



February 22, 2011

To: Senator Gary D. LeBeau, Co-Chairman
Representative Jeffrey J. Berger, Co-Chairman
Members of the Commerce Committee

From: Bill Ethier, Chief Executive Officer

Re: **House Bill 6400, An Act Streamlining the Department of Environmental Protection's Stormwater General Permitting Process**

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We strongly support HB 6400 to streamline one of the most difficult and lengthy state permitting processes impacting housing and economic development.

Summary: HB 6400 allows licensed engineers to certify that permit applicant's stormwater plans comply with applicable stormwater general permit (SW GP) requirements. While HB 6400 needs to be amended, the concept will 1) streamline and shorten the stormwater permitting process, 2) reduce the workload on DEP staff, allowing existing resources to be retrained or redirected toward other duties, such as enforcement, and 3) help promote housing and economic development efforts, and thereby promotes job growth.

Background: The regulation of stormwater discharges is federally required and permitting is delegated to DEP under the federal Clean Water Act. DEP has several stormwater general permits for different activities and is currently drafting a new construction SW GP to replace the existing permit. The DEP has been very open about working with stakeholders, yet we remain very concerned about continuing and proposed new permitting delays and expenses. Local governments also regulate stormwater, typically through erosion and sediment (E&S) controls in zoning, subdivision and inland wetland regulations.

The proposed new construction SW GP requires initial reviews of construction SW GP applications by outside groups because DEP does not have the staff to conduct in-house reviews. These outside groups will be the soil & water conservation districts, which are regional nonprofits that assist local governments and others. However, after the outside application review, the applications will go to DEP for further review. Within DEP, multiple offices will review all applications. **We have been told the total permitting timeline will be longer under the new SW GP,** in part due to public notices that must be made on each application required by the federal Clean Water Act, but also due to an illegal internal referral for state endangered species considerations.

"Leading Our Members to Professional Excellence."