



General Assembly

February Session, 2010

Raised Bill No. 5359

LCO No. 1547

01547_____CE_

Referred to Committee on Commerce

Introduced by:

(CE)

AN ACT REQUIRING PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION BE ADOPTED IN ACCORDANCE WITH THE UNIFORM ADMINISTRATIVE PROCEDURES ACT.

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

1 Section 1. Section 22a-45a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) The Commissioner of Environmental Protection may issue a
4 general permit for any minor activity regulated under sections 22a-36
5 to 22a-45, inclusive, except for any activity covered by an individual
6 permit, when such activity is conducted by any department, agency or
7 instrumentality of the state, other than a regional or local board of
8 education, if the commissioner determines that such activity would
9 cause minimal environmental effects when conducted separately and
10 would cause only minimal cumulative environmental effects. Such
11 activities may include routine minor maintenance and routine minor
12 repair of existing structures; replacement of existing culverts;
13 installation of water monitoring equipment, including but not limited
14 to staff gauges, water recording and water quality testing devices;
15 survey activities, including excavation of test pits and core sampling;

16 maintenance of existing roadway sight lines; removal of sedimentation
17 and unauthorized solid waste by hand or suction equipment;
18 placement of erosion and sedimentation controls; extension of existing
19 culverts and stormwater outfall pipes; and safety improvements with
20 minimal environmental impacts within existing rights-of-way of
21 existing roadways. Any state department, agency or instrumentality of
22 the state, other than a regional or local board of education conducting
23 an activity for which a general permit has been issued shall not be
24 required to obtain an individual permit under any other provision of
25 said sections 22a-36 to 22a-45, inclusive, except as provided in
26 subsection [(c)] (b) of this section. A general permit shall clearly define
27 the activity covered thereby and may include such conditions and
28 requirements as the commissioner deems appropriate, including but
29 not limited to, management practices and verification and reporting
30 requirements. The general permit may require any state department,
31 agency or instrumentality of the state, other than a regional or local
32 board of education, conducting any activity under the general permit
33 to report, on a form prescribed by the commissioner, such activity to
34 the commissioner before it shall be covered by the general permit. The
35 commissioner shall prepare, and shall annually amend, a list of
36 holders of general permits under this section, which list shall be made
37 available to the public.

38 [(b) Notwithstanding any other procedures in said sections 22a-36 to
39 22a-45, inclusive, any regulations adopted thereunder, and chapter 54,
40 the commissioner may issue, revoke, suspend or modify a general
41 permit in accordance with the following procedures: (1) The
42 commissioner shall publish in a newspaper having a substantial
43 circulation in the affected area or areas notice of intent to issue a
44 general permit; (2) the commissioner shall allow a comment period of
45 thirty days following publication of such notice during which
46 interested persons may submit written comments concerning the
47 permit to the commissioner and the commissioner shall hold a public
48 hearing if, within said comment period, he receives a petition signed
49 by at least twenty-five persons; (3) the commissioner may not issue the

50 general permit until after the comment period; and (4) the
51 commissioner shall publish notice of any permit issued in a newspaper
52 having substantial circulation in the affected area or areas. Any person
53 may request that the commissioner issue, modify or revoke a general
54 permit in accordance with this subsection.]

55 [(c)] (b) Subsequent to the issuance of a general permit, the
56 commissioner may require any state department, agency or
57 instrumentality, other than a regional or local board of education, to
58 apply for an individual permit under the provisions of said sections
59 22a-36 to 22a-45, inclusive, for all or any portion of the activities
60 covered by the general permit, if in the commissioner's judgment the
61 purposes and policies of such sections would be best served by
62 requiring an application for an individual permit. The commissioner
63 may require an individual permit under this subsection only if the
64 affected state department, agency or instrumentality has been notified
65 in writing that an individual permit is required. The notice shall
66 include a brief statement of the reasons for the decision and a
67 statement that upon the date of issuance of such notice the general
68 permit as it applies to the individual activity will terminate.

69 [(d)] (c) Any general permit issued under this section shall require
70 that any state agency, department or instrumentality other than a
71 regional or local board of education, intending to conduct an activity
72 covered by such general permit shall, at least sixty days before
73 initiating such activity, give written notice of such intention to the
74 inland wetlands agency, zoning commission, planning commission or
75 combined planning and zoning commission and conservation
76 commission of any municipality which will or may be affected by such
77 activity and to the department which shall make such notices available
78 to the public. The general permit shall specify the information which
79 must be contained in the notice. An inland wetlands agency, planning
80 and zoning commission, conservation commission or any person may
81 submit written comments to the commissioner concerning such
82 activity not later than twenty-five days prior to the date that the

83 activity is proposed to begin.

