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Contact:

Laura McMillan – lmcmillan@ctenvironment.org – 540-292-8429 (c)

Melissa Schlag – mschlag@ctenvironment.org – 860-398-0569 (c)

CFE/Save the Sound end-of-session report and comments on legislative victories

NEW HAVEN, CONN. – At this end of the 2018 Connecticut legislative session, Connecticut Fund for the Environment/Save the Sound celebrates significant environmental victories and prepares to keep fighting on some unfinished battles.

ADVANCING CLIMATE ACTION AND CLEAN ENERGY

Years in the making, two important bills that will shape the future of climate action in our state for decades to come passed in the waning hours of the 2018 legislative session.

Climate targets and planning for sea level rise

A version of Senate Bill 7, championed by Senator Kennedy and broad coalition of climate advocates, passed both houses and heads to Governor Malloy's desk. It sets a new interim target for greenhouse gas reduction and integrates sea level rise science into some state and municipal planning.

In January the Governor's Council on Climate Change (of which CFE is a member), charged with devising strategies to meet the mandates of the 2008 Global Warming Solutions Act, unanimously voted to recommend an interim emissions target of 45 percent below 2001 levels by 2030. The GWSA commits the state to reducing its total greenhouse gas emissions to a level that is at least 10 percent below 1990's emission level by 2020 and at least 80 percent below 2001's emissions level by 2050. The state is not currently on track to meet these targets; after briefly attaining the 2020 goal early (under the old generation-based emissions accounting), emissions rose again. SB 7 amends the 2008 bill to add the new target.

Claire Coleman, climate and energy attorney at Connecticut Fund for the Environment, said, "The new interim pollution reduction target in Senate Bill 7 will help Connecticut get on track and stay on track to meet its commitments to our climate and our citizens. Economic analysis has found the 45 percent reduction by 2030—one of the strongest in the country—will create jobs in state and increase state revenues. And the quicker and more aggressively we act, the greater the benefits. Passing SB 7 makes Connecticut a proactive climate planning state, and will help us keep our competitive edge. Thank you to the legislative champions, to our fellow advocates, and the many hundreds of regular people across the state who have called, testified, and come to the Capitol to make this happen."

Strong measures put forward by Senator Kennedy to prepare Connecticut's chemical plants for the impacts of climate change to avoid accidental releases, and to create a climate science curriculum available to all Connecticut schools, also passed in the last days of session.

Gains—and a loss—for renewable energy

After tumultuous negotiations in the last days of session, energy bill Senate Bill 9 passed both houses by overwhelming margins.

“The clean energy gains in Senate Bill 9 will open significant opportunities for Connecticut's renewable energy industry,” said **Claire Coleman, climate and energy attorney at Connecticut Fund for the Environment**. “The bill expands the state's clean energy goals in the Renewable Portfolio Standard. It extends critical incentives in the LREC/ZREC program, without which home-grown solar businesses would struggle. It lifts the virtual net metering spending cap that plagued towns for years and prevented them from investing in projects that would benefit residents and municipal budgets. And it continues the growth of Shared Solar in Connecticut by establishing a statewide program to make clean solar power more accessible to middle- and low-income families and small businesses. All these measures will let the local businesses that provide non-polluting power to our homes and hire Connecticut workers keep expanding.

“At the same time, we recognize the serious challenges that the rollbacks to net metering will pose to smaller scale, on-site solar that residences and businesses rely on to reduce energy costs and climate pollution. The whole climate advocacy and solar business community will fight together for the best net metering periods possible at the Public Utility Regulatory Authority, and we are glad solar customers and installers will have another opportunity to make their voices heard there. We'll be back in the legislature next year to pursue a better fix to the statutory constraints imposed by SB 9. We're committed to getting this fixed, and to continuing to grow distributed solar, so that all Connecticut residents and businesses can choose and afford clean, job-creating solar power.

“Given the many unknowns a new administration can bring, we're pleased that this bill has locked in a state commitment to growing renewables and increasing equity in solar access.”

One hit, one miss for clean air in budget deal

The late-session budget deal held a welcome surprise: tax revenue from car purchases will support much-needed investment in the Special Transportation Fund. This avoids public transit cuts or fare hikes—meaning Connecticut residents can continue to enjoy affordable bus and rail service that reduces the need for private vehicles and the climate and air pollution they create.

While the legislature agreed to replace \$10 million of the \$127 million they raided from the Energy Efficiency Fund last session, it missed a major economic and environmental opportunity: to fully restore the Energy Efficiency and Clean Energy funds that businesses and families rely on to lower their electric bills and Connecticut citizens rely on to mitigate climate pollution.

“This was a real missed opportunity,” said **Leah Lopez Schmalz, chief program officer for Connecticut Fund for the Environment**. “These programs help Connecticut's economy four ways: they spur tens of thousands of Connecticut jobs, they save families money on their utility bills, they leverage private investment, and they reduce the need for fossil fuels, which means less air pollution and therefore lower

healthcare costs. Plus, a lot of the money comes from a charge on ratepayers' electric bills. It's wrong to use that money as a general tax when it was promised for efficiency and clean energy."

