



Senate

General Assembly

File No. 385

February Session, 2010

Substitute Senate Bill No. 174

Senate, April 8, 2010

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE STANDARDS OF WATER QUALITY.

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

1 Section 1. Section 22a-426 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) The Commissioner of Environmental Protection shall adopt [,
4 and may thereafter amend,] regulations, in accordance with the
5 provisions of chapter 54 to establish standards of water quality
6 applicable to the various waters of the state or portions thereof. [as
7 provided in this section.] Such standards shall be consistent with the
8 federal Water Pollution Control Act and shall be for the purpose of
9 qualifying the state and its municipalities for available federal grants
10 and for the purpose of providing clear and objective public policy
11 statements of a general program to improve the water resources of the
12 state; provided no standard of water quality adopted shall plan for,
13 encourage or permit any wastes to be discharged into any of the
14 waters of the state without having first received the treatment
15 available and necessary for the elimination of pollution. Such

16 standards of quality shall: (1) Apply to interstate waters or portions
17 thereof within the state; (2) apply to such other waters within the state
18 as the commissioner may determine is necessary; (3) protect the public
19 health and welfare and promote the economic development of the
20 state; (4) preserve and enhance the quality of state waters for present
21 and prospective future use for public water supplies, propagation of
22 fish and aquatic life and wildlife, recreational purposes and
23 agricultural, industrial and other legitimate uses; (5) be consistent with
24 health standards as established by the Department of Public Health.
25 Any documentation that forms the basis for the standards sought to be
26 adopted, amended or repealed shall be available to the public no later
27 than sixty days prior to the date of the public notice required under
28 section 4-168.

29 [(b) Prior to adopting, amending or repealing standards of water
30 quality, the commissioner shall conduct a public hearing. Notice of
31 such hearing specifying the waters for which standards are sought to
32 be adopted, amended or repealed and the time, date and place of such
33 hearing shall be published as provided in said subdivision (1) of
34 section 22a-6 and also at least twice during the thirty-day period
35 preceding the date of the hearing in a newspaper having a general
36 circulation in the area affected and shall be given by certified mail to
37 the chief executive officer of each municipality in such area. Prior to
38 the hearing the commissioner shall make available to any interested
39 person any information he has as to the water which is the subject of
40 the hearing and the standards under consideration, and shall afford to
41 any interested person the opportunity to submit to him any written
42 material. At the hearing, any person shall have the right to make a
43 written or oral presentation. A full transcript or recording of each
44 hearing shall be made and kept available in the files of the Department
45 of Environmental Protection.]

46 [(c)] (b) The commissioner shall establish the effective date of the
47 adoption, amendment or repeal of standards of water quality, subject
48 to the provisions of subdivision (1) of section 22a-6. Notice of such
49 adoption, amendment or repeal shall be published in the Connecticut

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: None

Municipal Impact: None

Explanation

The bill, which requires the Department of Environmental Protection to adopt regulations and make certain documents available to the public, is not anticipated to result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 174*****AN ACT CONCERNING THE STANDARDS OF WATER QUALITY.*****SUMMARY:**

This bill requires the Department of Environmental Protection (DEP) commissioner to adopt water quality standards in regulation instead of through the current statutory procedure, which the bill eliminates. This requires the standards to go through the regulatory review process, which requires agencies to notify the public before adopting proposed regulations that must be reviewed and approved by the legislature's Regulations Review Committee before they take effect. Under the bill, the commissioner must allow the public to inspect the information upon which she bases the standards. The bill specifies she must do so at least 60 days before she notifies the public of her intent to adopt the regulations.

The current statutory process requires the commissioner to (1) hold a public hearing before proposing, amending, or repealing a water quality standard and (2) notify the public and the chief executive officers of each affected municipality before doing so. She must provide any information about the standards to any party that requests it. She must also accept any written information an interested party has to offer about the standards. Lastly, she must keep a full transcript or recording of each hearing on file at DEP.

EFFECTIVE DATE: October 1, 2011

BACKGROUND***Related Bills***

sSB 453 establishes new regulatory policies and practices aimed at reducing the time it takes to obtain environmental licenses, permits,

and approvals. The Commerce Committee favorably reported the bill on March 23.

sHB 5208 creates an interagency and intergovernmental mechanism for expeditiously reviewing and approving state and municipal projects meeting specified criteria. The Commerce and Planning and Development committees favorably reported the bill on March 16 and 22, respectively.

COMMITTEE ACTION

Commerce Committee

Joint Favorable Change of Reference
Yea 19 Nay 1 (03/16/2010)

Environment Committee

Joint Favorable Substitute
Yea 26 Nay 3 (03/19/2010)