



General Assembly

**Amendment**

February Session, 2026

LCO No. 5353



Offered by:

REP. PARKER, 101<sup>st</sup> Dist.

REP. BUMGARDNER, 41<sup>st</sup> Dist.

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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 July 1, 2027*) On and after July 1, 2027, no  
14 food service establishment shall provide any single-use food service  
15 item, including any utensil, napkin, condiment packet or drinking  
16 straw, or combination thereof, except upon the express request of the  
17 customer, through the use of self-service, including utensil and napkin  
18 dispensers, or if such items are necessary for the safe or sanitary  
19 consumption of food or part of customary service practices. Any such  
20 item provided upon a request shall be limited to the type and quantity  
21 requested by the customer. The provisions of this section shall not be  
22 construed to apply to any school.

23 Sec. 503. (NEW) (*Effective October 1, 2026*) (a) On and after July 1, 2027,  
24 any entity subject to section 22a-226e of the general statutes, shall  
25 prioritize the management of surplus edible food by first donating such  
26 surplus edible food for human consumption, secondly using such  
27 surplus food as animal feed or recycling such surplus food through  
28 composting, aerobic digestion or anaerobic digestion, and, finally, after  
29 such options have been exhausted, disposing of such surplus food.

30 (b) Each commercial food wholesaler or distributor, industrial food  
31 manufacturer or processor, supermarket, institution, resort or  
32 conference center that generates an average projected volume of not less  
33 than twenty-six tons per year of source-separated organic material,  
34 including any source-separated organic material subject to the  
35 requirements of subsections (a) and (b) of section 22a-226e of the general  
36 statutes, shall, on or before January 1, 2027, have a written policy  
37 pertaining to a food donation program that: (1) Describes how such  
38 wholesaler, distributor, manufacturer, processor, supermarket,  
39 institution, resort or conference center will make best efforts to donate  
40 excess edible food, as determined by such entity, using acceptable  
41 industry standards; (2) is designed to (A) reduce such entity's food  
42 waste, (B) support the operations of food relief organizations, and (C)  
43 ensure that all food donated by such entity under such policy is safe and  
44 fit for human consumption; (3) provides for the education of such  
45 entity's management, employees and third-party vendors who manage

46 food for such facility regarding the food distribution process and the  
47 relationship between such process and food waste; (4) requires such  
48 entity to make reasonable efforts to identify, and partner with, not less  
49 than two food relief organizations for the purpose of donating excess  
50 edible food to such food relief organizations prior to any such food  
51 becoming source-separated organic material; (5) includes a framework  
52 to formalize and streamline such entity's protocols concerning food  
53 donation; and (6) includes a process to ensure that food donated as part  
54 of such program has nutritional value.

55 (c) Each entity subject to the provisions of subsection (b) of this  
56 section, shall submit such plan to the Department of Energy and  
57 Environmental Protection, and may provide such plan to the applicable  
58 council of governments, political subdivision and resource recovery  
59 authority.

60 (d) The provisions of this section shall not be construed to apply to  
61 any school.

62 Sec. 504. (NEW) (*Effective July 1, 2026*) Notwithstanding any provision  
63 of the general statutes, for purposes of any municipal or regional  
64 materials management or solid waste reduction grant program  
65 administered by the Department of Energy and Environmental  
66 Protection, including, but not limited to, any such program under  
67 section 16-244bb or title 22a of the general statutes, eligible grant  
68 recipients may include school districts, and project costs may include,  
69 but are not limited to, equipment, infrastructure, facility improvements,  
70 implementation systems and operational components necessary to  
71 support waste reduction, reuse programs, food recovery, source  
72 separation, organics diversion or materials processing, including the  
73 reuse or processing of organic materials, including, but not limited to,  
74 marine-derived materials associated with shell recovery, aquaculture or  
75 habitat restoration activities, and including, but not limited to, storage  
76 infrastructure, cold storage equipment, reusable food service systems,  
77 dishwashing equipment, sanitation infrastructure, sorting systems and  
78 collection systems.

79 Sec. 505. Subsection (f) of section 22a-174 of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective October*  
81 *1, 2026*):

82 (f) The commissioner shall allow the open burning of brush on  
83 residential property, provided the burning is conducted by the resident  
84 of the property or the agent of the resident and a permit for such burning  
85 is obtained from the local open burning official of the municipality in  
86 which the property is located, and the open burning of brush in  
87 municipal landfills, transfer stations and municipal recycling centers,  
88 provided a permit for such burning is obtained from the fire marshal of  
89 the municipality where the facility is located, except that no open  
90 burning of brush shall occur (1) when national or state ambient air  
91 quality standards may be exceeded; (2) where a hazardous health  
92 condition might be created; (3) when the forest fire danger in the area is  
93 identified by the commissioner as high, very high or extreme and where  
94 woodland or grass land is within one hundred feet of the proposed  
95 burn; (4) where there is an advisory from the commissioner of any air  
96 pollution episode; (5) where prohibited by an ordinance of the  
97 municipality; and (6) in the case of a municipal landfill, when such  
98 landfill is within an area designated as a hot spot on the open burning  
99 map prepared by the commissioner. A permit for the burning of brush  
100 at any municipal landfill, municipal transfer station or municipal  
101 recycling center shall be issued no more than six times in any calendar  
102 year. The proposed permit to burn brush at any municipal landfill,  
103 municipal transfer station or municipal recycling center shall be  
104 submitted to the commissioner by the fire marshal, with the approval of  
105 the chief elected official of the municipality in which the municipal  
106 landfill, municipal transfer station or municipal recycling center is  
107 located. The commissioner shall approve or disapprove the fire  
108 marshal's proposed permitting of burning of brush at a municipal  
109 landfill, municipal transfer station or municipal recycling center within  
110 a reasonable time of the filing of such application. The burning of leaves,  
111 demolition waste or other solid waste deposited in such landfill shall be  
112 prohibited. The burning of nonprocessed wood for campfires and

