



General Assembly

Substitute Bill No. 453

February Session, 2010

* _____SB00453CE_____032310_____*

AN ACT CONCERNING THE STATE'S REGULATORY ENVIRONMENT.

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

1 Section 1. (*Effective from passage*) The Legislative Program Review
2 and Investigations Committee shall conduct a study to examine the
3 state's regulatory environment and its impact on businesses. On or
4 before February 1, 2012, the Legislative Program Review and
5 Investigations Committee shall report its findings and
6 recommendations.

7 Sec. 2. (NEW) (*Effective October 1, 2010*) The Departments of
8 Environmental Protection, Public Health, Transportation and
9 Economic and Community Development shall establish, within
10 available appropriations, an on-line application system to, (1) expedite
11 the licensing, permitting or approval of regulated activities, including,
12 but not limited to, identifying the specific application requirements to
13 make an application complete or acceptable for filing, (2) allow for the
14 on-line filing of applications for licenses, permits or approvals from
15 each agency, and (3) track the progress of an agency's review of such
16 license, permit or approval applications.

17 Sec. 3. (*Effective October 1, 2010*) Not later than January 1, 2011, the
18 Commissioner of Environmental Protection shall submit a plan to the
19 joint standing committees of the General Assembly having cognizance
20 of matters relating to the environment and commerce, establishing a

21 pilot expedited permitting process applicable to a program
22 administered by the commissioner that affects at least two hundred
23 fifty manufacturing or other industrial facilities. Such plan shall: (1)
24 Impose a limited time period for a decision by the commissioner on a
25 permit application; (2) provide that, upon expiration of such time
26 period, a permit application shall be deemed approved unless the
27 commissioner, prior to such expiration, has approved the application,
28 denied the application for good cause shown or extended such time
29 period; (3) include standards upon which a denial for good cause may
30 be based; and (4) list permissible reasons for the commissioner to
31 extend the time period, with a limit on the number of such extensions
32 that may be exercised.

33 Sec. 4. (NEW) (*Effective from passage*) Not later than October 1, 2010,
34 the Commissioner of Environmental Protection shall reallocate existing
35 resources and adjust existing policies to provide compliance assistance
36 to regulated entities substantially similar to the consulting services
37 program administered by the Labor Department's Division of
38 Occupational Safety and Health, whereby penalties and citations are
39 not issued as a result of the consultation process, provided (1) such
40 entity can demonstrate effort in complying with environmental law
41 and regulations, and (2) instances of noncompliance identified by the
42 commissioner during the consulting process have not directly and
43 measurably posed a threat to human health or the environment.

44 Sec. 5. Subdivision (13) of section 4-166 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective from*
46 *passage*):

47 (13) "Regulation" means each agency statement of general
48 applicability, without regard to its designation, that implements,
49 interprets, or prescribes law, [or] policy or standards for issuance of
50 general permits, or describes the organization, procedure, or practice
51 requirements of any agency. The term includes the amendment or
52 repeal of a prior regulation, but does not include (A) statements
53 concerning only the internal management of any agency and not

54 affecting private rights or procedures available to the public, (B)
55 declaratory rulings issued pursuant to section 4-176₂ or (C) intra-
56 agency or interagency memoranda;

57 Sec. 6. Subsection (b) of section 4-168a of the 2010 supplement to the
58 general statutes is repealed and the following is substituted in lieu
59 thereof (*Effective October 1, 2010*):

60 (b) For purposes of this subsection, "minor or less complex
61 activities" means activities that do not require a high level of
62 government oversight, but that may be included unnecessarily in the
63 requirements imposed by a regulation aimed at a larger and more
64 complex activity and necessary for the public health and safety. Prior
65 to the adoption of any proposed regulation, each agency shall prepare
66 a regulatory flexibility analysis in which the agency shall [consider
67 utilizing] utilize regulatory methods that will accomplish the
68 objectives of applicable statutes while minimizing adverse impact on
69 small businesses or on minor or less complex activities. Such
70 regulatory methods shall be consistent with public health [,] and
71 safety. [and welfare.] The agency shall [consider] use, without
72 limitation, [each] as many of the following methods of reducing the
73 impact of the proposed regulation on small businesses or on minor or
74 less complex regulated activities:

75 (1) The establishment of less stringent compliance or reporting
76 requirements; [for small businesses;]

77 (2) The establishment of less stringent schedules or deadlines for
78 compliance or reporting requirements; [for small businesses;]

79 (3) The consolidation or simplification of compliance or reporting
80 requirements; [for small businesses;]

81 (4) The establishment of performance standards for small businesses
82 to replace design or operational standards required in the proposed
83 regulation; and

84 (5) The exemption of small businesses or minor or less complex
85 regulated activities from all or any part of the requirements contained
86 in the proposed regulation.