84 [(e)] (d) The commissioner [may] shall adopt regulations in
85 accordance with the provisions of chapter 54 to carry out the purposes
86 of this section, which shall include standards for issuance of general
87 permits.

88 Sec. 2. Subsection (k) of section 22a-174 of the 2010 supplement to
89 the general statutes is repealed and the following is substituted in lieu
90 thereof (*Effective October 1, 2010*):

91 (k) (1) The commissioner may issue a general permit with respect to
92 a category of new or existing stationary air pollution sources, except
93 with respect to a source which is already covered by an individual
94 permit, provided the general permit is not inconsistent with the federal
95 Clean Air Act, as amended in 1990, 42 USC, Sections 7401 et seq., and
96 as it may be further amended from time to time. Any person
97 conducting an activity for which a general permit has been issued shall
98 not be required to obtain an individual permit under this section,
99 except as provided in subdivision [(5)] (4) of this subsection. The
100 general permit may regulate a category of sources which, whether or
101 not requiring a permit under the federal Clean Air Act, (A) involve the
102 same or substantially similar types of operations or substances, (B)
103 require the same types of pollution control equipment or other
104 operating conditions, standards or limitations, and (C) require the
105 same or similar monitoring, and which, in the opinion of the
106 commissioner, are more appropriately controlled under a general
107 permit than under an individual permit. The general permit may
108 require that any person proposing to conduct any activity under the
109 general permit register such activity, including obtaining approval
110 from the commissioner, before the general permit becomes effective as
111 to such activity, and may include such other conditions as the
112 commissioner deems appropriate, including, but not limited to,
113 management practices and verification and reporting requirements.
114 Any such reports shall be made available to the public by the

115 commissioner. The commissioner shall grant an application for
116 approval under a general permit without repeating the notice and
117 comment procedures provided under subdivision (2) of this
118 subsection, and such a grant shall not be subject to judicial review
119 under subdivision [(4)] (3) of this subsection. Registrations and
120 applications for approval under the general permit shall be submitted
121 on forms prescribed by the commissioner; application forms
122 concerning activities regulated under the federal Clean Air Act shall
123 require that the applicant provide such information as may be required
124 by that act. The commissioner shall prepare, and annually amend, a list
125 of holders of general permits under this section, which list shall be
126 made available to the public.

127 [(2) Notwithstanding any other procedures in this chapter, any
128 regulations adopted thereunder, and chapter 54, the commissioner
129 may issue a general permit in accordance with the following
130 procedures: (A) The commissioner shall publish in a newspaper,
131 having a substantial circulation in the affected area or areas, notice of
132 (i) intent to issue a general permit, (ii) the right to inspect the proposed
133 general permit, (iii) the opportunity to submit written comments
134 thereon, and (iv) the right to a public hearing if, within the comment
135 period, the commissioner receives a petition signed by at least twenty-
136 five persons provided the notice shall state that the right to a public
137 hearing may be exercised upon request of any person if the permit
138 regulates an activity which is subject to provisions of the federal Clean
139 Air Act; (B) the administrator of the United States Environmental
140 Protection Agency and any states affected by the general permit shall
141 be given notice as may be required by the federal Clean Air Act; (C)
142 the commissioner shall allow a comment period of thirty days
143 following publication of notice under subparagraph (A) of this
144 subdivision during which interested persons may submit written
145 comments concerning the permit to the commissioner; (D) the
146 commissioner shall not issue the general permit until after the
147 comment period and the public hearing, if one is held; (E) the
148 commissioner shall publish notice of any general permit issued in a

149 newspaper having a substantial circulation in the affected area or
150 areas; and (F) summary suspension may be ordered in accordance with
151 subsection (c) of section 4-182. Any person may request that the
152 commissioner issue, modify, revoke or suspend a general permit in
153 accordance with this subsection.]

154 [(3)] (2) Any general permit under this subsection shall be issued for
155 a fixed term. A general permit covering an activity regulated under the
156 federal Clean Air Act shall be issued for a term of no more than five
157 years. A general permit covering an activity regulated under the
158 federal Clean Air Act shall contain such additional conditions as may
159 be required by that act.

