
OLR Bill Analysis

sHB 5153 (as amended by House "A")*

AN ACT CONCERNING MINOR REVISIONS TO DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION RELATED STATUTES.

SUMMARY

This bill makes various unrelated changes to environmental statutes, including:

1. expanding eligibility for Open Space and Watershed Land Acquisition Program (OSWA) and Charter Oak open space grants (§§ 1 & 2);
2. changing the requirements for prioritizing rebates and vouchers issued under the Connecticut hydrogen and electric automobile purchase rebate (CHEAPR) program (§ 3);
3. modifying Department of Energy and Environmental Protection (DEEP) funding requirements when giving grants for zero-emission school buses and related infrastructure (§ 4);
4. removing Connecticut from the Connecticut River Atlantic Salmon Compact (§§ 5 & 9);
5. amending the definition of “muzzleloader” in the context of deer management (§ 6);
6. allowing DEEP to authorize corporate entities to take resident Canadian geese (§ 7);
7. modifying the requirements for certain people to hunt on Sundays (§ 8);
8. expanding DEEP’s authority to issue general permits (§ 10);
9. specifying, for any water discharge permit issued by DEEP, or

any regulations adopted, that “discharges from public or private drinking water treatment systems” includes potable water system maintenance or sampling wastewater, including (a) potable water storage tank or water line draining for maintenance or hydrostatic testing purposes; (b) raw or treated water from process sampling points, including on-line process analytical instrumentation; (c) raw or treated water from equipment leakage and bleed-off; and (d) periodic hydrant flushing (§ 11);

10. expanding the authority of the DEEP commissioner, state forest fire warden, and governor to limit activities across the state in specified ways to prevent wildfires (§§ 12-16);
11. allowing 10 or more people, rather than any single person, to petition the DEEP commissioner to require a fish passage be installed at certain dams (§ 17); and
12. making technical and conforming changes.

*House Amendment “A” adds the provisions concerning DEEP’s authority to issue general permits, water discharge permits, the prevention of wildfires, and fish passages.

EFFECTIVE DATE: Upon passage, except the (1) section concerning DEEP general permits is effective July 1, 2026, and (2) sections on muzzleloaders, Canadian geese, Sunday hunting, and wildfire prevention are effective October 1, 2026.

§§ 1 & 2 — OSWA GRANTS

Land Near EJCs

OSWA, which DEEP administers, generally gives state grants to municipalities, land trusts, and water companies to buy land to be preserved as open space or water supplies in perpetuity, as applicable. Current law allows DEEP to award grants to certain municipalities and land trusts to restore or protect open space land they already own.

Under existing law, grants may be made under the program for open

space already owned by (1) distressed municipalities; (2) targeted investment communities; (3) municipalities, if the open space is in an environmental justice community (EJC); and (4) nonprofit land conservation organizations, if the land is in a distressed municipality, targeted investment community, or EJC. The bill expands grant eligibility for municipalities and nonprofit land conservation organizations to target open spaces that are immediately adjacent to EJCs.

By law, an “environmental justice community” is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality (CGS § 22a-20a).

Grant Eligibility Exemption for Public Use Land

Under existing law, land that is considered already committed for public use is ineligible for OSWA grants or the Charter Oak open space grant program, with some exceptions. Under current law, any land that is already encumbered by a conservation easement that resulted from a federally funded land conservation program, municipal conservation grant program, or private conservation program is generally considered committed to public use unless: (1) the prior encumbrance is executed after the grant agreement’s execution; (2) at the time of the recording of grant easement, any nonfederal holder of prior easements subordinates its interest in the land to DEEP’s interest; (3) federal, municipal, or private grant funds are used as matching funds; and (4) the DEEP commissioner determines, based on all relevant information, that transfer of the other conservation easement and the acquisition constitute one concurrent acquisition of property or property interest.

The bill (1) expands this eligibility authorization to all conservation easements or restrictions, rather than those that resulted from federal, municipal, or private programs and (2) removes the matching funds requirement.