87 Sec. 7. Subsection (b) of section 4-170 of the 2010 supplement to the
88 general statutes is repealed and the following is substituted in lieu
89 thereof (*Effective October 1, 2010, and applicable to proposed regulations*
90 *submitted to the standing legislative regulation review committee on or after*
91 *said date*):

92 (b) (1) No adoption, amendment or repeal of any regulation, except
93 a regulation issued pursuant to subsection (f) of section 4-168, shall be
94 effective until (A) the original of the proposed regulation approved by
95 the Attorney General, as provided in section 4-169, the regulatory
96 flexibility [analyses] analysis as provided in section 4-168a, as
97 amended by this act, and eighteen copies thereof are submitted to the
98 standing legislative regulation review committee at the designated
99 office of the committee, in a manner designated by the committee, by
100 the agency proposing the regulation, (B) the regulation is approved by
101 the committee, at a regular meeting or a special meeting called for the
102 purpose, and (C) the regulation is filed in the office of the Secretary of
103 the State by the agency, as provided in section 4-172. (2) The date of
104 submission for purposes of subsection (c) of this section shall be the
105 first Tuesday of each month. Any regulation received by the committee
106 on or before the first Tuesday of a month shall be deemed to have been
107 submitted on the first Tuesday of that month. Any regulation
108 submitted after the first Tuesday of a month shall be deemed to be
109 submitted on the first Tuesday of the next succeeding month. (3) The
110 form of proposed regulations which are submitted to the committee
111 shall be as follows: New language added to an existing regulation shall
112 be in capital letters or underlining, as determined by the committee;
113 language to be deleted shall be enclosed in brackets and a new
114 regulation or new section of a regulation shall be preceded by the
115 word "(NEW)" in capital letters. Each proposed regulation shall have a
116 statement of its purpose following the final section of the regulation.
117 (4) The committee may permit any proposed regulation, including, but

118 not limited to, a proposed regulation which by reference incorporates
119 in whole or in part, any other code, rule, regulation, standard or
120 specification, to be submitted in summary form together with a
121 statement of purpose for the proposed regulation. On and after
122 October 1, 1994, if the committee finds that a federal statute requires,
123 as a condition of the state exercising regulatory authority, that a
124 Connecticut regulation at all times must be identical to a federal statute
125 or regulation, then the committee may approve a Connecticut
126 regulation that by reference specifically incorporates future
127 amendments to such federal statute or regulation provided the agency
128 that proposed the Connecticut regulation shall submit for approval
129 amendments to such Connecticut regulations to the committee not
130 later than thirty days after the effective date of such amendment, and
131 provided further the committee may hold a public hearing on such
132 Connecticut amendments. (5) If the proposed regulation would impose
133 more stringent regulatory requirements than provided under federal
134 regulations on the same subject, the agency shall append to the
135 regulation a notice (A) that such regulatory requirements are more
136 stringent, and (B) summarizing the differences between the proposed
137 regulation and such federal regulations. (6) The agency shall append to
138 the proposed regulation a copy of the fiscal note, prepared pursuant to
139 subsection (a) of section 4-168, to each copy of the proposed regulation.
140 At the time of submission to the committee, the agency shall mail or
141 submit a copy of the proposed regulation and the fiscal note to (A) the
142 Office of Fiscal Analysis which, within seven days of receipt, shall
143 submit an analysis of the fiscal note to the committee; and (B) each
144 joint standing committee of the General Assembly having cognizance
145 of the subject matter of the proposed regulation. No regulation shall be
146 found invalid due to the failure of an agency to submit a copy of the
147 proposed regulation and the fiscal note to each committee of
148 cognizance, provided such regulation and fiscal note has been
149 submitted to one such committee.

150 Sec. 8. Subdivision (2) of subsection (j) of section 22a-430 of the
151 general statutes is repealed and the following is substituted in lieu

152 thereof (*Effective October 1, 2010*):

153 (2) The commissioner [may] shall adopt regulations, in accordance
154 with the provisions of chapter 54, to establish other categories of
155 discharges which may be exempted from the requirement to submit
156 plans and specifications under subsection (b) of this section. Such
157 regulations [may] shall include, but not be limited to, the following:
158 (A) Minimum standards for the design and operation of treatment
159 systems for such discharges; and (B) requirements for submission of
160 information concerning such discharges.

161 Sec. 9. Section 22a-45a of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2010*):

163 (a) The Commissioner of Environmental Protection may issue a
164 general permit for any minor activity regulated under sections 22a-36
165 to 22a-45, inclusive, except for any activity covered by an individual
166 permit, when such activity is conducted by any department, agency or
167 instrumentality of the state, other than a regional or local board of
168 education, if the commissioner determines that such activity would
169 cause minimal environmental effects when conducted separately and
170 would cause only minimal cumulative environmental effects. Such
171 activities may include routine minor maintenance and routine minor
172 repair of existing structures; replacement of existing culverts;
173 installation of water monitoring equipment, including but not limited
174 to staff gauges, water recording and water quality testing devices;
175 survey activities, including excavation of test pits and core sampling;
176 maintenance of existing roadway sight lines; removal of sedimentation
177 and unauthorized solid waste by hand or suction equipment;
178 placement of erosion and sedimentation controls; extension of existing
179 culverts and stormwater outfall pipes; and safety improvements with
180 minimal environmental impacts within existing rights-of-way of
181 existing roadways. Any state department, agency or instrumentality of
182 the state, other than a regional or local board of education conducting
183 an activity for which a general permit has been issued shall not be
184 required to obtain an individual permit under any other provision of

185 said sections 22a-36 to 22a-45, inclusive, except as provided in
186 subsection [(c)] (b) of this section. A general permit shall clearly define
187 the activity covered thereby and may include such conditions and
188 requirements as the commissioner deems appropriate, including, but
189 not limited to, management practices and verification and reporting
190 requirements. The general permit may require any state department,
191 agency or instrumentality of the state, other than a regional or local
192 board of education, conducting any activity under the general permit
193 to report, on a form prescribed by the commissioner, such activity to
194 the commissioner before it shall be covered by the general permit. The
195 commissioner shall prepare, and shall annually amend, a list of
196 holders of general permits under this section, which list shall be made
197 available to the public.

