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Written Testimony of Christopher Phelps
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Before the Connecticut General Assembly Commerce Committee

Tuesday, March 2, 2010

Opposing Raised House Bill 5359, An Act Requiring Permits Issued By The Department Of Environmental Protection Be Adopted In Accordance With The Uniform Administrative Procedure Act

Senator LeBeau, Representative Berger, and members of the Committee:

Environment Connecticut is a member-supported non-profit environmental advocacy organization. We respectfully submit this testimony expressing our strong opposition to Raised House Bill 5359. This legislation would roll back Connecticut's clean water, clean air, and other environmental protections.

Raised House Bill 5359 effectively repeals core provisions of PA 91-263, PA 91-251, and PA 92-162. Those statutes were enacted nearly 20 years ago during an economic recession in order to streamline the Department of Environmental Protection's permitting processes.

Public Act 91-263 was titled "An Act Concerning Streamlining Certain Water-Related Permitting Processes Of The Department Of Environmental Protection." PA 91-251 was essentially identical legislation dealing with solid waste permitting. PA 92-162 dealt with streamlining clean air permitting. While reviewing transcripts of testimony from 1991 and 1992 on that legislation, I found that proponents of the bills urged their adoption in order to reduce an enormous backlog of environmental permits that had accumulated at the Department of Environmental Protection at that time.

In 1991, testimony from the DEP Commissioner at the time indicated that the department's water bureau had "built up a backlog of over 1,000 permits, (and) permit applications." And that those backlogs had negatively affected businesses in the state as well as delayed "environmental improvements." In 1992, the commissioner testified that PA 91-251 and PA 91-263 had enabled the department to "successfully (reduce) the permitting backlog." The commissioner further testified in support of the legislation that became PA 92-162, extending the general permitting authority to air permits. The commissioner stated, "General permitting is one of the number of actions that the department is taking to make the permit process more efficient and effective."