

**PA10-114**

**SB121**

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 17  
5315 – 5590**

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

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May 5, 2010

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I would like to move this bill as amended to the consent calendar.

DEPUTY SPEAKER GODFREY:

Without objection, so ordered.

Mr. Clerk, Calendar 522, please.

THE CLERK:

On page 31, Calendar 522 -- did we suspend the rules?

Senate Bill Number 121, AN ACT CONCERNING THE EXTENSION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, favorable reported, the Committee on Environment.

DEPUTY SPEAKER GODFREY:

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you very much, Mr. Speaker. Mr. Speaker, there's a strike all before us --

DEPUTY SPEAKER GODFREY:

How about we move --

REP. HURLBURT (53rd):

I'm sorry. I will.

I move acceptance of the joint committee's

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favorable report, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Question is on passage.

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. There's a strike that the Clerk has, LCO 5358. I ask that he call it and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 5358, previously designated Senate Amendment Schedule "A."

THE CLERK:

LCO Number 5358, Senate A offered by Senators Meyer and Kane, Representatives Roy and Williams.

DEPUTY SPEAKER GODFREY:

Gentleman has asked leave of the Chamber to summarize. Without objection, Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you very much, Mr. Speaker. Mr. Speaker, what this does is it allows companies that donate bottled water to take an audit -- or keep a record of the bottles that they've donated to charities. They can then send that record to the DEP and the DEP will

hold that away from their sheet, so they don't have to put a deposit on the bottles that they deposited. I move acceptance.

DEPUTY SPEAKER GODFREY:

Question is on adoption.

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker. Just briefly in support of the amendment and then the underlying bill. I thank Representative Hurlburt and Representative Roy and others for their work on this. It's just -- I think clarifies something that we read into legislative intent last year when we passed the bill and exempts again, as Representative Hurlburt said, bottle water donations from the nickel deposit. You know, we think that this probably would have had a chilling effect on donations from bottled water distributors, grocery stores, et cetera. We worked very closely with the industry and with the grocers as well. So I would urge adoption.

DEPUTY SPEAKER GODFREY:

Nothing like chilled water.

Thank you, Representative Williams.

Will you remark further on Senate Amendment

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Schedule "A?"

If not, let me try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay. The ayes have it. The amendment is adopted.

Representative Hurlburt.

REP. HURLBURT (53rd):

Mr. Speaker, without objection, I'd ask that this be placed on the consent calendar.

DEPUTY SPEAKER GODFREY:

Without objection, so ordered.

Calendar 517.

THE CLERK:

On page 30, Calendar 517, substitute for Senate Bill Number 427, AN ACT CONCERNING THE USE OF HAND HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS, favorable reported, the Committee on Public Safety.

DEPUTY SPEAKER GODFREY:

Representative Guerrero.

REP. GUERRERA (29th):

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Representative Roy.

REP. ROY (119th):

Mr. Speaker, without objection, can I move this to consent?

DEPUTY SPEAKER GODFREY:

Without objection, this item is moved to the consent calendar.

Ladies and gentlemen, I'm going to call on Representative Olson to call today's consent calendar.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. We are about to vote on SB108 SB302 today's lengthy consent calendar. The items we have SB250 HB5398 moved to consent are: SB153 SB175

Calendar Numbers 499, 487, 180, 507, 430, 396, SB412 SB428 535, 497, 522, 517, 510, 155, 466 and 489. Thank you, SB121 SB427 Mr. Speaker. SB370 HB5420 SB354 SB272

DEPUTY SPEAKER GODFREY:

Thank you, madam. And as soon as we get this up on the board.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. Actually, we have already voted on item 430. I want to thank

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Representative Hamzy for being so diligent and watching the calendar. I make a motion to remove Item 4370 from the consent calendar. Thank you, Mr. SB153 Speaker.

DEPUTY SPEAKER GODFREY:

I believe we have corrected the error.

As you can see, the consent calendar is on the board. Representative Olson has moved passage of the bills on the consent calendar.

Staff and guests, please come to the well of the house. Members, take your seats, the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting today's consent calendar by roll call. Members to the Chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board and make sure your votes were properly cast. If all the members have voted, the machine will be locked. Clerk, please announce the tally. Clerk, please announce the tally.

