, unless the association reasonably requests additional information within sixty days from the date of receipt of the application.

(f) If a unit owner seeks to install an electric vehicle charging station, the following provisions shall apply:
(1) The unit owner shall obtain approval from the association to install the electric vehicle charging station and the association shall approve the installation if the owner agrees in writing to do the following: (A) Comply with the association's architectural standards for the installation of the electric vehicle charging station; (B) engage a licensed contractor to install the electric vehicle charging station; (C) if the proposed electric vehicle charging station is located within a common element, provide a certificate of insurance, within fourteen days of approval, that names the association as a named additional insured under the owner's insurance policy pursuant to subdivision (3) of subsection (f) of this section; (D) pay for the costs associated with the installation of the electric vehicle charging station; and (E) pay the electricity usage costs associated with the electric vehicle charging station.
(2) The unit owner, and each successive owner, of the electric vehicle charging station shall be responsible for all of the following: (A) Costs for damage to the electric vehicle charging station, common elements or separate units resulting from the installation, maintenance, repair, removal or replacement of the electric vehicle charging station; (B) costs for the maintenance, repair and replacement of the electric vehicle charging station until it has been removed; (C) costs for the restoration of the electric vehicle charging station after it is removed; (D) costs of electricity associated with the electric vehicle charging station; and (E) disclosing to prospective buyers (i) the existence of the electric vehicle charging station, and (ii) the associated responsibilities of the unit owner under this section.
(3) The unit owner of the electric vehicle charging station, whether located within a separate unit, within the common element or exclusive use common element, shall, at all times, maintain a liability coverage policy. The owner shall provide the association

with the corresponding certificate of insurance not later than fourteen days after approval of the application. The owner, and each successor owner, shall provide the association with the certificate of insurance annually thereafter.
(4) A unit owner shall not be required to maintain a liability coverage policy for an existing national electrical manufacturers association standard alternating current power plug.

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

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

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

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

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

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

Section 2. (NEW) (*Effective October 1, 2021*)
(a) As used in this section:
(1) "Dedicated parking space" means a parking space located within a lessee's separate interest or a parking spot that is in a common area, but subject to exclusive use rights of an individual lessee, including, but not limited to, a garage space, carport or parking space that is specifically designated for use by a particular lessee;
(2) "Dwelling unit" has the same meaning as provided in section 47a-1 of the general statutes;
(3) "Electric vehicle charging station" means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle. "Electric vehicle charging station" includes any associated metering equipment;
(4) "Landlord" has the same meaning as provided in section 47a-1 of the general statutes;
(5) "Rent" has the same meaning as provided in section 47a-1 of the general statutes;
(6) "Rental agreement" has the same meaning as provided in section 47a-1 of the general statutes; and
(7) "Tenant" has the same meaning as provided in section 47a-1 of the general statutes.

(b) Notwithstanding any provision in the rental agreement to the contrary, for any rental agreement executed, extended or renewed on and after October 1, 2020, a landlord of a dwelling unit shall approve a tenant's written request to install an electric vehicle charging station at a dedicated parking space for the tenant that meets the requirements of this section and section 1 of this act and complies with the landlord's procedural approval process for modification to the property.

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

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

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

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

(g) A tenant's written request to modify the rental property in order to install an electric vehicle charging station shall indicate his or her consent to enter into a written agreement that includes, but is not limited to, the following:
(1) Compliance with the landlord's requirements for the installation, use, maintenance and removal of the electric vehicle charging station and its infrastructure;
(2) Compliance with the landlord's requirements for the tenant to provide a complete financial analysis and scope of work regarding the installation of the electric vehicle charging station and its infrastructure;
(3) Compliance with the landlord's requirements to pay the landlord any costs associated with the landlord's installation of the electric vehicle charging station and its infrastructure prior to any modification or improvement to the rental property. The costs associated with modifications and improvements include, but are not limited to, the cost of permits, supervision, construction and, solely if required by the contractor and consistent with its past performance of work for the landlord, performance bonds;

(4) Compliance with the landlord's requirements to pay, as part of the tenant's rent, any costs associated with the electrical usage of the electric vehicle charging station, and costs for damage, maintenance, repair, removal and replacement of the electric vehicle charging station, including such modifications or improvements made to the rental property associated with the electric vehicle charging station; and
(5) Compliance with the landlord's requirements to maintain a general liability insurance policy and name the landlord as a named additional insured under the policy commencing with the date of approval for construction until the tenant forfeits possession of the dwelling unit to the landlord.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_EmergencyVehicles