The bill also expands the timing requirement for eligibility. Instead

of requiring the prior encumbrance to be executed after the grant agreement's execution, the bill instead requires the prior encumbrance to be executed or reserved at least six months before the application deadline for the OSWA grant round.

Lastly, the bill requires nonfederal holders of encumbrances to subordinate their land interest to DEEP's interest in a way that satisfies the DEEP commissioner.

§ 3 — CHEAPR REBATE ELIGIBILITY

By law, the CHEAPR program gives rebates and vouchers to residents, municipalities, businesses, nonprofits, and tribal entities that buy or lease new or used battery electric vehicles, plug-in hybrid vehicles, and fuel cell electric vehicles. CHEAPR rebate and voucher amounts are set administratively by DEEP, subject to certain statutory parameters.

Under current law, DEEP must prioritize the rebates or vouchers to residents (1) of environmental justice communities, (2) with household incomes at or below 300% of the federal poverty level, or (3) who participate in specified state and federal assistance programs. Current law also requires the rebate or voucher amounts for environmental justice community residents to be at least triple the standard amount.

The bill (1) eliminates the requirement that the rebates and vouchers be prioritized for residents of environmental justice communities and (2) requires the rebate or voucher amounts for income-qualified residents be at least double the standard amount. Under the bill, in consultation with the CHEAPR advisory board, the DEEP commissioner may also prioritize granting rebates or vouchers to non-income-qualified residents of EJC communities over other non-income-qualified residents.

§ 4 — ZERO-EMISSION SCHOOL BUS AND INFRASTRUCTURE GRANTS

Current law requires the DEEP commissioner to administer a grant program to give matching funds necessary for municipalities, school districts, and school bus operators to maximize federal funding when

submitting federal grant applications for purchasing zero-emission school buses and electric vehicle charging or fueling infrastructure.

The bill reduces this obligation and requires DEEP to give just an unspecified portion of the funds necessary for the above entities to maximize any federal funding or other funding or financing for those purposes.

§§ 5 & 9 — CONNECTICUT RIVER ATLANTIC SALMON COMPACT REPEAL

The bill repeals a statute creating the Connecticut River Atlantic Salmon Commission and, therefore, removes the state from the Connecticut River Atlantic Salmon Compact. The compact was a collaboration between the federal government, Connecticut, Massachusetts, New Hampshire, and Vermont to promote the restoration of the Anadromous Atlantic salmon to the Connecticut River Basin. Congressional authorization for the commission expired in 2023 and the commission is now defunct. It has since been replaced by the Connecticut River Migratory Fish Restoration Cooperative, which Connecticut has joined.

§ 6 — MUZZLELOADER DEFINITION

By law, no person may hunt, pursue, wound, or kill deer with a firearm (including muzzleloaders) without getting a deer permit from the DEEP commissioner, in addition to other licensure requirements. By law, DEEP must adopt regulations for the standards of deer management and methods, regulated areas, bag limits (numerical limits), seasons, and permit eligibility for hunting deer with a bow and arrow, muzzleloader, or shotgun.

The bill changes the definition of “muzzleloader” to include all rifles and shotguns of at least .45 caliber that (1) cannot fire a self-contained cartridge, (2) use a projectile, and (3) are loaded separately at the muzzle end. Under current law, muzzleloaders must use powder and wadding as well.

§ 7 — CORPORATE CANADIAN GEESE TAKING

By law, the DEEP commissioner may authorize municipalities, homeowner associations, or nonprofit land-holding organizations to take (kill) resident Canadian geese at any time or place using any method consistent with professional wildlife management principles. The bill extends this authorization to include corporate entities, who must follow the existing authorization process.