198 [(b) Notwithstanding any other procedures in said sections 22a-36 to
199 22a-45, inclusive, any regulations adopted thereunder, and chapter 54,
200 the commissioner may issue, revoke, suspend or modify a general
201 permit in accordance with the following procedures: (1) The
202 commissioner shall publish in a newspaper having a substantial
203 circulation in the affected area or areas notice of intent to issue a
204 general permit; (2) the commissioner shall allow a comment period of
205 thirty days following publication of such notice during which
206 interested persons may submit written comments concerning the
207 permit to the commissioner and the commissioner shall hold a public
208 hearing if, within said comment period, he receives a petition signed
209 by at least twenty-five persons; (3) the commissioner may not issue the
210 general permit until after the comment period; and (4) the
211 commissioner shall publish notice of any permit issued in a newspaper
212 having substantial circulation in the affected area or areas. Any person
213 may request that the commissioner issue, modify or revoke a general
214 permit in accordance with this subsection.]

215 [(c)] (b) Subsequent to the issuance of a general permit, the
216 commissioner may require any state department, agency or
217 instrumentality, other than a regional or local board of education, to
218 apply for an individual permit under the provisions of said sections

219 22a-36 to 22a-45, inclusive, for all or any portion of the activities
220 covered by the general permit, if in the commissioner's judgment the
221 purposes and policies of such sections would be best served by
222 requiring an application for an individual permit. The commissioner
223 may require an individual permit under this subsection only if the
224 affected state department, agency or instrumentality has been notified
225 in writing that an individual permit is required. The notice shall
226 include a brief statement of the reasons for the decision and a
227 statement that upon the date of issuance of such notice the general
228 permit as it applies to the individual activity will terminate.

229 [(d)] (c) Any general permit issued under this section shall require
230 that any state agency, department or instrumentality other than a
231 regional or local board of education, intending to conduct an activity
232 covered by such general permit shall, at least sixty days before
233 initiating such activity, give written notice of such intention to the
234 inland wetlands agency, zoning commission, planning commission or
235 combined planning and zoning commission and conservation
236 commission of any municipality which will or may be affected by such
237 activity and to the department which shall make such notices available
238 to the public. The general permit shall specify the information which
239 must be contained in the notice. An inland wetlands agency, planning
240 and zoning commission, conservation commission or any person may
241 submit written comments to the commissioner concerning such
242 activity not later than twenty-five days prior to the date that the
243 activity is proposed to begin.

244 [(e)] (d) The commissioner [may] shall adopt regulations in
245 accordance with the provisions of chapter 54 to carry out the purposes
246 of this section, which shall include standards and procedures for
247 issuance of general permits.

248 Sec. 10. Subsection (k) of section 22a-174 of the 2010 supplement to
249 the general statutes is repealed and the following is substituted in lieu
250 thereof (*Effective October 1, 2010*):

251 (k) (1) The commissioner may issue a general permit with respect to
252 a category of new or existing stationary air pollution sources, except
253 with respect to a source which is already covered by an individual
254 permit, provided the general permit is not inconsistent with the federal
255 Clean Air Act, as amended in 1990, 42 USC, Sections 7401 et seq., and
256 as it may be further amended from time to time. Any person
257 conducting an activity for which a general permit has been issued shall
258 not be required to obtain an individual permit under this section,
259 except as provided in subdivision [(5)] (4) of this subsection. The
260 general permit may regulate a category of sources which, whether or
261 not requiring a permit under the federal Clean Air Act, (A) involve the
262 same or substantially similar types of operations or substances, (B)
263 require the same types of pollution control equipment or other
264 operating conditions, standards or limitations, and (C) require the
265 same or similar monitoring, and which, in the opinion of the
266 commissioner, are more appropriately controlled under a general
267 permit than under an individual permit. The general permit may
268 require that any person proposing to conduct any activity under the
269 general permit register such activity, including obtaining approval
270 from the commissioner, before the general permit becomes effective as
271 to such activity, and may include such other conditions as the
272 commissioner deems appropriate, including, but not limited to,
273 management practices and verification and reporting requirements.
274 Any such reports shall be made available to the public by the
275 commissioner. The commissioner shall grant an application for
276 approval under a general permit without repeating the notice and
277 comment procedures provided under subdivision (2) of this
278 subsection, and such a grant shall not be subject to judicial review
279 under subdivision [(4)] (3) of this subsection. Registrations and
280 applications for approval under the general permit shall be submitted
281 on forms prescribed by the commissioner; application forms
282 concerning activities regulated under the federal Clean Air Act shall
283 require that the applicant provide such information as may be required
284 by that act. The commissioner shall prepare, and annually amend, a list
285 of holders of general permits under this section, which list shall be

286 made available to the public.

