



General Assembly

Amendment

February Session, 2026

LCO No. 5674



Offered by:

REP. PARKER, 101st Dist.

REP. BUMGARDNER, 41st Dist.

REP. CALLAHAN, 108th Dist.

To: Subst. House Bill No. 5153

File No. 87

Cal. No. 79

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

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2026*) Except as prohibited in
4 subdivision (1) of subsection (i) of section 22a-208a of the general
5 statutes, the Commissioner of Energy and Environmental Protection
6 may, notwithstanding any provision of title 22a of the general statutes,
7 issue a general permit for any activity that the commissioner may
8 authorize by issuance of an individual permit, provided the
9 commissioner determines that such activity both separately and
10 cumulatively causes minimal environmental effects. Such
11 determination shall be specified in the public notice for any such general
12 permit notice pursuant to this section.

13 Sec. 502. (NEW) (*Effective from passage*) For the purposes of any water
14 discharge permit issued pursuant to chapter 446k of the general statutes,
15 or any regulation adopted pursuant thereto, "discharges from public or
16 private drinking water treatment systems" includes potable water
17 system maintenance or sampling wastewaters which include: (1)
18 Potable water storage tank or water line draining for maintenance or
19 hydrostatic testing purposes; (2) raw or treated water from process
20 sampling points, including on-line process analytical instrumentation;
21 (3) raw or treated water from equipment leakage and bleed-off; and (4)
22 periodic hydrant flushing.

23 Sec. 503. Subsection (f) of section 22a-174 of the general statutes is
24 repealed and the following is substituted in lieu thereof (*Effective October*
25 *1, 2026*):

26 (f) The commissioner shall allow the open burning of brush on
27 residential property, provided the burning is conducted by the resident
28 of the property or the agent of the resident and a permit for such burning
29 is obtained from the local open burning official of the municipality in
30 which the property is located, and the open burning of brush in
31 municipal landfills, transfer stations and municipal recycling centers,
32 provided a permit for such burning is obtained from the fire marshal of
33 the municipality where the facility is located, except that no open
34 burning of brush shall occur (1) when national or state ambient air
35 quality standards may be exceeded; (2) where a hazardous health
36 condition might be created; (3) when the forest fire danger in the area is
37 identified by the commissioner as high, very high or extreme and where
38 woodland or grass land is within one hundred feet of the proposed
39 burn; (4) where there is an advisory from the commissioner of any air
40 pollution episode; (5) where prohibited by an ordinance of the
41 municipality; and (6) in the case of a municipal landfill, when such
42 landfill is within an area designated as a hot spot on the open burning
43 map prepared by the commissioner. A permit for the burning of brush
44 at any municipal landfill, municipal transfer station or municipal
45 recycling center shall be issued no more than six times in any calendar

46 year. The proposed permit to burn brush at any municipal landfill,
47 municipal transfer station or municipal recycling center shall be
48 submitted to the commissioner by the fire marshal, with the approval of
49 the chief elected official of the municipality in which the municipal
50 landfill, municipal transfer station or municipal recycling center is
51 located. The commissioner shall approve or disapprove the fire
52 marshal's proposed permitting of burning of brush at a municipal
53 landfill, municipal transfer station or municipal recycling center within
54 a reasonable time of the filing of such application. The burning of leaves,
55 demolition waste or other solid waste deposited in such landfill shall be
56 prohibited. The burning of nonprocessed wood for campfires and
57 bonfires is not prohibited if the burning is conducted so as not to create
58 a nuisance and in accordance with any restrictions imposed on such
59 burning. Nothing in this subsection or in any regulation adopted
60 pursuant to this subsection shall affect the power of any municipality to
61 regulate or ban the open burning of brush within its boundaries for any
62 purpose. Notwithstanding any other provision of this section, fire
63 breaks for the purpose of controlling forest fires and controlled fires in
64 saltwater marshes to forestall uncontrolled fires are not prohibited.
65 Open burning may be engaged in for any of the following purposes if
66 the open burning official with jurisdiction over the area where the
67 burning will occur issues an open burning permit: Fire-training
68 exercises; eradication or control of insect infestations or disease;
69 agricultural purposes; clearing vegetative debris following a natural
70 disaster; and vegetative management or enhancement of wildlife habitat
71 or ecological sustainability on municipal property or on any privately
72 owned property permanently dedicated as open space. Open burning
73 for such purposes on state property may be engaged in with the written
74 approval of the commissioner. Local burning officials nominated for the
75 purposes of this subsection shall be nominated only by the chief
76 executive officer of the municipality in which the official will serve and
77 shall be certified by the commissioner. The chief executive officer may
78 revoke the nomination. The commissioner may adopt regulations, in
79 accordance with the provisions of chapter 54, governing open burning
80 and may authorize or prohibit open burning consistent with this section.

