



House of Representatives

General Assembly

File No. 936

January Session, 2009

Substitute House Bill No. 5861

House of Representatives, May 11, 2009

The Committee on Appropriations reported through REP. GERAGOSIAN of the 25th 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, within available
6 appropriations, not later than sixty days after the date on which the
7 commissioner receives such petition, application or request, determine
8 whether such municipality has submitted sufficient information to
9 determine whether the petition, application or request complies with
10 the applicable standards and criteria, and shall notify such
11 municipality, in writing, of any deficiencies. If the commissioner does
12 not notify such municipality of any deficiencies by the sixtieth day
13 after the date on which the commissioner received such petition,
14 application or request, the petition, application or request shall be

15 considered complete.

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

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

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Environmental Protection	GF - Potential Cost	110,000	113,300
Public Health, Dept.	GF - Potential Cost	67,518	67,752

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new, time sensitive requirement for the agency to review certain permits. This could result in costs to the Department of Environmental Protection (DEP) for (1) an Environmental Analyst II position at a cost of \$60,000 per year and (2) an administrative position at a cost of about \$50,000 per year plus fringe benefits¹ for a total potential cost of \$110,000 in FY 10 and \$113,300 in FY 11.

The bill specifies that DEP implement the provisions of the bill within available appropriations. With passage of the bill, the agency would either (1) re-allocate existing funding for this purpose from another program; (2) incur additional costs; or (3) delay or not implement this program due to lack of funding.

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 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.

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. As of 4/23/09, there were 251 permits pending that pertain to the bill's provisions and there were 178 permits issued in calendar year 2008 that fall under the bill's provisions.

This bill could also result in costs to the Department of Public Health (DPH) as it requires, within its Drinking Water Section (DWS), (1) an Environmental Analyst and related other expenses, (2) other current expenses, and (3) 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

The bill also specifies that DPH implement the provisions of the bill within available appropriations. With passage of the bill, the agency would either (1) re-allocate existing funding for this purpose from another program; (2) incur additional costs; or (3) delay or not implement this program due to lack of funding.

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, to the extent that the program is implemented within available appropriations.

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 (DPH), and transportation (DOT) commissioners and the State Traffic Commission, within 60 days after receiving a formal petition, application, or request for a permit from a municipality, to (1) determine whether the municipality has submitted enough information to determine compliance with the applicable standards and criteria and (2) request and notify the municipalities of any deficiencies in writing. (In the case of DEP permits, the bill applies only to applications required by law.) DEP and DPH, but not DOT, must act within available appropriations. If any of the commissioners or the commission fails to notify the municipality of any deficiencies by the deadline, the petition, application, or request must be considered complete. The bill takes priority over laws requiring otherwise.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Legislative History***

The House referred the bill (File 322) to the Environment Committee, which reported it favorably, and the and Appropriations Committee, the latter which added the requirement that DEP and DPH act within available appropriations.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/11/2009)

Environment Committee

Joint Favorable

Yea 22 Nay 3 (04/14/2009)

Appropriations Committee

Joint Favorable Substitute

Yea 51 Nay 0 (04/27/2009)