160 [(4)] (3) Notwithstanding any other provision of this chapter and
161 chapter 54, with respect to a general permit concerning activities
162 regulated under the federal Clean Air Act, any person who submitted
163 timely comments thereon may appeal the issuance of such permit to
164 the superior court in accordance with the provisions of section 4-183.
165 Such appeal shall have precedence in the order of trial as provided in
166 section 52-192.

167 [(5)] (4) Subsequent to the issuance of a general permit, the
168 commissioner may require a person whose activity is or may be
169 covered by the general permit to apply for and obtain an individual
170 permit pursuant to this chapter if he determines that an individual
171 permit would better protect the land, air and waters of the state from
172 pollution. The commissioner may require an individual permit under
173 this subdivision in cases including, but not limited to, the following:
174 (A) The permittee is not in compliance with the conditions of the
175 general permit; (B) a change has occurred in the availability of
176 demonstrated technology or practices for the control or abatement of
177 pollution applicable to the permitted activity; (C) circumstances have
178 changed since the time the general permit was issued so that the
179 permitted activity is no longer appropriately controlled under the
180 general permit, or a temporary or permanent reduction or elimination

181 of the permitted activity is necessary; or (D) a relevant change has
182 occurred in the applicability of the federal Clean Air Act. In making
183 the determination to require an individual permit, the commissioner
184 may consider the location, character and size of the source and any
185 other relevant factors. The commissioner may require an individual
186 permit under this subdivision only if the person whose activity is
187 covered by the general permit has been notified in writing that an
188 individual permit is required. The notice shall include a brief statement
189 of the reasons for requiring an individual permit, an application form,
190 a statement setting a time for the person to file the application and a
191 statement that the general permit as it applies to such person shall
192 automatically terminate on the effective date of the individual permit.
193 Such person shall forthwith apply for, and use best efforts to obtain,
194 the individual permit. Any person may petition the commissioner to
195 take action under this subdivision.

196 ~~[(6)]~~ (5) The commissioner [may] shall adopt regulations, in
197 accordance with the provisions of chapter 54, to carry out the purposes
198 of this subsection, which shall include standards for the issuance of
199 general permits.

200 Sec. 3. Subsection (i) of section 22a-208a of the general statutes is
201 repealed and the following is substituted in lieu thereof (*Effective*
202 *October 1, 2010*):

203 (i) (1) The commissioner may issue a general permit for a category
204 of activities which require a permit under this section, except for an
205 activity which is already covered by an individual permit, provided
206 the issuance of the permit is not inconsistent with the requirements of
207 the federal Resource Conservation and Recovery Act. The
208 commissioner's authority to issue a general permit for certain
209 categories of solid waste facilities shall not include the authority to
210 issue a general permit for resources recovery facilities, biomedical
211 waste facilities, solid waste disposal areas or municipal solid waste
212 composting facilities. Any person or municipality conducting an

213 activity for which a general permit has been issued shall not be
214 required to obtain an individual permit under this section, except as
215 provided in subdivision [(3)] (2) of this subsection. The general permit
216 may regulate a category of activities which (A) involve the same or
217 substantially similar types of operations, (B) involve the transfer,
218 storage, processing or disposal of the same types of substances, (C)
219 require the same operating conditions or standards, and (D) require
220 the same or similar monitoring, and which in the opinion of the
221 commissioner are more appropriately controlled under a general
222 permit than under an individual permit. The general permit may
223 require any person or municipality proposing to conduct any activity
224 under the general permit to register such activity with the
225 commissioner before it is covered by the general permit. Registration
226 shall be on a form prescribed by the commissioner.

227 [(2) Notwithstanding any provisions of this section, or any
228 regulations adopted thereunder, or of chapter 54, the following
229 procedures shall apply to the issuance, renewal, modification,
230 revocation or suspension of a general permit. (A) A general permit
231 shall be issued for a term specified by the permit and shall clearly
232 define the activity covered thereby and may include such conditions
233 and requirements as the commissioner deems appropriate, including
234 but not limited to, operation and maintenance requirements,
235 management practices, and reporting requirements; (B) the
236 commissioner shall publish notice of intent to issue a general permit in
237 a newspaper having a substantial circulation in the affected area; (C)
238 there shall be a comment period of thirty days following publication of
239 such notice during which interested persons may submit written
240 comments to the commissioner; and (D) the commissioner shall
241 publish notice of the issuance or decision not to issue a general permit
242 in a newspaper having substantial circulation in the affected area. The
243 commissioner may revoke, suspend or modify a general permit in
244 accordance with the notice and comment procedures for issuance of a
245 general permit specified in this subsection. Any person may request
246 that the commissioner issue, modify, suspend or revoke a general

247 permit in accordance with this subsection.]

