



## Testimony of **Connecticut Fund for the Environment** Before the **Commerce Committee**

**February 24, 2011**

**OPPOSING S.B. No. 1019 AA EXPEDITING THE STATE PERMITTING PROCESS and  
H.B. No. 6400 AA STREAMLINING THE DEPARTMENT OF ENVIRONMENTAL  
PROTECTIONS STORMWATER GENERAL PERMITTING PROCESS**

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*Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,000 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.*

Connecticut Fund for the Environment **strongly opposes S.B. 1019** that would provide automatic approvals to permits unless DEP acted upon them within 45 days. The idea of providing automatic approvals in cases of agency inaction would directly endanger public safety and clean air, land and water in Connecticut.

Last year, automatic approvals and similar concepts were raised as a way of addressing permitting backlogs at DEP. This approach was wisely rejected. Instead, after extensive negotiations with a broad range of stakeholders, the legislature passed a bill that would prioritize job creating, clean energy and transit oriented development projects and provide an ombudsman to prevent them from getting stuck in the agency. To address the more general backlog, DEP was required to determine how much staff would be needed to meet the 180 day time frame mandated by current law.

The DEP concluded that the DEP cannot even meet current the current 180 day time frame without very large staff increases. In its Permitting Assessment Report issued in September 2010, DEP identified the need for an additional 53 program staff, five legal staff and six information technology staff to consistently meet those time frames. While one could take issue with those exact numbers (although we have not yet seen an alternative analysis or anything that would refute DEP's methodology), it is unarguable that DEP is radically understaffed to perform its permitting and enforcement functions.

The current proposed budget, however, includes no staff increases for DEP, much less those that would be necessary to meet either the existing time frames or the abbreviated ones proposed by this bill. Under these circumstances, the only possible result of this bill would be to allow

companies free reign to pollute our air, water and land with no legal consequence. This would be a disaster for public health, the environment AND the economy.

Recent figures from the Council on Environmental Quality confirm the shortage of DEP resources. According to CEQ, DEP inspections have decreased by 60% in the last 13 years and compliance by companies is falling. Since just 2003, the agency has lost almost 10% of its staff. Putting more obligations on DEP without additional resources will turn this from a very serious situation to a potential catastrophe.

**H.B. 6400** – CFE opposes H.B. 6400 which would seem to allow certification from any professional engineer to bypass the need for environmental review from a soil and conservation district or DEP. This would constitute impermissible self-regulation and pose a threat to clean water in Connecticut.

If the idea is to create a program similar to the LEP program, this bill falls far short of doing so. LEPs are licensed and regulated by the state and are highly trained and perform a quasi-regulatory function. That is not something that can be done responsibly without an entirely new regulatory and oversight structure that would involve a significant appropriation. Moreover, even if there were such a structure, it is unclear why consultants paid by applicants would be better at reviewing such plans than conservation districts and DEP. Thus, we believe this bill would amount to inappropriate self regulation and would pose a threat to clean water in Connecticut.

Accordingly, CFE strongly opposes S.B. 1019 and H.B. 6400.