

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-124—sHB 5153

Environment Committee

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

SUMMARY: This act 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 & 16);
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 eligibility requirements for certain people to hunt on Sundays (§ 8);
8. expanding DEEP’s authority to issue general permits (§ 9);
9. specifying that, for DEEP water discharge permits and regulations, “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 (§ 10);
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 (§§ 11-14);
11. allowing 10 or more people, rather than any single person, to petition the DEEP commissioner to require that a fish passage be installed at certain dams (§ 15); and
12. making technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the (1) section on 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 EJC

Under existing law, DEEP may award OSWA grants to certain municipalities and land trusts to restore or protect open space land they already own. Specifically, it may award them 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 act expands eligibility to municipalities and nonprofit land conservation organizations whose open space is immediately adjacent to an EJC.

By law, an EJC 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.

Grant Eligibility Exemption for Public Use Land

Under existing law, land that is already committed for public use (encumbered by a conservation easement) is ineligible for OSWA grants or the Charter Oak open space grant program (which may award grants to municipalities to buy land to be preserved as open space or as water supplies), with some exceptions. The act expands these exceptions, making it easier for certain encumbered lands to be eligible for a grant.

Under prior law, land that was already encumbered by a conservation easement was excepted (and not considered already committed to a public use) if the easement resulted from a federally funded land conservation program, municipal conservation grant program, or private conservation program, and met other criteria. The act expands eligibility to all conservation easements that meet these other criteria, rather than only those that resulted from federal, municipal, or private programs.

Prior law's eligibility criteria required that:

1. the prior encumbrance was executed after the grant agreement's execution;
2. any nonfederal holder of prior easements subordinated its interest in the land to DEEP's interest when the grant easement was recorded;
3. federal, municipal, or private grant funds were used as matching funds; and
4. the DEEP commissioner determined, based on all relevant information, that transfer of the other conservation easement and the acquisition constituted one concurrent acquisition of property or property interest.

The act removes the requirements that the (1) grants funds be used as matching funds and (2) prior encumbrance was executed after the grant agreement's execution. The act 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 act 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. DEEP sets the CHEAPR rebate and voucher amounts administratively.

Prior law required DEEP to prioritize the rebates or vouchers to residents (1) of EJs, (2) with household incomes at or below 300% of the federal poverty level, or (3) who participated in specified state and federal assistance programs. Prior law also required that the rebate or voucher amounts for EJ residents be at least triple the standard amount.

The act eliminates the priority for EJ residents and their increased rebate amount. The act instead requires the rebate or voucher amounts for income-qualified residents be at least double the standard amount. Under the act, in consultation with the CHEAPR advisory board, the DEEP commissioner may prioritize rebates or vouchers to non-income-qualified EJ residents over other non-income-qualified residents.

§ 4 — ZERO-EMISSION SCHOOL BUS AND INFRASTRUCTURE GRANTS

Prior law required the DEEP commissioner to administer a grant program to give matching funds needed for municipalities, school districts, and school bus operators to maximize federal grant funding to buy zero-emission school buses and electric vehicle charging or fueling infrastructure.

The act eases this obligation by requiring DEEP to give an unspecified portion of the funds needed for the above entities to maximize any federal funding or other funding or financing for those purposes (PA 26-63 § 24 contains a similar provision, except it also changes the communities that get priority for the grant, among other things).

§§ 5 & 16 — CONNECTICUT RIVER ATLANTIC SALMON COMPACT REPEAL

The act repeals a statute creating the Connecticut River Atlantic Salmon Compact and, in doing so, removes the state from the Connecticut River Atlantic Salmon Commission. 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

The act expands the definition of “muzzleloader,” which is used in DEEP regulations on deer hunting and permits. It removes the requirement that a rifle or shotgun must use powder and wadding to be considered a muzzleloader. Unchanged by the act, they must be at least .45 caliber, unable to fire a self-contained cartridge, use a projectile, and be loaded separately at the muzzle end.

§ 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 that is consistent with professional wildlife management principles. The act extends this authorization to include corporate entities, which must follow the existing authorization process.

§ 8 — SUNDAY HUNTING REVISIONS

Prior law required anyone who hunted on private property on Sundays to get written permission and carry it on them while they hunted. The act 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. It also specifies that only people who hunt deer or turkey on Sundays must get and carry written permission.

§ 9 — DEEP GENERAL PERMITS

The act expands DEEP’s authority to issue general permits, generally allowing DEEP to issue one for any activity for which it may issue an individual permit. To issue these general permits under the act, DEEP must (1) determine that the activity both separately and cumulatively causes minimal environmental effects and (2) include this determination in the general permit’s public notice.

Existing law already prohibits DEEP from issuing general permits for certain types of solid waste facilities and the act specifies it does not authorize DEEP to do so either. These facilities include (1) resources recovery facilities, (2) biomedical waste facilities, (3) solid waste disposal areas, or (4) 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.

§§ 11-14 — WILDFIRE MANAGEMENT

The act expands the authority of the DEEP commissioner, state forest fire warden, and governor to limit activities across the state in specified ways to prevent wildfires. First, the act 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 act, 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).

Second, the act 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 act also allows the forest fire warden, if there is an emergency, to extend the deadline for volunteer fire department chiefs to submit reimbursement requests for their services. By law, chiefs must submit them to the warden within one month after the department provides services. The act allows the warden to extend the deadline to four months.

Additionally, prior law allowed the governor, during an extreme drought or other hazardous conditions that increased 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 act allows the governor to take either or both actions rather than requiring him to do both simultaneously, as prior law required. The act 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 act, a person may also be imprisoned for up to six months for a violation.

§ 15 — FISH PASSAGES

The act repeals a provision of PA 26-101, § 6, that would have allowed any person to petition the DEEP commissioner to require that 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 act allows 10 or more people to submit such a petition.