
OLR Bill Analysis

sHB 6507

AN ACT CONCERNING WATER QUALITY CERTIFICATION APPLICATIONS.

SUMMARY:

This bill requires any person submitting an application to the Department of Environmental Protection (DEP) commissioner for a water quality certification pursuant to section 401 of the federal Water Pollution Control Act, to publish notice of the application according to law.

It also (1) requires the commissioner to publish notice of the application's tentative determination at least 30 days prior to approving or denying the application and (2) allows an applicant to request a hearing up to 30 days after such notice's publication. The commissioner must grant the request if it is in writing and timely filed. Any party aggrieved by the commissioner's final decision may appeal to Superior Court.

EFFECTIVE DATE: Upon passage

BACKGROUND

Water Pollution Control Act

The Water Pollution Control Act (33 USC § 1251 *et seq.*), popularly known as the "Clean Water Act," is aimed at restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Under the act, applicants for certain federal licenses or permits must provide a certification from the state that the proposed activity is consistent with its water quality standards.

Notice Requirements

Existing law requires an applicant for a permit pursuant to section 401 of the federal Water Pollution Control Act to provide newspaper

notice of the application and notify the chief elected official of the municipality where the activity is proposed. The notice must include the (1) applicant's name and address; (2) type of permit sought; (3) activity description; and (4) location of the activity and any natural resources affected, among other things. The applicant must provide the DEP commissioner with a certified copy of the notice. Applications for authorization under a general permit are exempt (CGS § 22a-6g).

The DEP commissioner's tentative determination on the application must be published in the newspaper and provided to the chief elected official of the municipality where the activity is proposed. This notice must include the (1) applicant's name and address; (2) proposed activity's address and any natural resources affected; (3) application number; (4) type of permit sought and tentative determination; and (5) opportunities for public participation, among other things (CGS § 22a-6h).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 1 (03/21/2011)