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THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. I move to -- I move for the immediate transmission of all times acted upon that require further action in the Senate. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Motion for immediate transmittal to the Senate of all items acted upon needing further action. Any objection? Hearing none, the bills and items are immediately transmitted.

Will the Clerk please call Calendar 430 --

Will the Clerk please call Calendar 422.

THE CLERK:

On page 19, Calendar 422, Senate Bill Number 430,

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 2, Calendar Number 157, File Number 230, Senate Bill 121, AN ACT CONCERNING THE EXTENSION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, favorable report from the Committee on Environment. The Clerk is in possession of amendments.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I move acceptance of the joint committee's favorable report and passage of this bill.

THE CHAIR:

Acting on approval and acceptance of this bill, Sir, will you remark further?

SENATOR MEYER:

Yes, I will, Mr. President. Would the Clerk kindly call LCO 5358, which is a strike-all amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5358, which is designated as Senate Amendment

Schedule "A" is offered by Senator Meyer of the 12th District, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I move it and ask permission to summarize briefly.

THE CHAIR:

There is a motion on the floor for summarization and approval. Seeing no objections, sir, please proceed.

SENATOR MEYER:

This is a very brief bill, colleagues, that deals with a situation where a bottling company like Coca-Cola or other bottling companies make contributions to charities of water bottles, Coke, Pepsi or whatever. And they don't -- there's no money involved in the contribution and they would otherwise have to pay a 5-cent deposit on this. What this bill does, it eliminates the 5 percent deposit because they're making a gift to charity.

It's a good bill. The cosponsors are legislators in both houses and both parties.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?" Will you  
remark further on Senate "A?"

If not, I will try your minds. All those in  
favor signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

The ayes have it. Senate Amendment "A" is  
adopted.

Will you remark further on Senate Bill 121?

Senator Meyer.

SENATOR MEYER:

Mr. President, I see no objection. May this  
kindly be put on the consent calendar.

THE CHAIR:

Is there any discussion on Senate Bill 121 as  
amended by Senate "A?" There's a motion on the floor  
to place this item on the consent.

Seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

would ask the Clerk to call the consent calendar at this time. Thank you, Mr. President.

THE CHAIR:

Very good. Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber.

Mr. President, the items placed on Consent Calendar Number 2 from Senate Agenda Number 2, Substitute for Senate Bill 330. Calling from the calendar. Calendar page 2, Calendar 114 --

THE CHAIR:

Some of the members of the chamber are trying to listen to the consent calendar. If you have conversation to be had, please take it outside. I know we're all excited. Thank you.

Mr. Clerk, please proceed.

THE CLERK:

Returning to calendar page 2, Calendar 114, Substitute for Senate Bill 214; Calendar 144, Substitute for Senate Bill 253; Calendar 157, Senate

Bill 121; calendar page 7, Calendar 377, Substitute for House Bill 5291; Calendar page 8, Calendar 398, Substitute for Senate Bill 231; calendar page 9, Calendar 442, Substitute for House Bill 5141; calendar page 10, Calendar 449, House Bill 5495; calendar page 11, Calendar 451, Substitute for House Bill 5535; Calendar 465, Substitute for House Bill 44 -- 5448; calendar page 12, Calendar 466, Substitute for House Bill 5289; Calendar 473, Substitute for House Bill 5059; Calendar 476, Substitute for House Bill 5117; calendar page 13. Calendar 478, House Bill 5290; Calendar 481, Substitute for House Bill 5119; Calendar 482, Substitute for House Bill 5120; calendar page 15, Calendar 492, Substitute for House Bill 5446; Calendar 494, House Bill 5315; Calendar 504, Substitute for House Bill 5306; calendar page 20, Calendar 532, Substitute for House Bill 5033; calendar page 21, Calendar 534, Substitute for House Bill 5543; Calendar 539, Substitute for House Bill 5350; calendar page 25, Calendar 561, Substitute for House Bill 5419; calendar page 36, Calendar 374, Substitute for House Bill 5225; calendar page 37, Calendar 415, House Bill 5131; calendar page 38, Calendar 454, Substitute for House Bill 5526.

Mr. President, that completes the items placed on Consent Calendar Number 2.

THE CHAIR:

Please call for a roll call vote. The machine will be open.

