



House of Representatives

General Assembly

File No. 322

January Session, 2009

Substitute House Bill No. 5861

House of Representatives, March 30, 2009

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROCESSING OF MUNICIPAL APPLICATIONS FOR STATE PERMITS.

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

1 Section 1. (NEW) (*Effective October 1, 2009*) Notwithstanding any
2 provision of title 22a of the general statutes, when a municipality
3 submits a formal petition, application or request for a permit to the
4 Commissioner of Environmental Protection, pursuant to a requirement
5 of the general statutes, the commissioner shall, not later than sixty
6 days after the date on which the commissioner receives such petition,
7 application or request, determine whether such municipality has
8 submitted sufficient information to determine whether the petition,
9 application or request complies with the applicable standards and
10 criteria, and shall notify such municipality, in writing, of any
11 deficiencies. If the commissioner does not notify such municipality of
12 any deficiencies by the sixtieth day after the date on which the
13 commissioner received such petition, application or request, the
14 petition, application or request shall be considered complete.

15 Sec. 2. (NEW) (*Effective October 1, 2009*) Notwithstanding any
16 provision of title 13b or 14 of the general statutes, in all matters in
17 which a formal petition, application or request for a permit is required
18 to be submitted to the Commissioner of Transportation or the State
19 Traffic Commission, and such petition, application or request is
20 submitted by a municipality, the commissioner or commission shall,
21 not later than sixty days after the date on which the commissioner or
22 commission receives such petition, application or request, determine
23 whether such municipality has submitted sufficient information to
24 determine whether the petition, application or request complies with
25 the applicable standards and criteria, and shall notify such
26 municipality, in writing, of any deficiencies. If the commissioner or
27 commission does not notify such municipality of any deficiencies in
28 such municipality's petition, application or request by the sixtieth day
29 after the date on which the commissioner or commission received such
30 petition, application or request, the petition, application or request
31 shall be considered complete.

32 Sec. 3. (NEW) (*Effective October 1, 2009*) Notwithstanding any
33 provision of title 19a of the general statutes, in all matters in which a
34 formal petition, application or request for a permit is required to be
35 submitted to the Commissioner of Public Health, and such petition,
36 application or request is submitted by a municipality, the
37 commissioner shall, not later than sixty days after the date on which
38 the commissioner receives such petition, application or request,
39 determine whether such municipality has submitted sufficient
40 information to determine whether the petition, application or request
41 complies with the applicable standards and criteria, and shall notify
42 such municipality, in writing, of any deficiencies. If the commissioner
43 does not notify such municipality of any deficiencies in such
44 municipality's petition, application or request by the sixtieth day after
45 the date on which the commissioner received such petition, application
46 or request, the petition, application or request shall be considered
47 complete.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section

Statement of Legislative Commissioners:

In the first sentence of Section 2, changed "must" to "is required to" for statutory consistency. In the first sentence of Section 3, changed "must" to "is required to" for statutory consistency.

PD *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Environmental Protection	GF - Cost	110,000	110,000
Public Health, Dept.	GF - Cost	67,518	67,752

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would result in a cost to the Department of Environmental Protection (DEP) for an Environmental Analyst II position at a cost of \$60,000 per year, and an administrative position at a cost of about \$50,000 per year plus fringe benefits¹, since it creates a new, time sensitive requirement for the agency.

Under the provisions of the bill, DEP would need to perform a full review of municipal permit applications within sixty days, including technical merit and sufficiency review. In addition, DEP would have to identify, in writing, all technical standards that any municipal application failed to address. This is also a new requirement for the agency under the bill that did not previously exist.

This bill also results in costs to the Department of Public Health (DPH) as it requires within its Drinking Water Section (DWS) an

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with additional personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 25.43%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/08 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 10 and

Environmental Analyst and related other expenses, other current expenses, and equipment for a total cost of \$67,518 in FY 10 and \$67,752 in FY 11 (see below):

Item:	FY 10 (\$)	FY 11 (\$)
Personal Services	61,274	63,112
Other Expenses	1,000	1,040
Equipment	1,500	0
Other Current Expenses	3,744	3,600
Total	67,518	67,752

DWS currently oversees permitting of 341 municipal water systems. The provisions of this bill would expand their authority beyond permitting to address any formal request from municipalities related to drinking water. It is expected that the increase in requests due to the provisions in the bill will necessitate a new staff position and related costs to DPH.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

FY 11. Therefore, new positions will not impact the state's pension contribution until FY 12 after the next scheduled certification on 6/30/2010.

OLR Bill Analysis

sHB 5861

AN ACT CONCERNING THE PROCESSING OF MUNICIPAL APPLICATIONS FOR STATE PERMITS.

SUMMARY:

This bill requires the Environmental Protection (DEP), Public Health, and Transportation commissioners and the State Traffic Commission, when they receive a formal petition, application, or request for a permit from a municipality, to determine whether the municipality has submitted enough information to determine whether the petition, application, or request complies with the applicable standards and criteria. (In the case of the DEP permits, the bill applies only to applications required by the statutes.) The commissioner or commission must do this within 60 days of receiving the petition, application, or request and notify the municipality of any deficiencies in writing. If the commissioner or commission does not notify the municipality of any deficiencies by the deadline, it must be considered complete. These provisions apply notwithstanding the titles of the statutes governing these agencies.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/11/2009)