287 [(2) Notwithstanding any other procedures in this chapter, any
288 regulations adopted thereunder, and chapter 54, the commissioner
289 may issue a general permit in accordance with the following
290 procedures: (A) The commissioner shall publish in a newspaper,
291 having a substantial circulation in the affected area or areas, notice of
292 (i) intent to issue a general permit, (ii) the right to inspect the proposed
293 general permit, (iii) the opportunity to submit written comments
294 thereon, and (iv) the right to a public hearing if, within the comment
295 period, the commissioner receives a petition signed by at least twenty-
296 five persons provided the notice shall state that the right to a public
297 hearing may be exercised upon request of any person if the permit
298 regulates an activity which is subject to provisions of the federal Clean
299 Air Act; (B) the administrator of the United States Environmental
300 Protection Agency and any states affected by the general permit shall
301 be given notice as may be required by the federal Clean Air Act; (C)
302 the commissioner shall allow a comment period of thirty days
303 following publication of notice under subparagraph (A) of this
304 subdivision during which interested persons may submit written
305 comments concerning the permit to the commissioner; (D) the
306 commissioner shall not issue the general permit until after the
307 comment period and the public hearing, if one is held; (E) the
308 commissioner shall publish notice of any general permit issued in a
309 newspaper having a substantial circulation in the affected area or
310 areas; and (F) summary suspension may be ordered in accordance with
311 subsection (c) of section 4-182. Any person may request that the
312 commissioner issue, modify, revoke or suspend a general permit in
313 accordance with this subsection.]

314 [(3)] (2) Any general permit under this subsection shall be issued for
315 a fixed term. A general permit covering an activity regulated under the
316 federal Clean Air Act shall be issued for a term of no more than five
317 years. A general permit covering an activity regulated under the
318 federal Clean Air Act shall contain such additional conditions as may
319 be required by [that] said act.

320 [(4)] (3) Notwithstanding any other provision of this chapter and
321 chapter 54, with respect to a general permit concerning activities
322 regulated under the federal Clean Air Act, any person who submitted
323 timely comments thereon may appeal the issuance of such permit to
324 the superior court in accordance with the provisions of section 4-183.
325 Such appeal shall have precedence in the order of trial as provided in
326 section 52-192.

327 [(5)] (4) Subsequent to the issuance of a general permit, the
328 commissioner may require a person whose activity is or may be
329 covered by the general permit to apply for and obtain an individual
330 permit pursuant to this chapter if he determines that an individual
331 permit would better protect the land, air and waters of the state from
332 pollution. The commissioner may require an individual permit under
333 this subdivision in cases including, but not limited to, the following:
334 (A) The permittee is not in compliance with the conditions of the
335 general permit; (B) a change has occurred in the availability of
336 demonstrated technology or practices for the control or abatement of
337 pollution applicable to the permitted activity; (C) circumstances have
338 changed since the time the general permit was issued so that the
339 permitted activity is no longer appropriately controlled under the
340 general permit, or a temporary or permanent reduction or elimination
341 of the permitted activity is necessary; or (D) a relevant change has
342 occurred in the applicability of the federal Clean Air Act. In making
343 the determination to require an individual permit, the commissioner
344 may consider the location, character and size of the source and any
345 other relevant factors. The commissioner may require an individual
346 permit under this subdivision only if the person whose activity is
347 covered by the general permit has been notified in writing that an
348 individual permit is required. The notice shall include a brief statement
349 of the reasons for requiring an individual permit, an application form,
350 a statement setting a time for the person to file the application and a
351 statement that the general permit as it applies to such person shall
352 automatically terminate on the effective date of the individual permit.
353 Such person shall forthwith apply for, and use best efforts to obtain,

354 the individual permit. Any person may petition the commissioner to
355 take action under this subdivision.

356 ~~[(6)]~~ (5) The commissioner [may] shall adopt regulations, in
357 accordance with the provisions of chapter 54, to carry out the purposes
358 of this subsection, which shall include standards and procedures for
359 the issuance of general permits.

360 Sec. 11. Subsection (i) of section 22a-208a of the general statutes is
361 repealed and the following is substituted in lieu thereof (*Effective*
362 *October 1, 2010*):

363 (i) (1) The commissioner may issue a general permit for a category
364 of activities which require a permit under this section, except for an
365 activity which is already covered by an individual permit, provided
366 the issuance of the permit is not inconsistent with the requirements of
367 the federal Resource Conservation and Recovery Act. The
368 commissioner's authority to issue a general permit for certain
369 categories of solid waste facilities shall not include the authority to
370 issue a general permit for resources recovery facilities, biomedical
371 waste facilities, solid waste disposal areas or municipal solid waste
372 composting facilities. Any person or municipality conducting an
373 activity for which a general permit has been issued shall not be
374 required to obtain an individual permit under this section, except as
375 provided in subdivision ~~[(3)]~~ (2) of this subsection. The general permit
376 may regulate a category of activities which (A) involve the same or
377 substantially similar types of operations, (B) involve the transfer,
378 storage, processing or disposal of the same types of substances, (C)
379 require the same operating conditions or standards, and (D) require
380 the same or similar monitoring, and which in the opinion of the
381 commissioner are more appropriately controlled under a general
382 permit than under an individual permit. The general permit may
383 require any person or municipality proposing to conduct any activity
384 under the general permit to register such activity with the
385 commissioner before it is covered by the general permit. Registration
386 shall be on a form prescribed by the commissioner.

387 [(2) Notwithstanding any provisions of this section, or any
388 regulations adopted thereunder, or of chapter 54, the following
389 procedures shall apply to the issuance, renewal, modification,
390 revocation or suspension of a general permit. (A) A general permit
391 shall be issued for a term specified by the permit and shall clearly
392 define the activity covered thereby and may include such conditions
393 and requirements as the commissioner deems appropriate, including
394 but not limited to, operation and maintenance requirements,
395 management practices, and reporting requirements; (B) the
396 commissioner shall publish notice of intent to issue a general permit in
397 a newspaper having a substantial circulation in the affected area; (C)
398 there shall be a comment period of thirty days following publication of
399 such notice during which interested persons may submit written
400 comments to the commissioner; and (D) the commissioner shall
401 publish notice of the issuance or decision not to issue a general permit
402 in a newspaper having substantial circulation in the affected area. The
403 commissioner may revoke, suspend or modify a general permit in
404 accordance with the notice and comment procedures for issuance of a
405 general permit specified in this subsection. Any person may request
406 that the commissioner issue, modify, suspend or revoke a general
407 permit in accordance with this subsection.]

