

Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 15, 2012
Committee on Commerce

Testimony Submitted by Commissioner Daniel Esty
Presented By Deputy Commissioner Macky McCleary

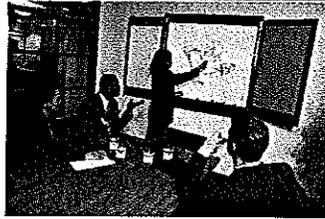
**Raised House Bill No. 5465 – AN ACT CONCERNING THE STATE’S REGULATORY AND PERMITTING
PROCESS**

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5465 – AN ACT CONCERNING THE STATE’S REGULATORY AND PERMITTING PROCESS. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

The Department fully supports the timely processing of permit applications for those doing business in Connecticut. The Department continues to dedicate significant resources to improve the processes and speed by which permits are issued. In fact, the Department has over the past year undertaken a critical problem solving approach to transforming the way permit applications are processed. However, **DEEP strongly opposes this bill.**

Specifically, Section 2 modifies section 22a-6p of the General Statutes in a manner that is wholly unworkable. This modification would require the Commissioner of Energy and Environmental Protection to conduct reviews of environment permit applications and render a decision in ninety days or such applications shall be deemed approved. It is important to note that the Department administers various federal programs through delegated authority and federal grants – including hazardous waste, air, and water pollution control permitting. We are very concerned that an automatic approval requirement would jeopardize these federal dollars and delegations. In response to a similar proposal last year, the U.S. Environmental Protection Agency Deputy Regional Administrator, Ira Leighton, wrote the agency to express EPA’s concern that “Automatic approval would not ensure that applicable substantive statutory and regulatory requirements are met . . . As a result, enactment of this provision could, depending on the program, warrant EPA’s initiation of program withdrawal proceedings or of other measures that would result in federal implementation of the program.” Loss of delegation would result in unnecessary duplicative processes with applicants needing to apply to the USEPA for a federal permit as well as DEEP for a state permit.

Process Summary



Process Outputs:

Final Deck of slides

Data Pulls and analysis

Consistency in Data sets

Recommended list of Phase 1 statutory changes to facilitate permitting processes

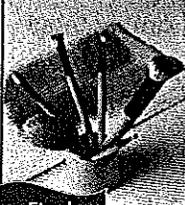
Final

- From December 2011 through February 2012 DEEP EQ management held problem solving meetings.
- Discussion Areas Included:**
 - P.A. 11-1 Requirements
 - Current DEEP Permit Mechanisms
 - Tiered Permitting
 - Backlog
 - Current Permit Process Times
 - Statutory Changes to Increase Permitting Efficiency
 - The Need for Extensive Staff Engagement in order to Successfully Implement Ideas

Narrative:

Why Tiered Permit Structure (AKA bins)

Purpose is to develop tiered permit structure and graphically show ongoing LEAN efforts

