



General Assembly

January Session, 2011

**Raised Bill No. 6400**

LCO No. 3563

\*03563\_\_\_\_\_CE\_\*

Referred to Committee on Commerce

Introduced by:

(CE)

**AN ACT STREAMLINING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S STORMWATER GENERAL PERMITTING PROCESS.**

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

1 Section 1. Subsection (a) of section 22a-430b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2011*):

4 (a) The Commissioner of Environmental Protection may issue a  
5 general permit for a category or categories of discharges regulated  
6 pursuant to section 22a-430, except for a discharge covered by an  
7 individual permit. The general permit may regulate, within a  
8 geographical area, (1) A category of discharges which: Involve the  
9 same or substantially similar types of operations, involve the same  
10 type of wastes, require the same effluent limitations, operating  
11 conditions or standards, and require the same or similar monitoring  
12 and which in the opinion of the commissioner are more appropriately  
13 controlled under a general permit; (2) stormwater discharges; or (3) a  
14 category of discharges not requiring a permit under the federal Water  
15 Pollution Control Act. Any person or municipality conducting an  
16 activity covered by a general permit shall not be required to apply for

17 or obtain an individual permit pursuant to section 22a-430, except as  
18 provided in subsection (c) of this section. The general permit may  
19 require that any person or municipality initiating, creating, originating  
20 or maintaining any discharge into the waters of the state under the  
21 general permit shall register such discharge with the commissioner  
22 before the general permit becomes effective as to such discharge.  
23 Registration shall be on a form prescribed by the commissioner.

24 (b) Notwithstanding the provisions of chapter 54, a general permit  
25 shall be issued, renewed, modified, revoked or suspended in  
26 accordance with the standards and procedures specified for an  
27 individual permit, in accordance with section 22a-430 and any  
28 regulations adopted thereunder, except that (1) summary suspension  
29 may be ordered in accordance with subsection (c) of section 4-182; (2)  
30 any proposed or final general permit and notice thereof may address  
31 persons or municipalities which are or may be covered by the general  
32 permit as a group, describe the facilities which are or may be covered  
33 by the general permit in general terms; and (3) upon issuance of a  
34 proposed or final general permit, the commissioner shall publish  
35 notice thereof in a newspaper of substantial circulation in the affected  
36 area. General permits shall be issued for a term specified by the permit  
37 and such terms shall be consistent with the federal Water Pollution  
38 Control Act and shall be subject to the provisions of section 22a-431.  
39 Such permits shall: (1) Describe the category of discharge regulated by  
40 the general permit; (2) specify the manner, nature and volume of  
41 discharge; (3) require proper operation and maintenance of any  
42 pollution abatement facility required by such permit; and (4) be subject  
43 to such other requirements and restriction as the commissioner deems  
44 necessary to fully comply with the purposes of this chapter, the federal  
45 Water Pollution Control Act and the federal Safe Drinking Water Act.  
46 Any construction or modification of a pollution abatement facility or  
47 disposal system which is undertaken pursuant to and in accordance  
48 with a general permit shall not require submission of plans and  
49 specifications to or approval by the commissioner, unless required  
50 pursuant to the terms of the general permit.

51 (c) Any professional engineer, as defined in section 32-31a, may  
52 certify to the commissioner that an applicant for a stormwater permit  
53 complies with any applicable state stormwater regulations and  
54 applicable local government soil erosion and sediment control  
55 regulations.

56 (c) Subsequent to the issuance of a general permit, the commissioner  
57 may require a person or municipality initiating, creating, originating or  
58 maintaining any discharge which is or may be authorized by a general  
59 permit to obtain an individual permit pursuant to section 22a-430 if the  
60 commissioner determines that an individual permit would better  
61 protect the waters of the state from pollution. The commissioner may  
62 require an individual permit under this subsection in cases including,  
63 but not limited to the following: (1) When the discharger is not in  
64 compliance with the conditions in the general permit; (2) when a  
65 change has occurred in the availability of a demonstrated technology  
66 or practice for the control or abatement of pollution applicable to the  
67 discharge; (3) when effluent limitations and conditions are  
68 promulgated by the United States Environmental Protection Agency or  
69 established by the commissioner under section 22a-430 for discharges  
70 covered by the general permit; (4) when a water quality management  
71 plan containing requirements applicable to such discharges is  
72 approved by the United States Environmental Protection Agency; (5)  
73 when circumstances have changed since the issuance of the general  
74 permit so that the discharger is no longer appropriately controlled  
75 under the general permit, or a temporary or permanent reduction or  
76 elimination of the authorized discharge is necessary; (6) when the  
77 discharge is a significant contributor of pollution, provided that in  
78 making this determination, the commissioner may consider the  
79 location of the discharge with respect to waters of the state, the size of  
80 the discharge, the quantity and nature of the pollution discharged to  
81 waters of the state, cumulative impacts of discharges covered by the  
82 general permit and other relevant factors; or (7) when the requirements  
83 of subsection (a) of this section are not met. The commissioner may  
84 require an individual permit under this subsection only if the affected

85 person or municipality has been notified in writing that a permit  
86 application is required. The notice shall include a brief statement of the  
87 reasons for the commissioner's decision, an application form, a  
88 statement setting forth a time for the person or municipality to file the  
89 application, and a statement that on the effective date of the individual  
90 permit the general permit as it applies to the individual permittee shall  
91 automatically terminate. The commissioner may grant additional time  
92 upon the request of the applicant. If the affected person or  
93 municipality does not submit a complete application for an individual  
94 permit within the time frame set forth in the commissioner's notice or  
95 as extended by the commissioner in writing, then the general permit as  
96 it applies to the affected person or municipality shall automatically  
97 terminate. Any interested person or municipality may petition the  
98 commissioner to take action under this subsection.

99 (d) The commissioner may adopt regulations in accordance with the  
100 provisions of chapter 54 to carry out the purposes of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	22a-430b(a)

**Statement of Purpose:**

To streamline the state's stormwater general 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.]*