408 [(3)] (2) Subsequent to the issuance of a general permit, the
409 commissioner may require a person or municipality whose activity is
410 or may be covered by the general permit to apply for and obtain an
411 individual permit pursuant to subsections (a), (b), (c) and (d) of this
412 section if he determines that an individual permit would better protect
413 the land, air and waters of the state from pollution. The commissioner
414 may require an individual permit under this subdivision in cases
415 including, but not limited to the following: (A) When the owner or
416 operator is not in compliance with the conditions of the general permit;
417 (B) when a change has occurred in the availability of demonstrated
418 technology or practices for the control or abatement of pollution
419 applicable to the activity; (C) when circumstances have changed since
420 the time of the issuance of the general permit so that the activity is no

421 longer appropriately controlled under the general permit, or either a
422 temporary or permanent reduction or elimination of the authorized
423 activity is necessary; or (D) when a relevant change has occurred in the
424 applicability of the federal Resource Conservation and Recovery Act.
425 In making the determination to require an individual permit, the
426 commissioner may consider the location, character and size of the
427 activity, and any other relevant factors. The commissioner may require
428 an individual permit under this subdivision only if the affected person
429 or municipality covered by the general permit has been notified in
430 writing that a permit application is required. This notice shall include a
431 brief statement of the reasons for this decision, an application form, a
432 statement setting a time for the person or municipality to file the
433 application, and a statement that on the effective date of the individual
434 permit the general permit as it applies to the individual permittee shall
435 automatically terminate. The commissioner may grant an extension of
436 time upon the request of the applicant. The applicant shall use his best
437 efforts to obtain the individual permit. Any interested person or
438 municipality may petition the commissioner to take action under this
439 subdivision.

440 [(4)] (3) The commissioner [may] shall adopt regulations, in
441 accordance with the provisions of chapter 54, to carry out the purposes
442 of this subsection, which shall include the standards and procedures
443 for the issuance of general permits.

444 Sec. 12. Section 22a-349a of the general statutes is repealed and the
445 following is substituted in lieu thereof (*Effective October 1, 2010*):

446 (a) The Commissioner of Environmental Protection may issue a
447 permit for any minor activity regulated under sections 22a-342 to 22a-
448 349, inclusive, except for any activity covered by an individual permit,
449 if the commissioner determines that such activity would cause
450 minimal environmental effects when conducted separately and would
451 cause only minimal cumulative environmental effects, and will not
452 cause any increase in flood heights or in the potential for flood damage
453 or flood hazards. Such activities may include routine minor

454 maintenance and routine minor repair of existing structures;
455 replacement of existing culverts; installation of water monitoring
456 equipment, including but not limited to staff gauges, water recording
457 and water quality testing devices; removal of unauthorized solid
458 waste; extension of existing culverts and stormwater outfall pipes;
459 construction of irrigation and utility lines; and safety improvements
460 with minimal environmental impacts within existing rights-of-way of
461 existing roadways. Any person, firm or corporation conducting an
462 activity for which a general permit has been issued shall not be
463 required to obtain an individual permit under any other provision of
464 said sections 22a-342 to 22a-349, inclusive, except as provided in
465 subsection [(c)] (b) of this section. A general permit shall clearly define
466 the activity covered thereby and may include such conditions and
467 requirements as the commissioner deems appropriate, including but
468 not limited to, management practices and verification and reporting
469 requirements. The general permit may require any person, firm or
470 corporation, conducting any activity under the general permit to
471 report, on a form prescribed by the commissioner, such activity to the
472 commissioner before it shall be covered by the general permit. The
473 commissioner shall prepare, and shall annually amend, a list of
474 holders of general permits under this section, which list shall be made
475 available to the public.

476 [(b) Notwithstanding any other procedures specified in said sections
477 22a-342 to 22a-349, inclusive, any regulations adopted thereunder, and
478 chapter 54, the commissioner may issue, revoke, suspend or modify a
479 general permit in accordance with the following procedures: (1) The
480 commissioner shall publish in a newspaper having a substantial
481 circulation in the affected area or areas notice of intent to issue a
482 general permit; (2) the commissioner shall allow a comment period of
483 thirty days following publication of such notice during which
484 interested persons may submit written comments concerning the
485 permit to the commissioner and the commissioner shall hold a public
486 hearing if, within said comment period, he receives a petition signed
487 by at least twenty-five persons; (3) the commissioner may not issue the

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

493 [(c)] (b) Subsequent to the issuance of a general permit, the
494 commissioner may require any person, firm or corporation, to apply
495 for an individual permit under the provisions of said sections 22a-342
496 to 22a-349, inclusive, for all or any portion of the activities covered by
497 the general permit, if in the commissioner's judgment the purposes
498 and policies of such sections would be best served by requiring an
499 application for an individual permit. The commissioner may require
500 an individual permit under this subsection only if the affected person,
501 firm or corporation has been notified in writing that an individual
502 permit is required. The notice shall include a brief statement of the
503 reasons for the decision and a statement that upon the date of issuance
504 of such notice the general permit as it applies to the individual activity
505 will terminate.