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

Lead agency division requesting this proposal: Emergency Response and Spill Prevention Division, Bureau of Materials Management and Compliance Assurance

Agency Analyst/Drafter of Proposal: Peter Zack, Director, Emergency Response and Spill Prevention Division

Title of Proposal: An Act Concerning the Authorized Emergency Vehicle Definition for DEEP Emergency Response Equipment

Statutory Reference: Conn. Gen. Stat. secs. 14-1 and 14-283

Proposal Summary:
This proposal was prepared in consultation with the Department of Motor Vehicles (DMV). This proposal clarifies that Department of Energy and Environmental Protection (DEEP) vehicles responding to and operating at emergency incidents fall within the definition of authorized emergency vehicles. Section 1 simplifies the definition of "authorized emergency vehicle" in Conn. Gen. Stat. sec. 14-1 to instead refer to the definition of "emergency vehicle" as set forth in Conn. Gen. Stat. sec. 14-283. Section 2 adds DEEP vehicles to the definition of "emergency vehicle" in Conn. Gen. Stat. sec. 14-283, when responding to and operating at emergency incidents.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

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

Designated DEEP personnel, as part of their specific job responsibilities*, operate emergency vehicles and equipment statewide when they respond to incidents involving a variety of releases to the environment or forest fire suppression and control. For protection of the public and the environment, it is important that DEEP personnel timely respond to emergency

incidents and safely maneuver and park vehicles at on-scene locations, using lights and sirens to indicate their presence. The DMV statute regarding the designation of "emergency vehicle" in section 14-283 is specific in some areas and general in others. Currently the DMV commissioner addresses this ambiguity through issuance of a specific designation to confirm the applicability of the "authorized emergency vehicle" definition set forth in section 14-1 to certain DEEP vehicles. This proposal clarifies that DEEP vehicles responding to and operating at emergency incidents meet the definition of "emergency vehicles."
*For example, agency staff respond to emergency incidents involving releases of hazardous materials, oils, fuels, chemical, biological, and radioactive materials, and other materials managed, stored, or transported throughout the state. DEEP personnel fulfill the agency's statutory responsibility to respond "immediately" to contain, remove, or otherwise mitigate spillage, releases, and discharges to the environment. In addition, the Commissioner of DEEP "shall supervise and regulate in the interests of public health and safety the use of ionizing radiation within the state." DEEP is required to formulate and keep current a radiation incident response plan for the state. The DEEP Forestry Division also coordinates responses to suppress forest fires.

◊ **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 Motor Vehicles
Agency Contact (*name, title, phone*): Millie Torres-Ferguson
Date Contacted: January – August 2020; see July 21, 2020 letter from DMV to DEEP

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

Summary of Affected Agency's Comments
Commissioner Sibongile Magubane, Department of Motor Vehicles, signed a letter dated July 21, 2020, designating certain DEEP vehicles as authorized emergency vehicles under Conn. Gen.

Stat. section 14-1 with the understanding that legislation would be proposed to clearly identify certain DEEP vehicles as emergency vehicles under Conn. Gen. Stat. section 14-283.
Will there need to be further negotiation? ☐ **YES** ☒**NO**

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

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

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

The proposal explicitly provides that certain DEEP emergency vehicles fall within the definition of "emergency vehicles" as set forth in Conn. Gen. Stat. section 14-283.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs. DMV will not need to issue separate designation letters going forward to clarify that certain DEEP vehicles are included in DMV's definition of emergency vehicles.

Insert fully drafted bill here

Section 1. Subsection (5) of section 14-1 of the 2020 supplement to the Connecticut General Statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(5) "Authorized emergency vehicle" means [(A) a fire department vehicle, (B) a police vehicle, or (C) a public service company or municipal department ambulance or emergency vehicle designated or authorized for use as an authorized emergency vehicle by the commissioner] a vehicle specified in subsection (a) of section 14-283;

Section 2. Section 14-283 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) As used in this section, "emergency vehicle" means any ambulance or vehicle operated by a member of an emergency medical service organization responding to an emergency call, any vehicle used by a fire department or by any officer of a fire department while on the way to a fire or while responding to an emergency call but not while returning from a fire or emergency call, any state or local police vehicle operated by a police officer or inspector of the Department of Motor Vehicles answering an emergency call or in the pursuit of fleeing law violators, [or] any Department of Correction vehicle operated by a Department of Correction officer while in the course of such officer's employment and while responding to an emergency call, or any Department of Energy and Environmental Protection vehicle operated by an employee of such department who (1) is authorized by the Commissioner of Energy and Environmental Protection and (2) is responding to a fire or emergency call in the course of such employee's duties, but only on the way to or at the scene of a fire or emergency call but not while returning from a fire or emergency call.