113 bonfires is not prohibited if the burning is conducted so as not to create  
114 a nuisance and in accordance with any restrictions imposed on such  
115 burning. Nothing in this subsection or in any regulation adopted  
116 pursuant to this subsection shall affect the power of any municipality to  
117 regulate or ban the open burning of brush within its boundaries for any  
118 purpose. Notwithstanding any other provision of this section, fire  
119 breaks for the purpose of controlling forest fires and controlled fires in  
120 saltwater marshes to forestall uncontrolled fires are not prohibited.  
121 Open burning may be engaged in for any of the following purposes if  
122 the open burning official with jurisdiction over the area where the  
123 burning will occur issues an open burning permit: Fire-training  
124 exercises; eradication or control of insect infestations or disease;  
125 agricultural purposes; clearing vegetative debris following a natural  
126 disaster; and vegetative management or enhancement of wildlife habitat  
127 or ecological sustainability on municipal property or on any privately  
128 owned property permanently dedicated as open space. Open burning  
129 for such purposes on state property may be engaged in with the written  
130 approval of the commissioner. Local burning officials nominated for the  
131 purposes of this subsection shall be nominated only by the chief  
132 executive officer of the municipality in which the official will serve and  
133 shall be certified by the commissioner. The chief executive officer may  
134 revoke the nomination. The commissioner may adopt regulations, in  
135 accordance with the provisions of chapter 54, governing open burning  
136 and may authorize or prohibit open burning consistent with this section.  
137 The regulations may require the payment of an application fee and  
138 inspection fee and may establish a certification procedure for local  
139 burning officials.

140 Sec. 506. Section 23-36 of the general statutes is repealed and the  
141 following is substituted in lieu thereof (*Effective October 1, 2026*):

142 The State Forest Fire Warden may take such action as said warden  
143 deems necessary to provide for the prevention and control of forest fires.  
144 Said warden may enter into agreements with federal agencies, with  
145 cities, boroughs and fire districts and with forest protective associations

146 for the purpose of carrying out the provisions of this section. Said  
147 warden, if the Commissioner of Energy and Environmental Protection  
148 deems necessary, may prohibit open flames upon any or all lands under  
149 the commissioner's control. Said warden shall divide the state into  
150 districts for the purpose of preventing and controlling forest fires and  
151 shall appoint within these districts such district fire wardens, not  
152 exceeding two hundred and fifty, as said warden deems necessary, who  
153 shall serve for two years or until their successors are appointed. The  
154 State Forest Fire Warden shall have supervision of district fire wardens  
155 and shall instruct them in their duties. Each district fire warden may,  
156 with the approval of the State Forest Fire Warden, appoint deputies to  
157 assist in extinguishing fires and to take charge of such extinguishing in  
158 such district fire warden's absence, provided, in cities having paid fire  
159 departments and whose boundaries are coterminous with the town  
160 boundaries, the State Forest Fire Warden may appoint a district fire  
161 warden and may assume responsibility for forest fires only upon the  
162 written request of the mayor of such city and for such portions as may  
163 be designated by such mayor. Cities without paid fire departments and  
164 portions of towns outside of city limits shall be included in forest fire  
165 districts and the State Forest Fire Warden may employ volunteer fire  
166 companies under the conditions described in this section and sections  
167 23-37 to 23-42, inclusive. The State Forest Fire Warden shall establish  
168 rates of compensation for equipment usage, fire fighting materials and  
169 supplies expended and firefighter and laborer time expended in  
170 extinguishing forest fires to be paid to such volunteer fire companies as  
171 may be employed. In establishing such rates, the State Forest Fire  
172 Warden may differentiate between various kinds of equipment and  
173 material and supplies used and the provisions of section 23-39, as  
174 amended by this act, shall apply to the establishment of rates of  
175 compensation for firefighter and laborer time. Notwithstanding any  
176 provision of the general statutes or any municipal ordinance, upon the  
177 declaration by the Governor of the existence of a state of emergency due  
178 to forest fire, the State Forest Fire Warden may assume direct authority  
179 over efforts to extinguish any forest fire and may assign such authority  
180 to any state forest fire control personnel.