506 [(d)] (c) Any general permit issued under subsection (a) of this
507 section may require that any person, firm or corporation intending to
508 conduct an activity covered by such general permit give written notice
509 of such intention to the inland wetlands agency, zoning commission,
510 planning commission or combined planning and zoning commission
511 and conservation commission of any municipality which will or may
512 be affected by such activity. The general permit shall specify the
513 information required to be contained in the notice.

514 [(e)] (d) The commissioner [may] shall adopt regulations in
515 accordance with the provisions of chapter 54 to carry out the purposes
516 of this section, which shall include standards and procedures for the
517 issuance of general permits.

518 Sec. 13. Section 22a-378a of the general statutes is repealed and the
519 following is substituted in lieu thereof (*Effective October 1, 2010*):

520 (a) The Commissioner of Environmental Protection may issue a
521 general permit for any minor activity regulated under sections 22a-365
522 to 22a-378, inclusive, except for any activity covered by an individual
523 permit, if the commissioner determines that such activity would cause
524 minimal environmental effects when conducted separately and would
525 cause only minimal cumulative environmental effects, and will have
526 no adverse effect on existing or potential uses of water for potable
527 water supplies, hydropower, flood management, water-based
528 recreation, industry or waste assimilation. Such activities may include
529 diversions which were eligible for registration under subsection (a) of
530 section 22a-368 but were not registered; backup wells, provided such
531 wells are not used to increase the quantity of water diverted from a
532 well-field permitted or registered under said section 22a-368;
533 transferring water from one distribution system or service area to
534 another distribution system or service area or the installation of the
535 capacity to transfer such water in anticipation of a water supply
536 emergency for public water supply; and collection and discharge of
537 runoff, including stormwater runoff and skimming of flood flows,
538 from a watershed area less than equal to one square mile. On or before
539 April 1, 1995, the commissioner shall issue a general permit for public
540 water systems, as defined in section 25-33d, in accordance with this
541 section and the regulations adopted pursuant to sections 22a-365 to
542 22a-378, inclusive, for diversions maintained by any entity which is
543 acquired by such systems which diversions were eligible for
544 registration under subsection (a) of section 22a-368 but were not
545 registered and for backup wells provided such wells are not used to
546 increase the quantity of water diverted from a well-field permitted or
547 registered under said section 22a-368. Any person or municipality
548 conducting an activity for which a general permit has been issued shall
549 not be required to obtain an individual permit under any other
550 provision of said sections 22a-365 to 22a-378, inclusive, except as
551 provided in subsection [(c)] (b) of this section. A general permit shall
552 clearly define the activity covered thereby and may include such
553 conditions and requirements as the commissioner deems appropriate,
554 including, but not limited to, management practices and verification

555 and reporting requirements. The general permit may require any
556 person or municipality conducting any activity under the general
557 permit to report, on a form prescribed by the commissioner, such
558 activity to the commissioner before it shall be covered by the general
559 permit. The commissioner shall prepare, and shall annually amend, a
560 list of holders of general permits under this section, which list shall be
561 made available to the public.

562 [(b) Notwithstanding any other procedures specified in said sections
563 22a-365 to 22a-378, inclusive, any regulations adopted thereunder, and
564 chapter 54, the following procedures shall apply to the issuance,
565 renewal, modification and revocation or suspension of a general
566 permit: (1) The commissioner shall publish in a newspaper having a
567 substantial circulation in the affected area or areas notice of intent to
568 issue a general permit; (2) the commissioner shall allow a comment
569 period of thirty days following publication of such notice during
570 which interested persons may submit written comments concerning
571 the permit to the commissioner and the commissioner shall hold a
572 public hearing if, within said comment period, he receives a petition
573 signed by at least twenty-five persons; (3) the commissioner may not
574 issue the general permit until after the comment period; and (4) the
575 commissioner shall publish notice of any issued permits in a
576 newspaper having substantial circulation in the affected area or areas.
577 Any person may request that the commissioner issue, modify or
578 revoke a general permit in accordance with this subsection.]

579 [(c)] (b) Subsequent to the issuance of a general permit, the
580 commissioner may require any person or municipality to apply for an
581 individual permit under the provisions of said sections 22a-365 to 22a-
582 378, inclusive, for all or any portion of the activities covered by the
583 general permit, if in the commissioner's judgment the purposes and
584 policies of said sections would be best served by requiring an
585 application for an individual permit. The commissioner may require
586 an individual permit under this subsection only if the affected person
587 or municipality has been notified in writing that an individual permit
588 is required. The notice shall include a brief statement of the reasons for

589 the decision and a statement that upon the date of issuance of such
590 notice the general permit as it applies to the individual activity will
591 terminate.

592 [(d)] (c) Any general permit issued under subsection (a) of this
593 section may require that any person or municipality intending to
594 conduct an activity covered by such general permit give written notice
595 of such intention to the inland wetlands agency, zoning commission,
596 planning commission or combined planning and zoning commission,
597 and conservation commission of any municipality which will or may
598 be affected by such activity. The general permit shall specify the
599 information which must be contained in the notice.

600 [(e)] (d) The commissioner [may] shall adopt regulations in
601 accordance with the provisions of chapter 54 to carry out the purposes
602 of this section, which shall include standards and procedures for the
603 issuance of general permits.