248 [(3)] (2) Subsequent to the issuance of a general permit, the
249 commissioner may require a person or municipality whose activity is
250 or may be covered by the general permit to apply for and obtain an
251 individual permit pursuant to subsections (a), (b), (c) and (d) of this
252 section if he determines that an individual permit would better protect
253 the land, air and waters of the state from pollution. The commissioner
254 may require an individual permit under this subdivision in cases
255 including, but not limited to the following: (A) When the owner or
256 operator is not in compliance with the conditions of the general permit;
257 (B) when a change has occurred in the availability of demonstrated
258 technology or practices for the control or abatement of pollution
259 applicable to the activity; (C) when circumstances have changed since
260 the time of the issuance of the general permit so that the activity is no
261 longer appropriately controlled under the general permit, or either a
262 temporary or permanent reduction or elimination of the authorized
263 activity is necessary; or (D) when a relevant change has occurred in the
264 applicability of the federal Resource Conservation and Recovery Act.
265 In making the determination to require an individual permit, the
266 commissioner may consider the location, character and size of the
267 activity, and any other relevant factors. The commissioner may require
268 an individual permit under this subdivision only if the affected person
269 or municipality covered by the general permit has been notified in
270 writing that a permit application is required. This notice shall include a
271 brief statement of the reasons for this decision, an application form, a
272 statement setting a time for the person or municipality to file the
273 application, and a statement that on the effective date of the individual
274 permit the general permit as it applies to the individual permittee shall
275 automatically terminate. The commissioner may grant an extension of
276 time upon the request of the applicant. The applicant shall use his best
277 efforts to obtain the individual permit. Any interested person or
278 municipality may petition the commissioner to take action under this
279 subdivision.

280 [(4)] (3) The commissioner [may] shall adopt regulations, in
281 accordance with the provisions of chapter 54, to carry out the purposes
282 of this subsection, which shall include the standards for the issuance of
283 general permits.

284 Sec. 4. Section 22a-349a of the general statutes is repealed and the
285 following is substituted in lieu thereof (*Effective October 1, 2010*):

286 (a) The Commissioner of Environmental Protection may issue a
287 permit for any minor activity regulated under sections 22a-342 to 22a-
288 349, inclusive, except for any activity covered by an individual permit,
289 if the commissioner determines that such activity would cause
290 minimal environmental effects when conducted separately and would
291 cause only minimal cumulative environmental effects, and will not
292 cause any increase in flood heights or in the potential for flood damage
293 or flood hazards. Such activities may include routine minor
294 maintenance and routine minor repair of existing structures;
295 replacement of existing culverts; installation of water monitoring
296 equipment, including but not limited to staff gauges, water recording
297 and water quality testing devices; removal of unauthorized solid
298 waste; extension of existing culverts and stormwater outfall pipes;
299 construction of irrigation and utility lines; and safety improvements
300 with minimal environmental impacts within existing rights-of-way of
301 existing roadways. Any person, firm or corporation conducting an
302 activity for which a general permit has been issued shall not be
303 required to obtain an individual permit under any other provision of
304 said sections 22a-342 to 22a-349, inclusive, except as provided in
305 subsection [(c)] (b) of this section. A general permit shall clearly define
306 the activity covered thereby and may include such conditions and
307 requirements as the commissioner deems appropriate, including but
308 not limited to, management practices and verification and reporting
309 requirements. The general permit may require any person, firm or
310 corporation, conducting any activity under the general permit to
311 report, on a form prescribed by the commissioner, such activity to the
312 commissioner before it shall be covered by the general permit. The

313 commissioner shall prepare, and shall annually amend, a list of
314 holders of general permits under this section, which list shall be made
315 available to the public.