PUSHING FOR A HEALTHY SOUND, RIVERS, AND DRINKING WATER

The public's right to be informed of sewage spills

A bill mandating prompt reporting of sewage pipe breaks or overflows heads to Governor Malloy's desk after passing both houses with overwhelming support. House Bill 5130, which comes on the heels of two large sewage spills in the Housatonic and Naugatuck Rivers, will strengthen the existing Sewage Right to Know Act first established in 2012.

Save the Sound's Soundkeeper Bill Lucey, watchdog for Long Island Sound and its tributaries, has worked closely with legislators, the Department of Energy and Environmental Protection, and fellow advocates to shape a bill that advances reporting without unreasonably burdening public officials. The bill was first championed in committee by Rep. Reyes.

"This bill sends a message that Connecticut values clean water and public health," said **Soundkeeper Lucey**. "It supports strong laws for sewage releases such as prompt electronic notification to the public, real enforcement, and continuing education requirements for our state's hardworking wastewater treatment facility operators. HB 5130 is a step forward in protecting the health and safety of Connecticut swimmers, boaters, fishermen, and our natural resources."

State Water Plan stymied over "public trust"

After years of planning and research, hundreds of supportive comments, unanimous approval by the Water Planning Council, and one million in taxpayer dollars, the State Water Plan was coopted at the very last moment by some who have little concern for water as a public trust. Water advocates and environmental leaders like Rep. Steinberg and Mushinsky strongly supported including reference to the policy of water as a public trust that has been in effect since the 1970s. Unfortunately, even after compromise language was reached between most parties, the Plan was not brought up for a vote.

Karen Burnaska, water advocate for Connecticut Fund for the Environment/Save the Sound, said "Although the process was disappointing, it confirms our goals that water is a public trust and one of Connecticut's most important and valuable resources. Connecticut has some of the strongest water laws in the nation and we will continue to advocate for Connecticut's first water plan next year."

Sound wildlife, drinking water lands, and water conservation

Long Island Sound's underwater denizens got a boost from Senator Miner's SB 426, which makes it easier to get old and unused lobster traps out of the water—left in, they "ghost fish," accidentally trapping and killing lobsters, fish, and crabs. Rep. Gresko gave horseshoe crabs a similar break with HB 5364, a bill to expand protected areas along the Connecticut coast. And a study proposed by Senator Kennedy to evaluate the impact of synthetic microfiber from clothing on the environment will go forward.

Efforts to establish conservation measures during drought conditions made progress this year, but ultimately died when House Bill 5154 was repurposed for another topic. Advocates will try again in 2019.

No legislation was submitted this session on New Britain and Tilcon's proposal to expand Tilcon's quarry onto Class I & II water company lands. The Water Planning Council and the Council on Environmental Quality are currently reviewing the environmental report on the proposal.

SAFEGUARDING PUBLIC LANDS

State protection of public lands got two big wins this session! Seaside State Park in Waterford was saved from a proposal to sell it to the highest bidder after massive public outcry. Instead, DEEP is going forward with its plan for a long-term lease and public-private partnership for adaptive re-use of the park's historic buildings. "When Seaside was dedicated as a state park in 2014—the first in 50 years—the public was grateful. Along a densely populated and heavily privatized coast, Seaside State Park now serves as a place where people can relax, enjoy, and meander beach front with their family and friends, and so it should stay," **said Leah Lopez Schmalz, chief program officer for Connecticut Fund for the Environment/Save the Sound.**

And lands under the custody of DEEP and the Dept. of Agriculture are one step closer to stronger protections from being swapped or transferred to developers. Senate Joint Resolution No. 35, passed by both chambers, will place a question on the ballot in November that would amend the State Constitution. If approved by the public, the amendment will require a much stronger vetting and voting process for the state to divest itself of certain public lands like state parks, wildlife management areas, and other open spaces. "We extend both our congratulations and our thanks to our land conservation allies on this historic step towards certainty that Connecticut's beloved parks and forests will be protected for our great-grandchildren and beyond," **said Leah Lopez Schmalz, chief program officer for Connecticut Fund for the Environment/Save the Sound.**

DEFENDING ENVIRONMENTAL LAWS AGAINST ROLLBACKS

This session saw numerous legislative assaults on environmental laws and programs. Some included free-rides for polluters, expedited permits that could lessen environmental review, forcing the state Attorney General to spend taxpayer dollars to provide free environmental advice to corporations, and limiting the reach of DEEP's oversight. Others sought to sell off Seaside State Park, change the public's rights to clean water under the Connecticut Environmental Protection Act, and limit municipalities' right to decide how to designate and use their open space.

"Thankfully working with allies and legislators, we were able to fight back or substantially weaken each and every one, while also advocating to fix a terrible provision that could have forced DEEP to issue automatic approvals of permits within 90 days of receiving an application—regardless of whether the proposal had been fully vetted!" **said Leah Lopez Schmalz, chief program officer for Connecticut Fund for the Environment/Save the Sound.** "Because of your efforts this session, Connecticut's environmental protection laws remain strong and ready to defend your beloved lands, healthy air, and clean water."

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