



General Assembly

January Session, 2011

Raised Bill No. 1019

LCO No. 3334

03334_____CE_

Referred to Committee on Commerce

Introduced by:

(CE)

AN ACT EXPEDITING THE STATE PERMITTING PROCESS.

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

1 Section 1. Section 22a-6p of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Not later than seven days from June 9, 2010, the Commissioner
4 of Environmental Protection shall commence a review of the existing
5 time frames for the review of all individual permits issued by the
6 department. Not later than September 30, 2010, the commissioner shall
7 issue a comprehensive report, in accordance with the provisions of
8 section 11-4a, to the Governor and the joint standing committee of the
9 General Assembly having cognizance of matters relating to the
10 environment that (1) proposes a plan to establish a pilot expedited
11 permitting process for not less than two hundred representative
12 manufacturing or other industrial facilities, (2) prescribes changes to be
13 made to the department's review schedules for individual permits,
14 including reducing the time frames for identifying deficiencies in
15 permit applications and issuing tentative determinations in accordance
16 with subdivisions (2) and (3) of subsection (b) of this section, and (3)

17 identifies the process improvements, additional resources, staffing
18 and programmatic changes necessary to meet such time frames.

19 (b) The Commissioner of Environmental Protection shall adopt
20 regulations in accordance with the provisions of chapter 54,
21 establishing schedules for timely action for each application for a
22 permit for activity regulated under this title. Such schedules may be
23 based on the lengths of time that the commissioner deems appropriate
24 for different categories of permit applications and permits and may
25 address situations when more than one permit is required for the
26 regulated activity. Each such schedule shall contain the following:

27 (1) A provision that the schedule shall begin when an application is
28 received by the Department of Environmental Protection, any public
29 notice requirements have been fulfilled and the application fee is paid;

30 (2) One or more periods of reasonable length, but not longer than
31 forty-five days, based on the nature and complexity of the review
32 required of the department, at the end of which time the department
33 shall issue a decision to grant or deny the permit or identify
34 deficiencies in the application, provided the schedule may also
35 reasonably limit the amount of time in which the applicant may
36 remedy such deficiencies. If, after forty-five days, the department has
37 issued no decision, such application shall be deemed approved. All
38 reasonable efforts shall be made by the department to ensure that
39 deficiencies in any application for a permit are identified and the
40 applicant notified in writing of such deficiencies not later than sixty
41 days after the department receives such application;

42 (3) A period of reasonable length, but not longer than forty-five
43 days, based on the nature and complexity of the review required of the
44 commissioner, beginning with receipt of materials submitted by the
45 applicant in response to the commissioner's identification of
46 deficiencies, at the end of which time the commissioner shall issue a
47 tentative determination to grant or deny the permit. All reasonable
48 efforts shall be made by the department to issue a tentative

49 determination to grant or deny a permit not later than [one hundred
50 eighty] forty-five days after the department determines that the
51 application materials are sufficient, provided such [one-hundred-
52 eighty-day] forty-five-day period shall not include any period of time
53 during which the commissioner has requested, in writing, and is
54 waiting to receive, additional application materials from an applicant;

55 (4) A period of reasonable length after such tentative determination
56 and the conclusion of any public hearing held with regard to such
57 decision;

58 (5) Allowance for applicable state or federal public participation
59 requirements; and

60 (6) A provision extending the time periods set forth in subdivisions
61 (2) and (3) of this subsection when action by another state agency or a
62 federal or municipal agency is required before the commissioner may
63 act, when (A) judicial proceedings affect the ability of the
64 commissioner or the applicant to proceed with the application, (B) the
65 commissioner has commenced enforcement proceedings which could
66 result in revocation of an existing permit for the facility or regulated
67 activity that is the subject of the application and denial of the
68 application, or (C) the applicant provides written assent extending any
69 applicable time period.

70 (c) The commissioner shall annually compile and report on the
71 department's Internet web site, by category of permit, instances in
72 which the schedules for timely action set forth in this subsection were
73 not achieved and explanations for the department's inability to meet
74 such time frames.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	22a-6p

Statement of Purpose:

To expedite the state's permitting process and stimulate economic development.

[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.]