81 The regulations may require the payment of an application fee and
82 inspection fee and may establish a certification procedure for local
83 burning officials.

84 Sec. 504. Section 23-36 of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2026*):

86 The State Forest Fire Warden may take such action as said warden
87 deems necessary to provide for the prevention and control of forest fires.
88 Said warden may enter into agreements with federal agencies, with
89 cities, boroughs and fire districts and with forest protective associations
90 for the purpose of carrying out the provisions of this section. Said
91 warden, if the Commissioner of Energy and Environmental Protection
92 deems necessary, may prohibit open flames upon any or all lands under
93 the commissioner's control. Said warden shall divide the state into
94 districts for the purpose of preventing and controlling forest fires and
95 shall appoint within these districts such district fire wardens, not
96 exceeding two hundred and fifty, as said warden deems necessary, who
97 shall serve for two years or until their successors are appointed. The
98 State Forest Fire Warden shall have supervision of district fire wardens
99 and shall instruct them in their duties. Each district fire warden may,
100 with the approval of the State Forest Fire Warden, appoint deputies to
101 assist in extinguishing fires and to take charge of such extinguishing in
102 such district fire warden's absence, provided, in cities having paid fire
103 departments and whose boundaries are coterminous with the town
104 boundaries, the State Forest Fire Warden may appoint a district fire
105 warden and may assume responsibility for forest fires only upon the
106 written request of the mayor of such city and for such portions as may
107 be designated by such mayor. Cities without paid fire departments and
108 portions of towns outside of city limits shall be included in forest fire
109 districts and the State Forest Fire Warden may employ volunteer fire
110 companies under the conditions described in this section and sections
111 23-37 to 23-42, inclusive. The State Forest Fire Warden shall establish
112 rates of compensation for equipment usage, fire fighting materials and
113 supplies expended and firefighter and laborer time expended in

114 extinguishing forest fires to be paid to such volunteer fire companies as
115 may be employed. In establishing such rates, the State Forest Fire
116 Warden may differentiate between various kinds of equipment and
117 material and supplies used and the provisions of section 23-39, as
118 amended by this act, shall apply to the establishment of rates of
119 compensation for firefighter and laborer time. Notwithstanding any
120 provision of the general statutes or any municipal ordinance, upon the
121 declaration by the Governor of the existence of a state of emergency due
122 to forest fire, the State Forest Fire Warden may assume direct authority
123 over efforts to extinguish any forest fire and may assign such authority
124 to any state forest fire control personnel.

125 Sec. 505. Section 23-39 of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective October 1, 2026*):

127 The compensation of district and deputy fire wardens, trained
128 firefighters organized in accordance with rules issued by the State Forest
129 Fire Warden and such laborers as said warden finds it necessary to
130 employ shall be fixed by said warden on an hourly basis, subject to the
131 approval of the Commissioner of Administrative Services. Volunteer
132 fire companies may be compensated in accordance with section 23-36,
133 as amended by this act. The chief of the fire department in any town,
134 city or borough who receives a regular salary shall be paid no additional
135 compensation when acting as a fire warden. District fire wardens shall
136 prepare their bills for services rendered by them and by the personnel
137 and automobiles and other apparatus employed or used by them in
138 extinguishing fires. The chief of any volunteer fire company may
139 prepare bills for services rendered by said company and by the
140 personnel and automobiles and other apparatus employed or used by
141 them in extinguishing forest fires, if said company is allowed by town
142 ordinance to receive payment for such bills. Such bills shall be on a form
143 prescribed by the State Forest Fire Warden and shall be submitted to the
144 State Forest Fire Warden within one month after the services have been
145 rendered, and, if found correct and approved by said warden, shall be
146 ordered paid by the State Comptroller. Due to emergency, the State