To be authorized, an entity must submit a plan for the DEEP commissioner's review and approval describing the (1) extent and degree of the nuisance or ecological damage caused by the geese and (2) proposed method of taking. Additionally, the plan (1) must include prohibitions against feeding geese; (2) must require that landscaping in the area be managed using native planting, so it is less hospitable to geese; and (3) may not authorize snares. Before executing its plan, the entity must inform abutting landowners of where the plan will be implemented.

§ 8 — SUNDAY HUNTING REVISIONS

Under current law, any person who hunts on private property on Sundays must get and carry written permission on them while they hunt. The bill (1) exempts people who hunt with a private land turkey hunting permit or a Connecticut Resident Game Bird Conservation Stamp issued without a fee from having to do so, and (2) specifies that only people who hunt deer or turkey on Sundays must get and carry written permission.

§ 10 — DEEP GENERAL PERMITS

The bill expands DEEP's authority to issue general permits. To issue a general permit, instead of an individual permit under the bill, DEEP must (1) determine that the activity both separately and cumulatively causes minimal environmental effects and (2) specify the determination in the general permit's public notice. The general permitting does not apply to (1) solid waste activity already covered by an individual permit, (2) resources recovery facilities, (3) biomedical waste facilities, (4) solid waste disposal areas, or (5) municipal solid waste composting facilities. By law, permits issued for solid waste activities must be

consistent with the requirements of the federal Resource Conservation and Recovery Act.

§§ 12-16 — WILDFIRE MANAGEMENT

First, the bill bans open brush burning within 100 feet of a woodland or grass land area when the commissioner identifies the forest fire risk as high or very high. Under existing law, unchanged by the bill, this is also banned when she finds the fire risk is extreme. By law, the DEEP commissioner must generally allow open brush burning on residential properties, municipal landfills and recycling centers, and transfer stations except in certain circumstances (for example, when there is a heightened fire risk or the municipality prohibits it).

Secondly, the bill allows the state forest fire warden to ban open flames on all or any part of land the commissioner controls (for example, state parks), if the DEEP commissioner finds it necessary. The bill also allows the forest fire warden, if there is an emergency, to extend the deadline for volunteer fire department chiefs to submit to the warden reimbursement requests for their services. Under current law, chiefs must submit them within one month after the department provides services. The bill allows the warden to extend the deadline to four months.

Additionally, current law allows the governor, when there is extreme drought or other hazardous conditions that increase forest fire risk, to (1) close to the public all sections of woodland and brush land in the state for a time period he sets and (2) ban any open-air fire in any or all areas of the state. The bill allows the governor to take either or both of these actions rather than requiring him to do both simultaneously, as current law requires. The bill also increases the range of the fines for violating either of these restrictions, from between \$5 and \$100 to between \$500 and \$1,000. Under existing law, unchanged by the bill, a person may also be imprisoned for up to six months for a violation.

§ 17 — FISH PASSAGES

The bill repeals a provision of sHB 5333 (File 585), passed by the House, that would have allowed any person to petition the DEEP

commissioner to require a safe, timely, and effective fish passage be installed at any hydroelectric dam that is not subject to federal regulation. (Currently, three such dams exist in the state.) Instead, the bill allows 10 or more people to submit such a petition.

BACKGROUND

General and Individual Permits

Existing law authorizes DEEP to issue individual and general permits for certain activities. Individual permits are issued directly to the applicant, while general permits are generally issued to authorize similar minor activities by one or more applicants.

Related Bills

sHB 5154 (File 408), favorably reported by the Environment Committee, among other things, has a similar provision concerning DEEP general permits.

sHB 5333 (File 585), favorably reported by the Environment Committee, among other things, allows any person to petition the DEEP commissioner to require a safe, timely, and effective fish passage be installed at any hydroelectric dam that is not subject to federal regulations. The bill sets a process the DEEP commissioner must follow if she receives a petition and actions she must take if she determines a dam does not have an adequate fish passage.

sHB 5520 (File 434), favorably reported by the Environment Committee, contains similar provisions on fish passages but allows any person to submit a petition rather than 10 or more.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/04/2026)