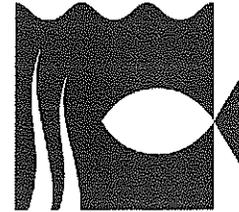


**Connecticut Fund  
for the Environment**



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Connecticut Fund for the Environment

**Testimony of Connecticut Fund for the Environment  
Before the Commerce Committee**

**STRONGLY OPPOSING Raised Bill 5208 AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT and Raised Bill 174 AN ACT CONCERNING THE STANDARDS OF WATER QUALITY**

Eric Annes, Legal Fellow

February 25, 2010

*Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 6,500 members statewide. For thirty years, CFE has used law, science and education to protect and preserve Connecticut's natural resources.*

CFE **strongly opposes RB 5208**. This bill would create a complex new regulatory track for large projects that would remove vital protections and impose unreasonable deadlines on agencies. So long as a municipality determines the project could create at least 10 jobs, the act would create a new regulatory process that would override existing law and require final agency action by municipalities and state agencies within 90 days of a completed permit application (text of the proposed legislation requires approval, apparently rejecting the possibility of a denial by a municipality while accepting the possibility of rejection by a state agency. Compare lines 67 and 73.).

This bill was proposed last year and received a large fiscal note from the Office of Fiscal Analysis. It would also place additional strains on overextended and underfunded agencies. It would require substantial expenditures by DOT (\$715,000 per year), DEP (full time position + benefits) and DECD (full time position + benefits and additional legal costs) at a time when these agencies are already facing shortages of staff and cutting back on necessary functions.

Further, the mandatory 90 day time limit is not a realistic time period for a full and thorough review of projects. This bill aims to expedite the largest projects that generally require more thorough reviews than small projects. Large projects often have to go through several iterations before an appropriate and acceptable plan is reached. It seems more appropriate to expedite small scale projects with little potential impact than large scale projects with significant potential for harm. Whatever the size of the project, however, mandatory timelines without consideration of appropriate review is inappropriate.

Of particular concern is that this bill allows for substantive changes in municipal law without following local procedures. Allowing unlimited changes to substantive law for a single project without following the appropriate local rules and procedures is unacceptable. Although the bill calls for a public workshop and a public hearing, on the same day, the bill does not give the public a substantive say in the outcome. The public lacks an actual voice even though substantive law, that could require a referendum, may be overridden.

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CFE does not see the need for **RB 174** at this point in time. DEP has nearly completed updating the water quality standards pursuant to the current statutory law and changing the process midstream is unnecessary.

DEP is required under the Federal Clean Water Act to hold public hearings for the purpose of reviewing applicable water quality standards and modifying and adopting standards at least once every three years. *See* 33 U.S.C. § 1313(c)(1). DEP has not updated the current water quality standards since 2000 in gross violation of the Clean Water Act. This violation led to a federal suit. Soon after the suit was filed, DEP announced that it was finally conducting a review of the standards.

Raised Bill 174 would make it very difficult for the Department to comply with the Clean Water Act. With an active federal law suit, now is not the time to re-start the review process. The current process for review and amendment of the water quality standards is sufficient and allows for public input. The DEP solicits input from the public and makes (or does not) changes based on that information. DEP is obligated to complete its review. DEP has followed the procedure it was directed to follow by the legislature. It would be inappropriate to change the rules as the process nears its conclusion.

For the above reasons, we **STRONGLY OPPOSE** Raised Bill 5208 and Raised Bill 174.