316 [(b) Notwithstanding any other procedures specified in said sections
317 22a-342 to 22a-349, inclusive, any regulations adopted thereunder, and
318 chapter 54, the commissioner may issue, revoke, suspend or modify a
319 general permit in accordance with the following procedures: (1) The
320 commissioner shall publish in a newspaper having a substantial
321 circulation in the affected area or areas notice of intent to issue a
322 general permit; (2) the commissioner shall allow a comment period of
323 thirty days following publication of such notice during which
324 interested persons may submit written comments concerning the
325 permit to the commissioner and the commissioner shall hold a public
326 hearing if, within said comment period, he receives a petition signed
327 by at least twenty-five persons; (3) the commissioner may not issue the
328 general permit until after the comment period; and (4) the
329 commissioner shall publish notice of any permit issued in a newspaper
330 having substantial circulation in the affected area or areas. Any person
331 may request that the commissioner issue, modify or revoke a general
332 permit in accordance with this subsection.]

333 [(c)] (b) Subsequent to the issuance of a general permit, the
334 commissioner may require any person, firm or corporation, to apply
335 for an individual permit under the provisions of said sections 22a-342
336 to 22a-349, inclusive, for all or any portion of the activities covered by
337 the general permit, if in the commissioner's judgment the purposes
338 and policies of such sections would be best served by requiring an
339 application for an individual permit. The commissioner may require
340 an individual permit under this subsection only if the affected person,
341 firm or corporation has been notified in writing that an individual
342 permit is required. The notice shall include a brief statement of the
343 reasons for the decision and a statement that upon the date of issuance
344 of such notice the general permit as it applies to the individual activity
345 will terminate.

346 [(d)] (c) Any general permit issued under subsection (a) of this
347 section may require that any person, firm or corporation intending to
348 conduct an activity covered by such general permit give written notice
349 of such intention to the inland wetlands agency, zoning commission,
350 planning commission or combined planning and zoning commission
351 and conservation commission of any municipality which will or may
352 be affected by such activity. The general permit shall specify the
353 information required to be contained in the notice.

354 [(e)] (d) The commissioner [may] shall adopt regulations in
355 accordance with the provisions of chapter 54 to carry out the purposes
356 of this section, which shall include standards for the issuance of
357 general permits.

358 Sec. 5. Section 22a-378a of the general statutes is repealed and the
359 following is substituted in lieu thereof (*Effective October 1, 2010*):

360 (a) The Commissioner of Environmental Protection may issue a
361 general permit for any minor activity regulated under sections 22a-365
362 to 22a-378, inclusive, except for any activity covered by an individual
363 permit, if the commissioner determines that such activity would cause
364 minimal environmental effects when conducted separately and would
365 cause only minimal cumulative environmental effects, and will have
366 no adverse effect on existing or potential uses of water for potable
367 water supplies, hydropower, flood management, water-based
368 recreation, industry or waste assimilation. Such activities may include
369 diversions which were eligible for registration under subsection (a) of
370 section 22a-368 but were not registered; backup wells, provided such
371 wells are not used to increase the quantity of water diverted from a
372 well-field permitted or registered under said section 22a-368;
373 transferring water from one distribution system or service area to
374 another distribution system or service area or the installation of the
375 capacity to transfer such water in anticipation of a water supply
376 emergency for public water supply; and collection and discharge of
377 runoff, including stormwater runoff and skimming of flood flows,

378 from a watershed area less than equal to one square mile. On or before
379 April 1, 1995, the commissioner shall issue a general permit for public
380 water systems, as defined in section 25-33d, in accordance with this
381 section and the regulations adopted pursuant to sections 22a-365 to
382 22a-378, inclusive, for diversions maintained by any entity which is
383 acquired by such systems which diversions were eligible for
384 registration under subsection (a) of section 22a-368 but were not
385 registered and for backup wells provided such wells are not used to
386 increase the quantity of water diverted from a well-field permitted or
387 registered under said section 22a-368. Any person or municipality
388 conducting an activity for which a general permit has been issued shall
389 not be required to obtain an individual permit under any other
390 provision of said sections 22a-365 to 22a-378, inclusive, except as
391 provided in subsection [(c)] (b) of this section. A general permit shall
392 clearly define the activity covered thereby and may include such
393 conditions and requirements as the commissioner deems appropriate,
394 including, but not limited to, management practices and verification
395 and reporting requirements. The general permit may require any
396 person or municipality conducting any activity under the general
397 permit to report, on a form prescribed by the commissioner, such
398 activity to the commissioner before it shall be covered by the general
399 permit. The commissioner shall prepare, and shall annually amend, a
400 list of holders of general permits under this section, which list shall be
401 made available to the public.

