



General Assembly

Substitute Bill No. 107

February Session, 2012

* _____SB00107PD_____030512_____*

**AN ACT CONCERNING THE TIME IN WHICH A REGULATED
ACTIVITY MUST BE CONDUCTED UNDER A PERMIT ISSUED BY AN
INLAND WETLANDS COMMISSION.**

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

1 Section 1. Subsection (d) of section 22a-42a of the 2012 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2012*):

4 (d) (1) In granting, denying or limiting any permit for a regulated
5 activity the inland wetlands agency, or its agent, shall consider the
6 factors set forth in section 22a-41, and such agency, or its agent, shall
7 state upon the record the reason for its decision. In granting a permit
8 the inland wetlands agency, or its agent, may grant the application as
9 filed or grant it upon other terms, conditions, limitations or
10 modifications of the regulated activity which are designed to carry out
11 the policy of sections 22a-36 to 22a-45, inclusive. Such terms may
12 include any reasonable measures which would mitigate the impacts of
13 the regulated activity and which would (A) prevent or minimize
14 pollution or other environmental damage, (B) maintain or enhance
15 existing environmental quality, or (C) in the following order of
16 priority: Restore, enhance and create productive wetland or
17 watercourse resources. Such terms may include restrictions as to the
18 time of year in which a regulated activity may be conducted, provided
19 the inland wetlands agency, or its agent, determines that such

20 restrictions are necessary to carry out the policy of sections 22a-36 to
21 22a-45, inclusive. No person shall conduct any regulated activity
22 within an inland wetland or watercourse which requires zoning or
23 subdivision approval without first having obtained a valid certificate
24 of zoning or subdivision approval, special permit, special exception or
25 variance or other documentation establishing that the proposal
26 complies with the zoning or subdivision requirements adopted by the
27 municipality pursuant to chapters 124 to 126, inclusive, or any special
28 act. The agency may suspend or revoke a permit if it finds after giving
29 notice to the permittee of the facts or conduct which warrant the
30 intended action and after a hearing at which the permittee is given an
31 opportunity to show compliance with the requirements for retention of
32 the permit, that the applicant has not complied with the conditions or
33 limitations set forth in the permit or has exceeded the scope of the
34 work as set forth in the application. The applicant shall be notified of
35 the agency's decision by certified mail within fifteen days of the date of
36 the decision and the agency shall cause notice of their order in
37 issuance, denial, revocation or suspension of a permit to be published
38 in a newspaper having a general circulation in the town wherein the
39 wetland or watercourse lies. In any case in which such notice is not
40 published within such fifteen-day period, the applicant may provide
41 for the publication of such notice within ten days thereafter.

42 (2) Any permit issued under this section for the development of
43 property for which an approval is required under [section 8-3, 8-25 or
44 8-26] chapter 124, 124b, 126 or 126a shall be valid [for five years
45 provided the agency may establish a specific time period within which
46 any regulated activity shall be conducted] until the approval granted
47 under such chapter expires or for ten years, whichever is earlier. Any
48 permit issued under this section for any [other] activity for which an
49 approval is not required under chapter 124, 124b, 126 or 126a shall be
50 valid for not less than two years and not more than five years. Any
51 such permit shall be renewed upon request of the permit holder unless
52 the agency finds that there has been a substantial change in
53 circumstances which requires a new permit application or an

54 enforcement action has been undertaken with regard to the regulated
55 activity for which the permit was issued, provided no permit may be
56 valid for more than ten years.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2012</i>	22a-42a(d)
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PD *Joint Favorable Subst.*