THE CLERK:

The Senate is now voting by roll on the consent calendar. Will all Senators please return to the chamber. Senate is voting by roll on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 2.

Total number voting

35

Necessary for Adoption 18

Those voting Yea 35

Those voting Nay 0

Those absent and not voting 1

THE CHAIR:

Consent calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I would move that any items on the consent calendar requires additional action by the House of Representatives be immediately transmitted to that chamber.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

And also any other items acted upon today, not on the consent calendar requiring action by the House of Representatives. Also would move that those items be immediately transmitted.

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would yield to any members seeking recognition for announcements or points of personal privilege.

THE CHAIR:

At this time, I will entertain any points of

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

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10:30 A.M.

Committee; we don't want to hold you up from that, so --

COMMISSIONER AMEY MARRELLA: Thank you.

SENATOR MEYER: Is there anything you'd like to add before you go?

COMMISSIONER AMEY MARRELLA: No. We appreciate the time. We'll just keep rolling through our people on each bill. And --

SENATOR MEYER: Fine.

COMMISSIONER AMEY MARRELLA: -- thank you for your attention to this matter today.

SENATOR MEYER: Okay.

YVONNE BOLTON: Good morning, Mr. Chairman, members of the committee.

My name is Yvonne Bolton; I'm the Bureau Chief for the Bureau of Material Management and Compliance Assurance. I'm here to testify on raised Bill 121, AN ACT CONCERNING THE EXTENTION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. It's a short bill and I'll be somewhere short.

This bill would continue the authorization to conduct activity covered by a general's permit beyond some expiration date provided the commissioner has issued a notice of tentative determination of the department's intent to renew at least a hundred and (inaudible) days prior to its expiration date. The department currently issues about 56 different types of general permits, covering a range of

activities. Given the number of general permits that the department has, it's sometimes difficult for us to renew in a timely manner before the expiration dates.

The time process, the time table for a renewal can be lengthy, especially if we are anticipating too many changes and modification to that general permit. This bill would allow registrants continued legal coverage, since the only report they'd otherwise have if the general permit lapsed or expired is to cease the activity or to obtain an individual permit, which is timely in itself.

This would also allow the allowed coverage of continuation of the general permit. It would allow eligible businesses to continue to pursue and register for new activities. The proposal would only be triggered when the department makes a timely effort to renew, so this does just not happen automatically. There is a precedent for this. The EPA also does this in their general permit program, and we believe this is an effective tool in making sure that we continue to have coverage for our industries and businesses.

Thank you.

SENATOR MEYER: Ms. Bolton, there's been a concern in Connecticut about -- about the permit process and about the DEP's staffing issues on permits with a number of permits having expired, and yet the particular companies are acting as -- as though the permit is still continuing. There been other cases that have come to the attention of the committee that indicate violations of -- of existing permits

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that have not been enforced by -- by DEP. What you seem to be doing in -- this is a DEP bill, I gather?

YVONNE BOLTON: Yes.

SENATOR MEYER: Is that right? What you seem to be doing in this bill is -- is sort of giving yourself an ability to get out of a permit implementation problem by just -- by providing that the existing permit will just be continued until the commissioner reviews it. And I just want to be sure that we're not relaxing our environmental standards by -- by, in effect, allowing existing permits to continue without a -- a proper review. Can you comment on that?

YVONNE BOLTON: Yes, I can. First, on individual permits, there generally is a continuation of a permit and that's in effect is -- so long as the applicant makes a timely renewal. In a general permit process, there is no renew -- there is no timely renewal process. If the general permit is allowed to expire, in essence it means that there is no coverage for those who are registered under that general permit. This process would ensure, though, the department makes an attempt within 180 days before it expires to go forward with renewal process. So, again, it's not an automatic issue.

The department always intends to be as timely as it can with the renewal of the general permit. We want to look at those terms and conditions again and make sure that they are appropriate for the times and the concerns that we've heard in the past. However, as we said, we have 56 of these. Do we need on a regular

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basis in making sure that we allow for the adequate input from stakeholders, the process to go through, and those who noted there is a period for hearings, comments, et cetera. It takes a long time and often lasts much longer than we anticipate to get -- to ensure that we don't have a lapse in separation.

SENATOR MEYER: Are there any other questions?