402 [(b) Notwithstanding any other procedures specified in said sections
403 22a-365 to 22a-378, inclusive, any regulations adopted thereunder, and
404 chapter 54, the following procedures shall apply to the issuance,
405 renewal, modification and revocation or suspension of a general
406 permit: (1) The commissioner shall publish in a newspaper having a
407 substantial circulation in the affected area or areas notice of intent to
408 issue a general permit; (2) the commissioner shall allow a comment
409 period of thirty days following publication of such notice during
410 which interested persons may submit written comments concerning
411 the permit to the commissioner and the commissioner shall hold a

412 public hearing if, within said comment period, he receives a petition
413 signed by at least twenty-five persons; (3) the commissioner may not
414 issue the general permit until after the comment period; and (4) the
415 commissioner shall publish notice of any issued permits in a
416 newspaper having substantial circulation in the affected area or areas.
417 Any person may request that the commissioner issue, modify or
418 revoke a general permit in accordance with this subsection.]

419 [(c)] (b) Subsequent to the issuance of a general permit, the
420 commissioner may require any person or municipality to apply for an
421 individual permit under the provisions of said sections 22a-365 to 22a-
422 378, inclusive, for all or any portion of the activities covered by the
423 general permit, if in the commissioner's judgment the purposes and
424 policies of said sections would be best served by requiring an
425 application for an individual permit. The commissioner may require
426 an individual permit under this subsection only if the affected person
427 or municipality has been notified in writing that an individual permit
428 is required. The notice shall include a brief statement of the reasons for
429 the decision and a statement that upon the date of issuance of such
430 notice the general permit as it applies to the individual activity will
431 terminate.

432 [(d)] (c) Any general permit issued under subsection (a) of this
433 section may require that any person or municipality intending to
434 conduct an activity covered by such general permit give written notice
435 of such intention to the inland wetlands agency, zoning commission,
436 planning commission or combined planning and zoning commission,
437 and conservation commission of any municipality which will or may
438 be affected by such activity. The general permit shall specify the
439 information which must be contained in the notice.

440 [(e)] (d) The commissioner [may] shall adopt regulations in
441 accordance with the provisions of chapter 54 to carry out the purposes
442 of this section, which shall include standards for the issuance of
443 general permits.

444 Sec. 6. Section 22a-411 of the general statutes is repealed and the
445 following is substituted in lieu thereof (*Effective October 1, 2010*):

446 (a) The commissioner may issue a general permit for any minor
447 activity regulated under sections 22a-401 to 22a-410, inclusive, except
448 for any activity covered by an individual permit, if the commissioner
449 determines that such activity would cause minimal environmental
450 effects when conducted separately and would cause only minimal
451 cumulative environmental effects. Such activities may include routine
452 maintenance and routine repair of any dam, dike, reservoir or other
453 similar structure. Any person conducting an activity for which a
454 general permit has been issued shall not be required to obtain an
455 individual permit under sections 22a-36 to 22a-45a, inclusive, or
456 section 22a-342, 22a-368 or 22a-403, except as provided in subsection
457 [(c)] (b) of this section. A general permit shall clearly define the activity
458 covered thereby and may include such conditions and requirements as
459 the commissioner deems appropriate, including, but not limited to,
460 management practices and verification and reporting requirements.
461 The general permit may require any person conducting any activity
462 under the general permit to report, on a form prescribed by the
463 commissioner, such activity to the commissioner before it shall be
464 covered by the general permit. The commissioner shall prepare, and
465 shall annually amend, a list of holders of general permits under this
466 section, which list shall be made available to the public.

467 [(b) Notwithstanding any other procedures specified in said sections
468 22a-401 to 22a-410, inclusive, any regulation adopted thereunder, and
469 chapter 54, the commissioner may issue, revoke, suspend or modify a
470 general permit in accordance with the following procedures: (1) The
471 commissioner shall publish in a newspaper having a substantial
472 circulation in the affected area or areas notice of intent to issue a
473 general permit; (2) the commissioner shall allow a comment period of
474 thirty days following publication of such notice during which
475 interested persons may submit written comments to the commissioner
476 and the commissioner shall hold a public hearing if, within said

477 comment period, he receives a petition signed by at least twenty-five
478 persons; (3) the commissioner may not issue the general permit until
479 after the comment period; and (4) the commissioner shall publish
480 notice of any issued permit in a newspaper having substantial
481 circulation in the affected area or areas. Any person may request that
482 the commissioner issue, modify or revoke a general permit in
483 accordance with the provisions of this subsection.]

