



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 16, 2009  
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy  
Department of Environmental Protection

**Raised House Bill No. 6637 - AN ACT CONCERNING STORMWATER PERMITS AND  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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Thank you for the opportunity to present testimony on Raised House Bill No. 6637 – AN ACT CONCERNING STORMWATER PERMITS AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. This proposal, which we oppose, seeks to amend Section 22a-430b of the general statutes to require that a general permit, "...identify any requirements or restrictions of such permit that differ from those contained in the federal Water Pollution Control Act and explain the reason for such difference."

As written, the proposed language is inconsistent with (and significantly broader in scope than) the stated purpose of the proposal. As drafted, the proposal would affect all general permits issued by the Department, not just general permits concerning stormwater discharges. Many activities regulated under section 22a-430b of the general statutes are not under the jurisdiction of the federal Water Pollution Control Act.

With respect to the intent of the proposal, we do not believe that the general permit is an appropriate document in which to identify how it may compare with the requirements of the federal Water Pollution Control Act. The purpose of a general permit is to specify enforceable terms and conditions deemed necessary to regulate an activity in a manner to protect human health and the environment.

The information that the proposal seeks to identify would more appropriately be provided in supporting documentation that accompanies a permit, such as the requisite fact sheet. Under existing law, supporting documentation already offers the information sought in Raised House Bill No. 6637.

On September 26, 1973, the U.S. Environmental Protection Agency authorized Connecticut to implement the requirements of the federal Water Pollution Control Act based on a determination that Connecticut's statutes and regulations, and their implementation, are consistent with these federal requirements. Section 22a-430b(b) of the general statutes requires that the administration of any general permit follow the same standards and procedures set forth for individual permits under Section 22a-430 of the general statutes and the regulations adopted thereunder. In particular, Section 22a-430-4(f) of the Regulations of Connecticut State Agencies, which are the regulatory procedures and standards for issuing water discharge permits, requires that when the

Commissioner issues a tentative determination to issue a permit that a fact sheet be prepared for public review and comment. The fact sheet includes, among other information, the basis for the terms and conditions in the draft permit, including how such terms and conditions relate to and are consistent with requirements under the federal Water Pollution Control Act.

For these reasons, it is the Department's position that this proposal is unnecessary and duplicative of existing statutory and regulatory requirements. The Department remains willing to work with the Committee to address any concerns regarding documentation of general permit requirements through existing statutory and regulatory authorities.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert La France, at 424-3401.