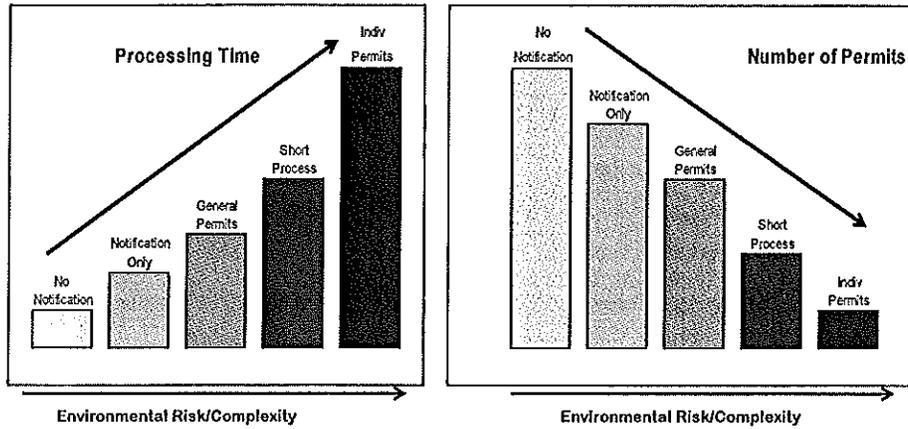


Final

- Why continued focus on permitting?**
 - Core Function of the Agency
 - Main touch point for many constituents
 - New administration...new way of looking at things
- Don't we already do this? Yes, but...**
 - Many tiers now – permit by rule, Statutory & Regulatory exemptions, notifications, GP's, Short process, COPs, Individual
 - Permit programs are delivering high quality and generally timely permits
 - Ongoing permit reform (2010) and LEAN have greatly improved process
 - With LEAN always room for continuous improvement
- October Special Session, Public Act No. 11-1, AN ACT PROMOTING ECONOMIC GROWTH AND JOB CREATION IN THE STATE.**
 - Report due 2/1/2012 (See next slide for report requirements)

Relational View of DEEP Permit Mechanisms

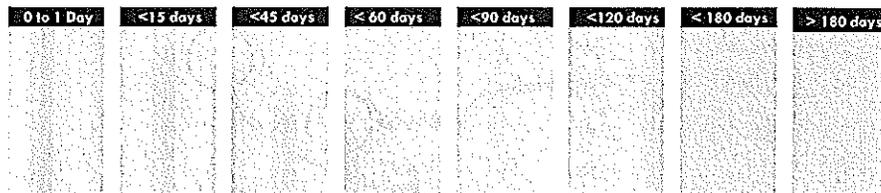
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CONCEPTUAL



Future Tiered Permit Structure – Standardization of bins

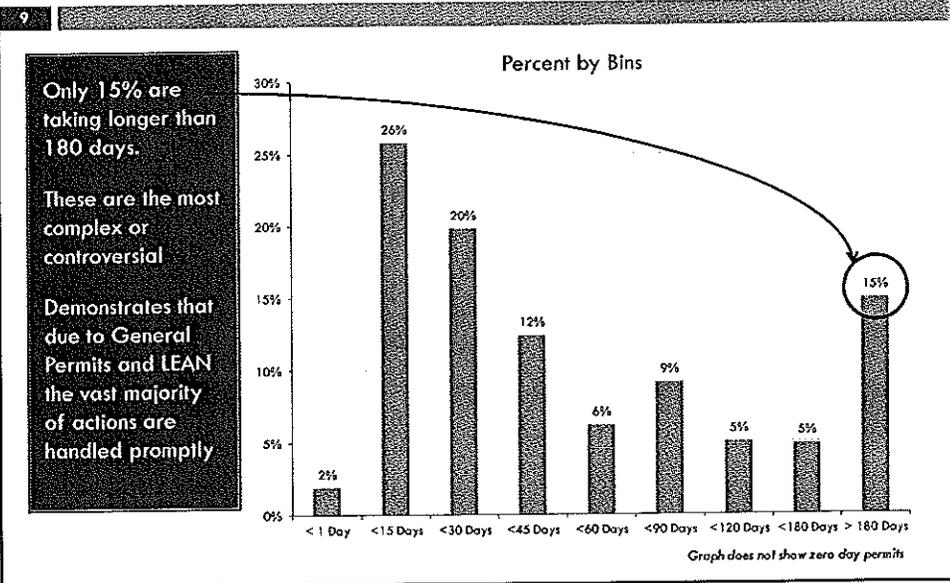
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To extent possible move to left where applicable and compatible with environmental standards



- DEEP permit transformation items focused on ongoing./planned efforts for further LEANing
- Not all bins applicable to all permit programs

The State of DEEP Permitting Actions 2010



Resources

- 10
- ❑ Human and technical resources needed to provide level of services desired by regulated community and the public:
 - ❑ IT – provide e-filing, docket system, e-transactions
 - ❑ Attorneys – provide timely legal determinations/reviews/hearing assistance
 - ❑ Permitting – provide technical and expert specialists from throughout the agency to meet timeframes and address backlogs
 - ❑ Compliance Assistance and Outreach – provide technical assistance, outreach and oversight
 - ❑ Public Participation – provide transparency and responsiveness to public, enhanced interaction



2011 Two Storm Responsiveness:

Significant resources from all parts of agency, including permitting, diverted for over a month to respond to storm emergencies & provide assistance.

Has impact to permit timeliness and contributes to backlog, through both diverting staff for direct response and increasing the number of applications.