604 Sec. 14. Section 22a-411 of the general statutes is repealed and the
605 following is substituted in lieu thereof (*Effective October 1, 2010*):

606 (a) The commissioner may issue a general permit for any minor
607 activity regulated under sections 22a-401 to 22a-410, inclusive, except
608 for any activity covered by an individual permit, if the commissioner
609 determines that such activity would cause minimal environmental
610 effects when conducted separately and would cause only minimal
611 cumulative environmental effects. Such activities may include routine
612 maintenance and routine repair of any dam, dike, reservoir or other
613 similar structure. Any person conducting an activity for which a
614 general permit has been issued shall not be required to obtain an
615 individual permit under sections 22a-36 to 22a-45a, inclusive, as
616 amended by this act, or section 22a-342, 22a-368 or 22a-403, except as
617 provided in subsection [(c)] (b) of this section. A general permit shall
618 clearly define the activity covered thereby and may include such
619 conditions and requirements as the commissioner deems appropriate,
620 including, but not limited to, management practices and verification

621 and reporting requirements. The general permit may require any
622 person conducting any activity under the general permit to report, on
623 a form prescribed by the commissioner, such activity to the
624 commissioner before it shall be covered by the general permit. The
625 commissioner shall prepare, and shall annually amend, a list of
626 holders of general permits under this section, which list shall be made
627 available to the public.

628 [(b) Notwithstanding any other procedures specified in said sections
629 22a-401 to 22a-410, inclusive, any regulation adopted thereunder, and
630 chapter 54, the commissioner may issue, revoke, suspend or modify a
631 general permit in accordance with the following procedures: (1) The
632 commissioner shall publish in a newspaper having a substantial
633 circulation in the affected area or areas notice of intent to issue a
634 general permit; (2) the commissioner shall allow a comment period of
635 thirty days following publication of such notice during which
636 interested persons may submit written comments to the commissioner
637 and the commissioner shall hold a public hearing if, within said
638 comment period, he receives a petition signed by at least twenty-five
639 persons; (3) the commissioner may not issue the general permit until
640 after the comment period; and (4) the commissioner shall publish
641 notice of any issued permit in a newspaper having substantial
642 circulation in the affected area or areas. Any person may request that
643 the commissioner issue, modify or revoke a general permit in
644 accordance with the provisions of this subsection.]

645 [(c)] (b) Subsequent to the issuance of a general permit, the
646 commissioner may require any person to obtain an individual permit
647 under the provisions of said sections 22a-401 to 22a-410, inclusive, for
648 all or any portion of the activities covered by the general permit, if in
649 the commissioner's judgment the purposes and policies of said sections
650 would be best served by requiring an application for an individual
651 permit. The commissioner may require an individual permit under this
652 subsection only if the affected person has been notified in writing that
653 an individual permit is required. The notice shall include a brief
654 statement of the reasons for the decision and a statement that upon the

655 date of issuance of such notice the general permit as it applies to the
656 individual activity will terminate.

657 [(d)] (c) Any general permit issued under this section shall require
658 that any person intending to conduct an activity covered by such
659 general permit shall, at least sixty days before initiating such activity,
660 give written notice of such intention to the inland wetlands agency,
661 zoning commission, planning commission or combined planning and
662 zoning commission, and conservation commission of any municipality
663 which will or may be affected by such activity, and to the department
664 which shall make such notices available to the public. The general
665 permit shall specify the information which must be contained in the
666 notice. An inland wetlands agency, planning and zoning commission,
667 conservation commission or any person may submit written comments
668 to the commissioner concerning such activity no later than twenty-five
669 days before the date that the activity is proposed to begin.

670 [(e)] (d) The commissioner [may] shall adopt regulations in
671 accordance with the provisions of chapter 54 to carry out the purposes
672 of this section, which shall include standards and procedures for
673 issuance of general permits.

674 Sec. 15. Subsection (b) of section 22a-430b of the general statutes is
675 repealed and the following is substituted in lieu thereof (*Effective*
676 *October 1, 2010*):

677 (b) [Notwithstanding the provisions of chapter 54, a general permit
678 shall be issued, renewed, modified, revoked or suspended in
679 accordance with the standards and procedures specified for an
680 individual permit, in accordance with section 22a-430 and any
681 regulations adopted thereunder, except that (1) summary suspension
682 may be ordered in accordance with subsection (c) of section 4-182; (2)
683 any proposed or final general permit and notice thereof may address
684 persons or municipalities which are or may be covered by the general
685 permit as a group, describe the facilities which are or may be covered
686 by the general permit in general terms; and (3) upon issuance of a

687 proposed or final general permit, the commissioner shall publish
688 notice thereof in a newspaper of substantial circulation in the affected
689 area.] General permits shall be issued for a term specified by the
690 permit and such terms shall be consistent with the federal Water
691 Pollution Control Act and shall be subject to the provisions of section
692 22a-431. Such permits shall: (1) Describe the category of discharge
693 regulated by the general permit; (2) specify the manner, nature and
694 volume of discharge; (3) require proper operation and maintenance of
695 any pollution abatement facility required by such permit; and (4) be
696 subject to such other requirements and restriction as the commissioner
697 deems necessary to fully comply with the purposes of this chapter, the
698 federal Water Pollution Control Act and the federal Safe Drinking
699 Water Act. Any construction or modification of a pollution abatement
700 facility or disposal system which is undertaken pursuant to and in
701 accordance with a general permit shall not require submission of plans
702 and specifications to or approval by the commissioner, unless required
703 pursuant to the terms of the general permit.

