

2019 Connecticut Environmental Legislative Update No. 7

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by Christopher P. McCormack

Welcome to our Environmental Legislative Updates.

Throughout Connecticut’s legislative session, these updates highlight developments concerning environmental law and policy. The author prepares updates as Legislative Liaison of the Connecticut Bar Association’s Environmental Law Section. Pullman & Comley is pleased to offer them in this format to a wider audience.

As the session proceeds, early updates will alert readers to proposals on a broad range of issues concerning the environment, narrowing focus over time on bills that continue to progress, and concluding with a post-session wrap-up of bills that pass as well as noteworthy also-rans. Along the way they’ll summarize and challenge arguments pro and con, examine the policy and science behind proposals, and occasionally cast a side glance at the vicissitudes and vagaries of the process. The views expressed will be the author’s own, not necessarily those of Pullman & Comley LLC.

Questions, comments, requests and suggestions are always welcome. Please contact one of our Environmental attorneys.

We have now reached the point in the session where our elected representatives are either thinking alike or shamelessly repeating themselves. So while we have some new items on novel or notable subjects, much of what follows will seem familiar. That will be because you’ve seen it before.

HB 6426 melds the concepts of a “Green Bank,” which leverages public and private resources to promote renewable energy, and which exists, and an “Infrastructure Bank,” which would do the same for infrastructure, but which does not exist other than as a concept stated in another proposed bill. The melding involves seconding the concept of an Infrastructure Bank and proposing to roll the Green Bank into it. This violates the rule about One Thing At A Time, also known as the Law of Unhatched Chickens, but gets bonus points for Thinking Ahead.

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Also in the metaphorical green space is HB 6441, which would further extend the trend line on renewable energy to set a target of 100% renewables by 2045. Connecticut last year (PA 18-50, section 1) extended the targets for the renewable portfolio to 40% Class I renewables, and an additional 4% of Class I or II renewables, by 2030. Someone apparently thinks the balance can be made up between 2030 and 2045. By then, our house in Trumbull (elev. 400' give or take) may be waterfront property.

Since we devoted space in the last update to pesticide regulation, we'll note HB 6428, which would authorize municipalities to prohibit the use of pesticides on private property. If you're enjoying the debate at the state level, imagine how much more you'd enjoy having it 169 times.

Speaking of things we enjoy, who doesn't like a good arbitrary limit on the time DEEP takes to act on permit applications? DEEP, that's who, so we reckon they won't be favorably disposed to SB 679, which would expand the limit to more categories of permits than are currently covered by Conn. Gen. Stat. §22a-6ee. And, while we're at it, would dial back on the waste recycling goals.

Another item on the state water plan: HB 6523, to amend Conn. Gen. Stat. §22a-352 to require the plan to "facilitate regional solutions," including ADR concerning inter-municipal agreements. The Water Plan, we should note, is technically in a strange place – the Water Planning Council put it before the General Assembly last session and nothing happened, so Governor Malloy issued an executive order endorsing it and directing that it be put before the General Assembly again. That isn't exactly what Section 22a-352 contemplates, so it's not clear proposals to amend the statutory requirements for the plan are in order. But who knows? Looks like we'll be revising the "How Your Laws Are Made" flow chart yet again.

Among items familiar from prior sessions is HB 6434, concerning setback requirements for outdoor wood burning furnaces and boilers – "Phase II, higher efficiency" ones, to be exact. Currently two hundred feet, says here, and the proposal is to make it ... "smaller." Okay then.

Carbon pricing seems to be developing a bandwagon of sorts: House 6436, 6444, 6451, 6452. And let's throw in 6448, which would impose a methane tax – on "factory farming facilities involved in animal agriculture and on methane producing industries." Time to give another hearing to Cow Power?

A new bottle bill combines several perennial favorite concepts: HB 6447 would expand the types of containers covered, increase the handling fee, and raise the deposit to ten cents.

Bills on two familiar topics, taking familiar positions: ban fracking waste (HB 6432), ban plastic bags (HB 6433, HB 6450).

And just to show that it always pays to be on the lookout for something new and different, today's Bonus Legislative Update is HB 6518, to prohibit prosecuting or penalizing a veterinarian "for discussing the use of cannabis type substances ... or marijuana." That's only logical. If Fluffy's been overdoing it, she ought to be

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able to have a frank discussion with the vet about kicking the habit.

In the sure and certain knowledge that we have probably gone too far this time, we invite your comments, corrections and suggestions.

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