147 Forest Fire Warden may extend the one-month submittal deadline to not
148 more than four months. A copy of each bill so paid on account of any
149 fire within a city, as provided in section 23-36, as amended by this act,
150 shall be sent by the State Forest Fire Warden to the city treasurer of the
151 city in which the fire occurred, except bills for which a railroad company
152 is liable under the provisions of section 23-42, and, on or before the tenth
153 day of December in each year, such city treasurer shall draw the
154 treasurer's order in favor of the State Treasurer for the full amount of
155 such bills submitted during the twelve months next preceding. The State
156 Forest Fire Warden may forgive such bills if the state would incur
157 administrative costs in collecting the debt owed that would exceed the
158 actual debt owed. Bills for expenses incurred or services rendered by
159 district or deputy wardens in the performance of duties other than fire
160 fighting shall be submitted to the State Forest Fire Warden on or before
161 the tenth day of December and the tenth day of June in each year. Upon
162 approval by the State Forest Fire Warden, such bills shall be ordered
163 paid by the State Comptroller from any sums available for the expenses
164 of the State Forest Fire Warden. All fire warden bills authorized by
165 sections 23-37, 23-38, 23-40 to 23-42, inclusive, and this section shall
166 show in detail the amount and character of the services performed, the
167 exact duration thereof and all disbursements made by such wardens.

168 Sec. 506. Section 23-50 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2026*):

170 Whenever it appears to the Governor that by reason of extreme
171 drought or other hazardous conditions there is danger of forest fires,
172 [he] the Governor may proclaim [that] one or more of the following: (1)
173 That any or all sections of woodland and brush land in the state shall be
174 closed, for such time as [he] the Governor may designate, to all persons
175 except the owners or tenants of such woodlands and their agents and
176 employees, and [during such period of closure] (2) that no fire shall be
177 kindled in the open air in any or all areas of the state. As soon as the
178 woodland is deemed free from the danger of fire, the Governor may
179 revoke [his] such proclamation. Any person who enters upon forest or

180 brush land, except as provided herein, or who kindles or causes to be
 181 kindled a fire in the open air, during the period covered by the
 182 Governor's proclamation, shall be fined not less than five hundred
 183 dollars nor more than one [~~hundred~~] thousand dollars or imprisoned
 184 not more than six months or be both fined and imprisoned.

185 Sec. 507. Subsection (a) of section 26-136 of the general statutes, as
 186 amended by section 6 of house bill 5333 of the current session, as
 187 amended by House Amendment Schedule "A", is repealed and the
 188 following is substituted in lieu thereof (*Effective from passage*):

189 (a) [Any person] Ten or more persons may submit a petition to the
 190 Commissioner of Energy and Environmental Protection for a safe,
 191 timely and effective fish passage for any hydroelectric dam that is not
 192 subject to the jurisdiction of the Federal Energy Regulatory
 193 Commission. Upon the submittal of such a petition, the commissioner
 194 shall determine whether there is a safe, timely and effective fish passage
 195 for migratory fish at all life stages upstream and downstream of such
 196 dam and associated reservoir. For purposes of this section, a fish
 197 passage is deemed safe, timely and effective if it meets or exceeds the
 198 Connecticut River Migratory Fish Restoration Cooperative's fish
 199 passage standards developed by the Connecticut River Atlantic Salmon
 200 Commission."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2026</i>	New section
Sec. 502	<i>from passage</i>	New section
Sec. 503	<i>October 1, 2026</i>	22a-174(f)
Sec. 504	<i>October 1, 2026</i>	23-36
Sec. 505	<i>October 1, 2026</i>	23-39
Sec. 506	<i>October 1, 2026</i>	23-50
Sec. 507	<i>from passage</i>	26-136(a)