484 [(c)] (b) Subsequent to the issuance of a general permit, the
485 commissioner may require any person to obtain an individual permit
486 under the provisions of said sections 22a-401 to 22a-410, inclusive, for
487 all or any portion of the activities covered by the general permit, if in
488 the commissioner's judgment the purposes and policies of said sections
489 would be best served by requiring an application for an individual
490 permit. The commissioner may require an individual permit under this
491 subsection only if the affected person has been notified in writing that
492 an individual permit is required. The notice shall include a brief
493 statement of the reasons for the decision and a statement that upon the
494 date of issuance of such notice the general permit as it applies to the
495 individual activity will terminate.

496 [(d)] (c) Any general permit issued under this section shall require
497 that any person intending to conduct an activity covered by such
498 general permit shall, at least sixty days before initiating such activity,
499 give written notice of such intention to the inland wetlands agency,
500 zoning commission, planning commission or combined planning and
501 zoning commission, and conservation commission of any municipality
502 which will or may be affected by such activity, and to the department
503 which shall make such notices available to the public. The general
504 permit shall specify the information which must be contained in the
505 notice. An inland wetlands agency, planning and zoning commission,
506 conservation commission or any person may submit written comments
507 to the commissioner concerning such activity no later than twenty-five
508 days before the date that the activity is proposed to begin.

509 [(e)] (d) The commissioner [may] shall adopt regulations in
510 accordance with the provisions of chapter 54 to carry out the purposes
511 of this section, which shall include standards for issuance of general
512 permits.

513 Sec. 7. Subsection (b) of section 22a-430b of the general statutes is
514 repealed and the following is substituted in lieu thereof (*Effective*
515 *October 1, 2010*):

516 (b) [Notwithstanding the provisions of chapter 54, a general permit
517 shall be issued, renewed, modified, revoked or suspended in
518 accordance with the standards and procedures specified for an
519 individual permit, in accordance with section 22a-430 and any
520 regulations adopted thereunder, except that (1) summary suspension
521 may be ordered in accordance with subsection (c) of section 4-182; (2)
522 any proposed or final general permit and notice thereof may address
523 persons or municipalities which are or may be covered by the general
524 permit as a group, describe the facilities which are or may be covered
525 by the general permit in general terms; and (3) upon issuance of a
526 proposed or final general permit, the commissioner shall publish
527 notice thereof in a newspaper of substantial circulation in the affected
528 area.] General permits shall be issued for a term specified by the
529 permit and such terms shall be consistent with the federal Water
530 Pollution Control Act and shall be subject to the provisions of section
531 22a-431. Such permits shall: (1) Describe the category of discharge
532 regulated by the general permit; (2) specify the manner, nature and
533 volume of discharge; (3) require proper operation and maintenance of
534 any pollution abatement facility required by such permit; and (4) be
535 subject to such other requirements and restriction as the commissioner
536 deems necessary to fully comply with the purposes of this chapter, the
537 federal Water Pollution Control Act and the federal Safe Drinking
538 Water Act. Any construction or modification of a pollution abatement
539 facility or disposal system which is undertaken pursuant to and in
540 accordance with a general permit shall not require submission of plans
541 and specifications to or approval by the commissioner, unless required

542 pursuant to the terms of the general permit.

543 Sec. 8. Subsection (e) of section 22a-454 of the 2010 supplement to
544 the general statutes is repealed and the following is substituted in lieu
545 thereof (*Effective October 1, 2010*):

546 (e) (1) The commissioner may issue a general permit for a category
547 of activities which require a permit under subsection (a) of this section
548 or license under subsection (b) of section 22a-449, except for an activity
549 for which an individual permit has already been obtained provided
550 the issuance of the general permit is not inconsistent with the
551 requirements of the federal Resource Conservation and Recovery Act.
552 Any person or municipality conducting an activity for which a general
553 permit has been issued shall not be required to obtain an individual
554 permit under subsection (a) of this section, except as provided in
555 subdivision [(3)] (2) of this subsection. The general permit may
556 regulate a category of activities which: (A) Involve the same or
557 substantially similar types of operations; (B) involve the collection,
558 storage, treatment or disposal of the same types of substances; (C)
559 require the same operating conditions or standards; and (D) require
560 the same or similar monitoring, and which in the opinion of the
561 commissioner are more appropriately controlled under a general
562 permit than under an individual permit. The general permit may
563 require any person or municipality proposing to conduct any activity
564 under the general permit to register such activity with the
565 commissioner before it is covered by the general permit. Registration
566 shall be on a form prescribed by the commissioner.

