

AN ACT CONCERNING CLIMATE CHANGE



Substitute Senate Bill No. 595
Public Act No. 04-252
AN ACT CONCERNING CLIMATE CHANGE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2004) As used in sections 1 to 4, inclusive, of this act:

- (1) "Direct emissions" means emissions from sources that are owned or operated, in whole or in part, by an entity or facility, including, but not limited to, emissions from factory stacks, manufacturing processes and vents, and company owned or leased motor vehicles;
- (2) "Entity" means a person, as defined in section 22a-2 of the general statutes, that owns or operates, in whole or in part, a source of greenhouse gas emissions from a generator of electricity or a commercial or industrial site, which source may include, but not be limited to, a transportation fleet;
- (3) "Facility" means a building, structure or installation located on any one or more contiguous or adjacent properties of an entity;
- (4) "Greenhouse gas" means any chemical or physical substance that is emitted into the air and that the Commissioner of Environmental Protection may reasonably anticipate to cause or contribute to climate change, including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride;
- (5) "Indirect emissions" means emissions associated with the consumption of purchased electricity, steam and heating or cooling by an entity or facility.

Sec. 2. (NEW) (Effective October 1, 2004) (a) It shall be the goal of the state to reduce emissions of greenhouse gas in order to make an appropriate contribution to achieving the regional goals of reducing emissions of greenhouse gas to those levels emitted in 1990, which reduction to occur not later than January 1, 2010, and to levels ten per cent below the 1990 levels not later than January 1, 2020. The Commissioner of Environmental Protection shall consult with the Conference of New England Governors and Eastern Canadian Premiers to establish a date for the long-term regional goal of reducing the emissions of greenhouse gas by seventy-five to eighty-five per cent below 2001 levels. If the

Conference of New England Governors and Eastern Canadian Premiers has not established a date for such long-term regional goal by January 1, 2007, the date for reaching such goal shall be 2050.

(b) Not later than January 1, 2005, the Governor's Steering Committee on Climate Change, established in November 2002, shall develop a multisector, comprehensive climate change action plan, with the opportunity for public comment, which plan shall contain the policies and programs necessary to achieve the state's goals for the reduction of greenhouse gas emissions by 2010 and 2020. The steering committee shall notify each member of the General Assembly of the development of such plan and of such opportunity for public comment. Not later than January 1, 2005, the steering committee shall submit, in accordance with section 11-4a of the general statutes, such plan to the joint standing committee of the General Assembly having cognizance of matters relating to the environment, energy, transportation and commerce. Not later than January 15, 2005, such committees shall convene a joint informational public hearing for the purpose of reviewing such plan. Not later than February 1, 2005, such committees shall meet for the purpose of consideration of endorsement of such plan. Not later than February 15, 2005, the steering committee shall submit a final plan to such committees.

(c) Not later than January 1, 2008, the steering committee shall develop an amended climate change action plan, with the opportunity for public comment, for achieving the state's contribution towards reaching the long-term regional goal established pursuant to subsection (a) of this section. The steering committee shall submit, in accordance with section 11-4a of the general statutes, such plan to the joint standing committee of the General Assembly having cognizance of matters relating to the environment.

(d) Not later than December 1, 2005, and annually thereafter, the Commissioner of Environmental Protection, in collaboration with the commissioners of other state agencies and the steering committee, shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the progress made in achieving the goals established in subsection (a) of this section and to evaluate the appropriateness of the climate change action plans developed pursuant to subsections (b) and (c) of this section in achieving such goals.

Sec. 3. (NEW) (Effective October 1, 2004) (a) The Commissioner of Environmental Protection shall work to establish a regional greenhouse gas registry for greenhouse gas emissions and a regional reporting system in conjunction with other states or a regional consortium.

(b) Not later than April 15, 2006, and annually thereafter, the owner or operator of any facility that is required to report air emissions data to the Department of Environmental Protection pursuant to Title V of the federal Clean Air Act and that has stationary emissions sources that emit greenhouse gases shall report to the regional registry direct stack emissions of greenhouse gases from such sources. The owner or operator shall report all greenhouse gas emissions in a type and format that the regional registry can accommodate.

(c) The commissioner shall consider, on an annual basis, requiring the expansion of reporting to the regional greenhouse gas registry to include, but not be limited to, other facilities or sectors, greenhouse gases, or direct and

indirect emissions. A decision for or against an expansion of reporting and an explanation of such decision shall be included in the annual report required pursuant to subsection (d) of section 2 of this act.

(d) Not later than July 1, 2006, the commissioner shall provide for the voluntary reporting of emissions of greenhouse gas to the regional greenhouse gas registry by entities and facilities that are not required to submit information pursuant to subsections (b) and (c) of this section but which do so on a voluntary basis. The greenhouse gas emissions reported shall be of a type and format that the regional greenhouse gas registry can accommodate.

(e) If a regional greenhouse gas registry is not developed and implemented by April 15, 2007, the commissioner shall evaluate the feasibility of establishing and administering a state-wide greenhouse gas registry for the collection of emissions data pursuant to subsections (b) and (c) of this section. If a regional greenhouse gas registry is developed after the commissioner establishes a state-wide greenhouse gas registry, then the reporting requirements in subsections (b) and (c) of this section shall revert back to the regional greenhouse gas registry in accordance with said subsections (b) and (c).

(f) Not later than July 1, 2006, and triennially thereafter, the commissioner shall publish a state greenhouse gas emissions inventory that includes comprehensive estimates of the quantity of greenhouse gas emissions in the state for the last three years in which data is available.

(g) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section. Nothing in this act shall limit a state agency from adopting any regulation within its authority in accordance with the provisions of chapter 54 of the general statutes.

Sec. 4. Section 4a-67h of the general statutes, as amended by section 9 of public act 03-19, is repealed and the following is substituted in lieu thereof (Effective October 1, 2004):

(a) As used in this section, "environmentally preferable" means, with regard to products, services or practices, that such products, services or practices have a lesser or reduced negative effect on human health and the environment when compared to competing products, services or practices that serve the same function. "Environmentally preferable products" includes both recycled and recyclable products.

(b) Within available appropriations, the Department of Administrative Services shall establish procedures that promote, to the greatest extent feasible, the procurement and use of recycled products and environmentally preferable products, [and] services, and practices by state agencies. The department shall:

- (1) Designate environmentally preferable products, taking into consideration the raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal aspects of such products, and establish minimum standards and specifications for their procurement and use;
- (2) when feasible, include the use of environmentally preferable products and services as a criteria in a multiple criteria bid or an evaluation factor in requests for proposals; and
- (3) consider the use of environmentally preferable business practices when reviewing the overall performance of a bidder or

proposer's business operation. Such procedures shall not be considered regulations, as defined in section 4-166.

(c) [Within available appropriations] Not later than January 1, 2005, and annually thereafter, the department shall: (1) Develop and maintain information about environmentally preferable products, [and] services and practices procured through the department, including, but not limited to, products, services and practices that minimize global warming impact and recycled products; (2) provide assistance with the implementation of the procedures developed pursuant to subsection (b) of this section and provide information to agencies about the use of environmentally preferable products and services; and (3) monitor the use of environmentally preferable products, [and] services and practices and recycled products by state agencies. Such information compiled pursuant to subsection (c) of this section and this subsection shall designate those products, services or practices that cost the same or less than other similar products, services or practices.

Approved on June 14, 2004