I've just been notified that the -- Commissioner Prelli, the Department of Agriculture has to be out of here in about 35 minutes, so we want to be sure we -- we give him time.

Thank you, Miss Bolton.

YVONNE BOLTON: Thank you.

SENATOR MEYER: Is there anybody else from DEP?

And would the DEP witnesses please go over to the Clerk's desk and give spellings of your names so we don't make a mistake, some -- at some point? Rob. Rob will handle it.

GRAHAM STEVENS: Thank you, Mr. Chairman. Thank you, members of the committee.

My name is Graham Stevens. I'm the Chief of Staff of DEP, and I'll be providing testimony on two bills today, and -- and because we're kind of bringing multiple people up here, I'll try to do it as quickly as possible. But there are some -- some technical aspects to this, particularly the first bill, which is Senate Bill 119, AN ACT CONCERNING REMEDIATION PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL

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**Senate Bill 121, An Act Concerning the Extension of General Permits**  
**Issued by the Department of Environmental Protection**  
**Environment Committee**  
**February 22, 2010**

**CCIA Position: Support with amendments**

The Connecticut Construction Industries Association, Inc. is the most diverse commercial construction industry trade association in Connecticut. Formed over 40 years ago, CCIA is an organization of associations, where all sectors of the commercial construction industry work together to advance and promote their shared interests. CCIA members have a long history of providing quality work for the public benefit.

CCIA is comprised of nine divisions, including the Associated General Contractors of Connecticut, Inc.; The Connecticut Road Builders Association, Inc.; Utility Contractors Association of Connecticut, Inc.; The Connecticut Ready Mixed Concrete Association, Inc.; and Connecticut Asphalt and Aggregate Producers Association. CCIA has more than 350 members statewide, including contractors, subcontractors, suppliers and professional organizations that service the construction industry.

Senate Bill 121, An Act Concerning the Extension of General Permits Issued by the Department of Environmental Protection, would allow a general permit to continue in effect by the DEP Commissioner beyond its expiration date after notice of tentative determination to renew the permit.

Authorizing an extension of a general permit makes a great deal of sense. Senate Bill 121 would alleviate uncertainty for businesses operating under a general permit and save administrative costs for the state.

Under SB 121, a permittee would remain technically in compliance with the terms of a general permit after DEP issues a notice of tentative determination to renew the permit and until the agency actually issues a new permit. However, the open-ended nature of the continuance may very well render the expiration date in the general permit superfluous. One reason for expiration dates in permits is to allow DEP to assess, based on experience, the terms and conditions contained in the GP and to make adjustments to it on a (relatively) timely basis. Even with staffing limitations, DEP should be able to conduct a periodic review and adjust the permit as necessary. The extension in the permit could be limited to a reasonable time period such as two or three years.

Please contact Matthew Hallisey of CCIA at (860) 529-6855 if you have any questions or if you need additional information.





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February 22, 2010

To: Senator Ed Meyer and Representative Richard Roy, Co-Chairs, and  
 members of the Environment Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: RB 121, AAC the Extension of General Permits Issued by the Department  
 of Environmental Protection

**The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. We estimate that our members build 70% to 80% of all new homes and apartments in the state.**

**We support RB 121 with one exception and suggest an alternative approach to achieve the same result sought after by DEP.**

DEP's general permits are useful administrative devices to handle certain regulated activities. Requiring regulated activities that currently fall under a general permit to file for individual permits makes no sense from an agency resource perspective as there is no way, even in the best of state budgets, for DEP to handle such an enormous workload. Requiring individual permits for all activities would also subject the regulated community and the citizens of CT to even greater unnecessary permit delays than currently experienced, untold increases in regulatory costs, as well as the lost opportunity of business and job growth caused by increased regulatory uncertainty.

When creating a general permit and associated requirements that must be met by the regulated community to "receive" a general permit, DEP currently sets a time limit on the permit. They typically expire after five years and the agency then renews them for some period of time. The bill seeks to automatically extend such general permits beyond their expiration date until the Commissioner formerly completes a permit renewal. **We support the automatic renewal to streamline the permit extension process until the formal process of renewal is completed.** Any gap in coverage by a general permit, i.e., between general permit expiration and formal renewal, would subject the regulated community to possible regulatory violations and additional costs and uncertainty.