567 [(2) Notwithstanding any provisions of this section, or any
568 regulations adopted thereunder, or of chapter 54, the following
569 procedures shall apply to the issuance, renewal, modification,
570 revocation or suspension of a general permit: (A) A general permit
571 shall be issued for a term specified by the permit and shall clearly
572 define the activity covered thereby and may include such conditions
573 and requirements as the commissioner deems appropriate, including

574 but not limited to operation and maintenance requirements,
575 management practices, and reporting requirements; (B) the
576 commissioner shall publish notice of intent to issue a general permit in
577 a newspaper having a substantial circulation in the affected area; (C)
578 there shall be a comment period of thirty days following publication of
579 such notice during which interested persons may submit written
580 comments to the commissioner; (D) the commissioner shall publish
581 notice of the issuance or decision not to issue a general permit in a
582 newspaper having substantial circulation in the affected area. The
583 commissioner may revoke, suspend or modify a general permit in
584 accordance with the notice and comment procedures for issuance of a
585 general permit specified in this subsection. Any person may request
586 that the commissioner issue, modify, suspend or revoke a general
587 permit in accordance with this subsection; and (E) summary
588 suspension may be ordered in accordance with subsection (c) of
589 section 4-182.]

590 [(3)] (2) Subsequent to the issuance of a general permit, the
591 commissioner may require any person or municipality whose activity
592 is or may be covered by the general permit to apply for and obtain an
593 individual permit pursuant to subsection (a) of this section if he
594 determines that an individual permit would better protect the land, air
595 and waters of the state from pollution. The commissioner may require
596 an individual permit under this subdivision in cases including, but not
597 limited to the following: (A) When the owner or operator is not in
598 compliance with the conditions of the general permit; (B) when a
599 change has occurred in the availability of demonstrated technology or
600 practices for the control or abatement of pollution applicable to the
601 activity; (C) when circumstances have changed since the time of the
602 issuance of the general permit so that the activity is no longer
603 appropriately controlled under the general permit, or either a
604 temporary or permanent reduction or elimination of the authorized
605 activity is necessary; or (D) when a relevant change has occurred in the
606 applicability of the federal Resource Conservation and Recovery Act.
607 In making the determination to require an individual permit, the

608 commissioner may consider the location, character, and size of the
 609 activity, and any other relevant factors. The commissioner may require
 610 an individual permit under this subdivision only if the affected person
 611 or municipality covered by the general permit has been notified in
 612 writing that a permit application is required. This notice shall include a
 613 brief statement of the reasons for this decision, an application form, a
 614 statement setting a time for the person or municipality to file the
 615 application, and a statement that on the effective date of the individual
 616 permit the general permit as it applies to the individual permittee shall
 617 automatically terminate. The commissioner may grant an extension of
 618 time upon the request of the applicant. If the affected person or
 619 municipality does not submit a complete application for an individual
 620 permit within the time frame set forth in the commissioner's notice or
 621 as extended by the commissioner in writing, then the general permit as
 622 it applies to the affected person or municipality shall automatically
 623 terminate. The applicant shall use his best efforts to obtain the
 624 individual permit. Any interested person or municipality may petition
 625 the commissioner to take action under this subdivision.

626 [(4)] (3) The commissioner [may] shall adopt regulations, in
 627 accordance with the provisions of chapter 54 to carry out the purposes
 628 of this subsection, which shall include standards for the issuance of
 629 general permits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	22a-45a
Sec. 2	<i>October 1, 2010</i>	22a-174(k)
Sec. 3	<i>October 1, 2010</i>	22a-208a(i)
Sec. 4	<i>October 1, 2010</i>	22a-349a
Sec. 5	<i>October 1, 2010</i>	22a-378a
Sec. 6	<i>October 1, 2010</i>	22a-411
Sec. 7	<i>October 1, 2010</i>	22a-430b(b)
Sec. 8	<i>October 1, 2010</i>	22a-454(e)

Statement of Purpose:

To require that the Department of Environmental Protection follow the Uniform Administrative Procedures Act in creating requirements for their permitting process.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]