(b) (1) The operator of any emergency vehicle may (A) park or stand such vehicle, irrespective of the provisions of this chapter, (B) except as provided in subdivision (2) of this subsection, proceed past any red light or stop signal or stop sign, but only after slowing down or stopping to the extent necessary for the safe operation of such vehicle, (C) exceed the posted speed limits or other speed limits imposed by or pursuant to section 14-218a or 14-219 as long as such operator does not endanger life or property by so doing, and (D) disregard statutes, ordinances or regulations governing direction of movement or turning in specific directions.

(2) The operator of any emergency vehicle shall immediately bring such vehicle to a stop not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking or following any registered school bus on any highway or private road or in any parking area or on any school property when such school bus is displaying flashing red signal lights and such operator may then proceed as long as he or she does not endanger life or property by so doing.

(c) The exemptions granted in this section shall apply only when an emergency vehicle is making use of an audible warning signal device, including but not limited to a siren, whistle or bell which meets the requirements of subsection (f) of section 14-80, and visible flashing or revolving lights which meet the requirements of sections 14-96p and 14-96q, and to any state or local police vehicle properly and lawfully making use of an audible warning signal device only.

(d) The provisions of this section shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons and property.
(e) Upon the immediate approach of an emergency vehicle making use of such an audible warning signal device and such visible flashing or revolving lights or of any state or local police vehicle properly and lawfully making use of an audible warning signal device only, the operator of every other vehicle in the immediate vicinity shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a state or local police officer or a firefighter.
(f) Any person who is (1) operating a motor vehicle that is not an emergency vehicle, as defined in subsection (a) of this section, and (2) following an ambulance that is using flashing lights or a siren, shall not follow such vehicle more closely than one hundred feet.
(g) Any officer of a fire department may remove, or cause to be removed, any vehicle upon any public or private way which obstructs or retards any fire department, or any officer thereof, in controlling or extinguishing any fire.
(h) Any person who wilfully or negligently obstructs or [retards any ambulance or vehicle operated by a member of an emergency medical service organization while answering any emergency call or taking a patient to a hospital, or any vehicle used by a fire department or any officer or member of a fire department while on the way to a fire, or while responding to an emergency call, or any vehicle used by the state police or any local police department, or any officer of the Division of State Police within the Department of Emergency Services and Public Protection or any local police department while on the way to an emergency call or in the pursuit of fleeing law violators,] impedes any vehicle defined as an emergency vehicle in subsection (a) of this section shall be fined not more than two hundred fifty dollars.
(i) Nothing in this section shall be construed as permitting the use of a siren upon any motor vehicle other than an emergency vehicle, as defined in subsection (a) of this section, or a rescue service vehicle which is registered with the Department of Motor Vehicles pursuant to section 19a-181.
(j) A police officer may issue a written warning or a summons to the owner of a vehicle based upon an affidavit signed by the operator of an emergency vehicle specifying (1) the license plate number, color and type of any vehicle observed violating any provision of subsection (e) or (h) of this section, and (2) the date, approximate time and location of such violation.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_DangerousAnimals

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

Lead agency division requesting this proposal: Wildlife Division

Agency Analyst/Drafter of Proposal: Jenny Dickson

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

Statutory Reference: 26-25a

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

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

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

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

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

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

If this is a resubmission, please share:

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

This bill was part of the agency's minor revisions proposal submitted in 2016 and 2017. It was passed out of the Environment Committee in 2016, but not in 2017, with substitute language (a new and unrelated section concerning snapping turtles was added) as substitute House Bill 5315. This bill was amended and passed by the House, but was not voted on by the Senate. The House amendment removed the snapping turtle language, limited "wild animals" to bears and coyotes, and provided for a lesser penalty for first time minor violations.

PROPOSAL IMPACT

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

Agency Name: NONE **Agency Contact (*name, title, phone*):** n/a **Date Contacted:** n/a Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments n/a
Will there need to be further negotiation? ☐ **YES** ☐**NO**

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

Municipal *(please include any municipal mandate that can be found within legislation)* No impact
State No impact; any enforcement would occur within current resources.
Federal No impact
Additional notes on fiscal impact Has potential to reduce state and municipal staff time associated with dangerous animal response.