**However, we do not support the requirement in the bill to charge the regulated community a fee. The fee, if any, should be charged only upon formal renewal. Therefore, we urge you to delete the sentence at lines 12 - 15. Moreover, a better alternative for DEP to adopt and extend general permits is to not place an expiration date on them at all. Let them continue indefinitely until DEP adopts a new general permit to replace it. To the extent other laws need to be changed to accomplish this, we urge the committee to entertain such amendments. Thank you for the opportunity to comment on this legislation.**

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## Department of Environmental Protection

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**STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Public Hearing – February 22, 2010  
Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella  
Department of Environmental Protection

**Raised Senate Bill No. 121 - AN ACT CONCERNING THE EXTENSION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 121, AN ACT CONCERNING THE EXTENSION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

We appreciate the Committee's willingness to raise this bill at the request of the Department of Environmental Protection (Department). This proposal, that we strongly support, would continue the authorization to conduct an activity covered by a general permit beyond its original expiration date if the Commissioner has issued a public notice of tentative determination of the Department's intent to renew such general permit at least one hundred and eighty days prior to its expiration date, but not yet renewed the general permit before the expiration date is reached.

More than half the environmental activities that the Department regulates through the permitting process are covered by general permits. To date, the Department administers fifty-six different general permits that cover a wide range of activities. Nearly 6,000 active registrants are covered by a general permit. General permits offer efficiency and reduced cost to the regulated community, compared to individual permits. At the same time, the term of a general permit is typically limited to five years, and the Department sometimes has difficulty renewing a general permit before its expiration date.

To renew a permit, Department staff typically must assess current federal and state law, consult with stakeholders, and update the text of the permit accordingly. The staff then provides notice of the Department's intent to renew the permit, and afford the public generally 30 days to comment on the draft permit provisions. In accordance with the Department's Rules of Practice, interested parties may petition for adjudication of the terms of the proposed permit before one of the Agency's Hearing Officers. When adjudication occurs, it can take more than 180 days to renew a permit. Moreover, efforts to encourage input from the public and stakeholders and offer an open and transparent administrative process may lead to lengthy discussions that extend the timeframe required for renewal of a general permit beyond the timeframe originally projected by the Department.

Passage of this bill would provide benefits to the citizens, businesses and industries of Connecticut as well as the Department. Registrants under general permits, mostly Connecticut businesses and industries, would be provided continued legal coverage as opposed to the gap in legal coverage currently created when a general permit expires before it is renewed. This gap

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exposes the registrant to third party lawsuits for lack of permit coverage. The only legal recourse currently available to a registrant when a general permit expires is to cease the activity or obtain an individual permit, a process complicated by more comprehensive application procedures and higher fees.

At the same time, this proposal would maintain the Department's ability to enforce the terms and conditions of a general permit that would be lost when a general permit expires. Furthermore, the proposal would only be triggered once the Department makes an effort to timely renew the general permit. Thus, the proposal would encourage the Department to launch the timely reconsideration and renewal of general permits.

Additionally, this proposal would allow eligible businesses and industries to register a new activity under the otherwise expired general permit and the Commissioner to continue to collect registration fees. These fees are far less than that of a comparable individual permit and support the Department's and the State's mission of environmental protection.

Precedent for continuation of general permit coverage beyond a permit's expiration date exists in the Environmental Protection Agency's (EPA) general permit program. EPA's general permits explicitly state that if the permit is not reissued or replaced prior to its expiration date, it will be administratively continued and remain in full force and effect until there is an outcome on such general permit. (For an example see Section 1.3.2 "Continuation of this Permit" on page 9 of EPA's Multi-sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) 9/29/08 at the following link [http://www.epa.gov/npdes/pubs/msgp2008\\_parts1-7.pdf](http://www.epa.gov/npdes/pubs/msgp2008_parts1-7.pdf) or Section 1.5.2 "Continuation of this Permit" on page 7 of EPA's Vessel General Permit (VGP) 12/19/08 at [http://www.epa.gov/npdes/pubs/vessel\\_vgp\\_permit.pdf](http://www.epa.gov/npdes/pubs/vessel_vgp_permit.pdf).)

Finally, to further clarify the bill's language, we would suggest a correction in line 10 be made to strike "makes a final decision on the renewal of" and replace with "renews". This will eliminate any ambiguity as to the status of the expired general permit in the event that a final decision is not to renew.