704 Sec. 16. Subsection (e) of section 22a-454 of the 2010 supplement to
705 the general statutes is repealed and the following is substituted in lieu
706 thereof (*Effective October 1, 2010*):

707 (e) (1) The commissioner may issue a general permit for a category
708 of activities which require a permit under subsection (a) of this section
709 or license under subsection (b) of section 22a-449, except for an activity
710 for which an individual permit has already been obtained provided
711 the issuance of the general permit is not inconsistent with the
712 requirements of the federal Resource Conservation and Recovery Act.
713 Any person or municipality conducting an activity for which a general
714 permit has been issued shall not be required to obtain an individual
715 permit under subsection (a) of this section, except as provided in
716 subdivision [(3)] (2) of this subsection. The general permit may
717 regulate a category of activities which: (A) Involve the same or
718 substantially similar types of operations; (B) involve the collection,
719 storage, treatment or disposal of the same types of substances; (C)
720 require the same operating conditions or standards; and (D) require

721 the same or similar monitoring, and which in the opinion of the
722 commissioner are more appropriately controlled under a general
723 permit than under an individual permit. The general permit may
724 require any person or municipality proposing to conduct any activity
725 under the general permit to register such activity with the
726 commissioner before it is covered by the general permit. Registration
727 shall be on a form prescribed by the commissioner.

728 [(2) Notwithstanding any provisions of this section, or any
729 regulations adopted thereunder, or of chapter 54, the following
730 procedures shall apply to the issuance, renewal, modification,
731 revocation or suspension of a general permit: (A) A general permit
732 shall be issued for a term specified by the permit and shall clearly
733 define the activity covered thereby and may include such conditions
734 and requirements as the commissioner deems appropriate, including
735 but not limited to operation and maintenance requirements,
736 management practices, and reporting requirements; (B) the
737 commissioner shall publish notice of intent to issue a general permit in
738 a newspaper having a substantial circulation in the affected area; (C)
739 there shall be a comment period of thirty days following publication of
740 such notice during which interested persons may submit written
741 comments to the commissioner; (D) the commissioner shall publish
742 notice of the issuance or decision not to issue a general permit in a
743 newspaper having substantial circulation in the affected area. The
744 commissioner may revoke, suspend or modify a general permit in
745 accordance with the notice and comment procedures for issuance of a
746 general permit specified in this subsection. Any person may request
747 that the commissioner issue, modify, suspend or revoke a general
748 permit in accordance with this subsection; and (E) summary
749 suspension may be ordered in accordance with subsection (c) of
750 section 4-182.]

751 [(3)] (2) Subsequent to the issuance of a general permit, the
752 commissioner may require any person or municipality whose activity
753 is or may be covered by the general permit to apply for and obtain an
754 individual permit pursuant to subsection (a) of this section if he

755 determines that an individual permit would better protect the land, air
756 and waters of the state from pollution. The commissioner may require
757 an individual permit under this subdivision in cases including, but not
758 limited to the following: (A) When the owner or operator is not in
759 compliance with the conditions of the general permit; (B) when a
760 change has occurred in the availability of demonstrated technology or
761 practices for the control or abatement of pollution applicable to the
762 activity; (C) when circumstances have changed since the time of the
763 issuance of the general permit so that the activity is no longer
764 appropriately controlled under the general permit, or either a
765 temporary or permanent reduction or elimination of the authorized
766 activity is necessary; or (D) when a relevant change has occurred in the
767 applicability of the federal Resource Conservation and Recovery Act.
768 In making the determination to require an individual permit, the
769 commissioner may consider the location, character, and size of the
770 activity, and any other relevant factors. The commissioner may require
771 an individual permit under this subdivision only if the affected person
772 or municipality covered by the general permit has been notified in
773 writing that a permit application is required. This notice shall include a
774 brief statement of the reasons for this decision, an application form, a
775 statement setting a time for the person or municipality to file the
776 application, and a statement that on the effective date of the individual
777 permit the general permit as it applies to the individual permittee shall
778 automatically terminate. The commissioner may grant an extension of
779 time upon the request of the applicant. If the affected person or
780 municipality does not submit a complete application for an individual
781 permit within the time frame set forth in the commissioner's notice or
782 as extended by the commissioner in writing, then the general permit as
783 it applies to the affected person or municipality shall automatically
784 terminate. The applicant shall use his best efforts to obtain the
785 individual permit. Any interested person or municipality may petition
786 the commissioner to take action under this subdivision.

787 [(4)] (3) The commissioner [may] shall adopt regulations, in
788 accordance with the provisions of chapter 54 to carry out the purposes

789 of this subsection, which shall include standards and procedures for
 790 the issuance of general permits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2010</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	4-166(13)
Sec. 6	<i>October 1, 2010</i>	4-168a(b)
Sec. 7	<i>October 1, 2010, and applicable to proposed regulations submitted to the standing legislative regulation review committee on or after said date</i>	4-170(b)
Sec. 8	<i>October 1, 2010</i>	22a-430(j)(2)
Sec. 9	<i>October 1, 2010</i>	22a-45a
Sec. 10	<i>October 1, 2010</i>	22a-174(k)
Sec. 11	<i>October 1, 2010</i>	22a-208a(i)
Sec. 12	<i>October 1, 2010</i>	22a-349a
Sec. 13	<i>October 1, 2010</i>	22a-378a
Sec. 14	<i>October 1, 2010</i>	22a-411
Sec. 15	<i>October 1, 2010</i>	22a-430b(b)
Sec. 16	<i>October 1, 2010</i>	22a-454(e)

CE *Joint Favorable Subst.*