181 Sec. 507. Section 23-39 of the general statutes is repealed and the  
182 following is substituted in lieu thereof (*Effective October 1, 2026*):

183 The compensation of district and deputy fire wardens, trained  
184 firefighters organized in accordance with rules issued by the State Forest  
185 Fire Warden and such laborers as said warden finds it necessary to  
186 employ shall be fixed by said warden on an hourly basis, subject to the  
187 approval of the Commissioner of Administrative Services. Volunteer  
188 fire companies may be compensated in accordance with section 23-36,  
189 as amended by this act. The chief of the fire department in any town,  
190 city or borough who receives a regular salary shall be paid no additional  
191 compensation when acting as a fire warden. District fire wardens shall  
192 prepare their bills for services rendered by them and by the personnel  
193 and automobiles and other apparatus employed or used by them in  
194 extinguishing fires. The chief of any volunteer fire company may  
195 prepare bills for services rendered by said company and by the  
196 personnel and automobiles and other apparatus employed or used by  
197 them in extinguishing forest fires, if said company is allowed by town  
198 ordinance to receive payment for such bills. Such bills shall be on a form  
199 prescribed by the State Forest Fire Warden and shall be submitted to the  
200 State Forest Fire Warden within one month after the services have been  
201 rendered, and, if found correct and approved by said warden, shall be  
202 ordered paid by the State Comptroller. Due to emergency, the State  
203 Forest Fire Warden may extend the one-month submittal deadline to not  
204 more than four months. A copy of each bill so paid on account of any  
205 fire within a city, as provided in section 23-36, as amended by this act,  
206 shall be sent by the State Forest Fire Warden to the city treasurer of the  
207 city in which the fire occurred, except bills for which a railroad company  
208 is liable under the provisions of section 23-42, and, on or before the tenth  
209 day of December in each year, such city treasurer shall draw the  
210 treasurer's order in favor of the State Treasurer for the full amount of  
211 such bills submitted during the twelve months next preceding. The State  
212 Forest Fire Warden may forgive such bills if the state would incur  
213 administrative costs in collecting the debt owed that would exceed the  
214 actual debt owed. Bills for expenses incurred or services rendered by

215 district or deputy wardens in the performance of duties other than fire  
216 fighting shall be submitted to the State Forest Fire Warden on or before  
217 the tenth day of December and the tenth day of June in each year. Upon  
218 approval by the State Forest Fire Warden, such bills shall be ordered  
219 paid by the State Comptroller from any sums available for the expenses  
220 of the State Forest Fire Warden. All fire warden bills authorized by  
221 sections 23-37, 23-38, 23-40 to 23-42, inclusive, and this section shall  
222 show in detail the amount and character of the services performed, the  
223 exact duration thereof and all disbursements made by such wardens.

224 Sec. 508. Section 23-50 of the general statutes is repealed and the  
225 following is substituted in lieu thereof (*Effective October 1, 2026*):

226 Whenever it appears to the Governor that by reason of extreme  
227 drought or other hazardous conditions there is danger of forest fires,  
228 [he] the Governor may proclaim [that] one or more of the following: (1)  
229 That any or all sections of woodland and brush land in the state shall be  
230 closed, for such time as [he] the Governor may designate, to all persons  
231 except the owners or tenants of such woodlands and their agents and  
232 employees, and [during such period of closure] (2) that no fire shall be  
233 kindled in the open air in any or all areas of the state. As soon as the  
234 woodland is deemed free from the danger of fire, the Governor may  
235 revoke [his] such proclamation. Any person who enters upon forest or  
236 brush land, except as provided herein, or who kindles or causes to be  
237 kindled a fire in the open air, during the period covered by the  
238 Governor's proclamation, shall be fined not less than five hundred  
239 dollars nor more than one [hundred] thousand dollars or imprisoned  
240 not more than six months or be both fined and imprisoned.

241 Sec. 509. Subsection (a) of section 26-136 of the general statutes, as  
242 amended by section 6 of house bill 5333 of the current session, is  
243 repealed and the following is substituted in lieu thereof (*Effective from*  
244 *passage*):

245 (a) [Any person] Ten or more persons may submit a petition to the  
246 Commissioner of Energy and Environmental Protection for a safe,

247 timely and effective fish passage for any hydroelectric dam that is not  
 248 subject to the jurisdiction of the Federal Energy Regulatory  
 249 Commission. Upon the submittal of such a petition, the commissioner  
 250 shall determine whether there is a safe, timely and effective fish passage  
 251 for migratory fish at all life stages upstream and downstream of such  
 252 dam and associated reservoir. For purposes of this section, a fish  
 253 passage is deemed safe, timely and effective if it meets or exceeds the  
 254 Connecticut River Migratory Fish Restoration Cooperative's fish  
 255 passage standards developed by the Connecticut River Atlantic Salmon  
 256 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>July 1, 2027</i>	New section
Sec. 503	<i>October 1, 2026</i>	New section
Sec. 504	<i>July 1, 2026</i>	New section
Sec. 505	<i>October 1, 2026</i>	22a-174(f)
Sec. 506	<i>October 1, 2026</i>	23-36
Sec. 507	<i>October 1, 2026</i>	23-39
Sec. 508	<i>October 1, 2026</i>	23-50
Sec. 509	<i>from passage</i>	26-136(a)