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

None; is consistent with current programmatic recommendations.

◊ **EVIDENCE BASE**

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

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

Insert fully drafted bill here

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

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

(a) No person shall feed, place, provide, give, expose, deposit, scatter or distribute any edible material or attractant with the purpose of feeding, attracting or enticing potentially dangerous animals, except as provided for in this chapter, on lands not owned by the state.

(b) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to prohibit or restrict the unintentional feeding of potentially dangerous animals on lands not owned by the state.

[(a)] (c) The Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 prohibiting or restricting the feeding of wildlife on state-owned property. Such regulations shall include, but not be limited to, procedures for designating areas subject to such prohibitions or restrictions. Any such designation shall be effective after public notice and a public comment period.

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

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

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DEEP_BiogasProcurement

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

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers/James Albis
Phone: 860-306-1660/860-967-8524
E-mail: mandi.careathers@ct.gov/james.albis@ct.gov

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

Agency Analyst/Drafter of Proposal: Lauren Savidge

Title of Proposal: An Act Concerning Biogas Procurement

Statutory Reference: New

Proposal Summary:
This proposal allows DEEP to solicit proposals for the supply of biogas for injection into the natural gas distribution systems in the state from permitted anaerobic digestion facilities that produce biogas derived from the decomposition of farm-generated organic waste or source-separated organic material.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

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

As the state looks to decarbonize and meet its statutory greenhouse gas emissions reduction goals, the suite of policy mechanisms used to meet those goals should include decarbonization policies for the natural gas distribution system. Biogas is a type of biofuel that is naturally produced from the decomposition of organic waste. Not only would this fuel be cleaner than natural gas currently in the natural gas distribution system, but it is also a byproduct of anaerobic digestion, which is an important component to meeting the goals articulated in the Comprehensive Materials Management Strategy developed pursuant to section 22a-228 of the general statutes. Any biogas injection into the natural gas distribution system would be done in a safe manner. Of note, the Public Utilities Regulatory Authority (PURA) has an ongoing docket, 19-07-04, to define and adopt gas quality interconnection standards for biogas suitable for

injection into the gas distribution system. This proceeding can help ensure biogas generated by anaerobic digestion is safely utilized by gas customers when injected into the natural gas distribution system.

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

If this is a resubmission, please share:

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

This proposal was included in Section 1 of 2020 HB 5350 and went to public hearing during the 2020 session, which was delayed due to COVID.

PROPOSAL IMPACT

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

Agency Name: Public Utilities Regulatory Authority
Agency Contact (*name, title, phone*): Marissa Gillett, Chairman 860.827.2805
Date Contacted: 9/30/20

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

Summary of Affected Agency's Comments
Discussion limited in part due to on-going PURA proceeding. Need further discussion regarding contract dispute resolution, h(1) and h(2).

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)*

State

Federal
Additional notes on fiscal impact

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

◊ **EVIDENCE BASE**

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

Insert fully drafted bill here

Section 1. (NEW) (*Effective upon passage*):

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

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

accordance with Section 18 of Public Act 19-35 and (6) whether the proposal promotes natural gas distribution system benefits.

(c) The commissioner may direct the gas companies, as defined in section 16-1 of the general statutes, to enter into gas purchase agreements with biogas suppliers selected pursuant to this section for biogas and associated attributes for periods of not more than twenty years on behalf of all customers of the state's gas companies.

(d) Any gas purchase agreement entered into pursuant to this section shall be subject to review and approval by the Public Utilities Regulatory Authority, which review shall be completed not later than one hundred twenty days after the date on which such agreement is filed with the authority. The authority shall review and approve such agreements if they meet the criteria in the request for proposals issued pursuant to subsection (a) of this section and are in the best interest of ratepayers.

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

(2) A gas company shall recover those costs incurred by such gas company related to constructing, operating, and maintaining infrastructure arising from such gas purchase agreement from the biogas supplier through a contribution in aid of construction or other provision of the gas purchase agreement. Any incurred costs not to be recovered from the biogas supplier shall be identified and approved by the authority at the time the authority approves any gas purchase agreement. Such prudently incurred costs shall be recovered in any existing rate tracking mechanism for the recovery of natural gas infrastructure investments, or if no mechanism currently exists, a newly established rate tracking mechanism established by the authority.

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

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

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

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