In summary, the Department strongly supports Raised Senate Bill No. 121, AN ACT CONCERNING THE EXTENSION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION for the continued legal coverage it will provide to existing and new registrants, and for the assurance that the Department will be able to enforce the terms and conditions of its general permits which serve to protect human health and the environment.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).



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**TESTIMONY OF  
 SANDY BRESLIN, DIRECTOR OF GOVERNMENT AFFAIRS  
 AUDUBON CONNECTICUT**

**ENVIRONMENT COMMITTEE PUBLIC HEARING  
 February 22, 2010**

*IN SUPPORT* of the following proposed legislation:

*S.B. 124 AAC Long Island Sound and Coastal Permitting.*

*S.B. 5128 AAC Environmental Conservation Licensing.*

*S.B. 5117 AAC Conservation and Preservation Restrictions Held by the State.*

*S.B. 121 AAC the Extension of General Permits Issued by the Department of Environmental Protection.*

Senator Meyer, Representative Roy and members of the Environment Committee, my name is Sandy Breslin and I am the director of governmental affairs for Audubon Connecticut, the state organization of the National Audubon Society. Thank you for the opportunity to testify today *IN SUPPORT* of S.B. 124, 5128, 51117 and 121 that seek to improve the permitting processes of the State of Connecticut, Department of Environmental Protection, and ensure the permanent protection of prime farmland owned by the State without resorting to costly litigation.

*S.B. 124 AAC Long Island Sound and Coastal Permitting* aims to update the coastal permitting practices of DEP by requiring that permits issued by the Office of Long Island Sound (OLISP) be recorded on local land records, restores the estuarine embayment improvement program, adopts the federal definitions of sewage, simplifies the description of the "No Discharge" zone in the Sound, authorizes higher fees for issuing after-the-fact permits for construction of coastal structures, authorizes electronic distribution of coastal permit notices and makes other changes to out-of-date sections of this statute. Audubon *strongly supports* these proposed changes and encourages the Environment Committee to vote favorably on this legislation.

*S.B. 5128 AAC Environmental Conservation Licensing* clarifies State compliance with the federal Pittman-Robertson Wildlife and Dingell-Johnson Sportfish Restoration Acts, ensuring continued receipt of monies from these programs, which are a major source of funding for DEP wildlife programs statewide. The legislation will allow the Commissioner to adjust the fee for the Migratory Bird Conservation Stamp that provides significant funding for wetlands restoration and conservation. In addition, the legislation would authorize the Commissioner of DEP to promote electronic license and fee transactions. Audubon Connecticut *strongly supports* this legislation.

***S.B. 5117 AAC Conservation and Preservation Restrictions Held by the State*** seeks to coordinate local and state land use actions, and ensure conservation of prime agricultural farmland that is subject to a conservation restriction held by the State of Connecticut. The proposed legislation would require a local land-use applicant to notify the State when an activity is proposed on farmland subject to a conservation restriction. The legislation also provides a 30-day appeal period for the agency to act when a local permit had been granted incorrectly and allows state agencies to impose a civil penalty for any activities that violate the terms of the conservation restriction, without judicial action. This legislation will help to keep prime agricultural land protected by the State from being developed inappropriately, without resorting to costly litigation. Audubon *urges* the Environment Committee *to support* this proposed legislation.

***S.B. 121 AAC the Extension of General Permits Issued by the Department of Environmental Protection*** will allow for a seamless transition during the time when a General Permit is being renewed. General Permits, which cover an entire class of activities, help to expedite the review of minimal impact projects. Currently, under Connecticut law, the General Permits lapse before they can be renewed. ***S.B. 121*** would allow these permits to remain in effect as long as the renewal process was underway, similar to the process utilized by the U.S. Environmental Protection Agency, and would hold permit fees at the existing level. Audubon Connecticut *strongly encourages* the Environment Committee *to support* this common-sense legislation.

Thank you so much for the opportunity to speak about these matters today.

*Audubon Connecticut, the state organization of the National Audubon Society with more than 10,000 members statewide, works to protect birds, other wildlife and their habitats through education, science and conservation, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of nature education centers, protected wildlife sanctuaries, and local, volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.*