



House of Representatives

General Assembly

File No. 507

January Session, 2013

Substitute House Bill No. 6536

House of Representatives, April 15, 2013

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GENERAL PERMITS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

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

1 Section 1. Section 22a-6f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) Each annual fee charged by the Commissioner of Energy and
4 Environmental Protection pursuant to the general statutes shall be due
5 on or before July first of each year, unless otherwise specified in the
6 general statutes or in regulations adopted pursuant thereto. The fee for
7 late payment of an annual fee charged by said commissioner pursuant
8 to the general statutes shall be ten per cent of the annual fee due, plus
9 one and one-quarter per cent per month or part thereof that the annual
10 fee remains unpaid. Each permit fee and permit application fee
11 charged by the commissioner pursuant to the general statutes is due
12 upon the submission of the permit application, unless otherwise
13 specified in the general statutes or in regulations adopted pursuant
14 thereto. Each permit fee and permit application fee payable to the

15 commissioner shall apply equally to the issuance, renewal,
16 modification and transfer of a permit unless otherwise specified in the
17 general statutes or in regulations adopted pursuant thereto. The
18 commissioner may waive any fee payable to him as it applies to the
19 activities of an agency, board, commission, council or department of
20 the state, provided such agency, board, commission, council or
21 department compensates the Department of Energy and
22 Environmental Protection in an amount equal to such fee pursuant to a
23 written agreement.

24 (b) Notwithstanding any provision of the general statutes or any
25 regulation adopted under this title, on and after August 20, 2003, each
26 fee in effect pursuant to regulations adopted pursuant to any section of
27 this title that is greater than one hundred dollars shall be increased by
28 fifty per cent and all such fees of one hundred dollars or less shall be
29 doubled, provided no such fee shall be less than one hundred dollars.

30 (c) Notwithstanding the provisions of subsection (b) of this section:
31 (1) The fees and annual adjustment for Title V emissions shall be
32 assessed pursuant to the regulations adopted under section 22a-174; (2)
33 each fee imposed pursuant to a general permit, in effect on or before
34 August 20, 2003, shall be double the amount specified in such permit;
35 and (3) each fee imposed pursuant to a certificate of permission, issued
36 in accordance with section 22a-363b, shall be double the amount in
37 effect on or before August 20, 2003.

38 (d) Notwithstanding any provision of the general statutes or any
39 regulation adopted under this title, on and after October 1, 2009, any
40 fee in effect pursuant to regulations adopted pursuant to any section of
41 this title that is greater than one thousand dollars shall be increased by
42 two hundred fifty dollars, any such fee that is greater than or equal to
43 one hundred fifty dollars, but less than or equal to one thousand
44 dollars, shall be increased by twenty-five per cent and rounded up to
45 the nearest whole five-dollar increment and any such fee of less than
46 one hundred fifty dollars shall be doubled. Any such fee contained in
47 this title shall not be less than one hundred dollars.

48 (e) Unless otherwise specified in a general permit, the registration
49 fee for a general permit shall be as follows: (1) If the person intending
50 to engage in the regulated activity is required to register with the
51 Department of Energy and Environmental Protection and obtain
52 approval of the registration before the activity is authorized, one
53 thousand two hundred fifty dollars; or (2) if the person intending to
54 engage in the regulated activity is only required to register with the
55 Department of Energy and Environmental Protection before the
56 activity is authorized, six hundred twenty-five dollars. No registration
57 fee for a general permit shall exceed six thousand two hundred fifty
58 dollars.

59 (f) Unless otherwise specified in a general permit issued on or after
60 October 1, 2013, any person authorized to engage in a regulated
61 activity covered by a general permit issued pursuant to any provision
62 of this title on or after October 1, 2013, shall pay an annual fee as
63 follows: (1) If the person engaged in the regulated activity is required
64 to register with the Department of Energy and Environmental
65 Protection and obtain approval of the registration before the activity is
66 authorized, two hundred dollars; or (2) if the person who intends to
67 engage in the regulated activity is only required to register with the
68 Department of Energy and Environmental Protection before the
69 activity is authorized, one hundred dollars. No annual fee for a general
70 permit issued on or after October 1, 2013, shall exceed one thousand
71 dollars.

72 [(f)] (g) Unless otherwise established by regulations adopted
73 pursuant to section 22a-354i, the fee for a permit of a regulated activity,
74 as described in section 22a-354i, shall be one thousand dollars and the
75 fee to register such regulated activity with the Department of Energy
76 and Environmental Protection, pursuant to section 22a-354i, shall be
77 five hundred dollars.

78 [(g)] (h) The fee for a consolidated general permit issued in
79 accordance with more than one section of this title shall be specified in
80 such general permit and shall not exceed the total sum for individual

81 general permits, as authorized pursuant to subdivision (2) of
82 subsection (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22a-6f

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	Approximately \$110,000	Approximately \$110,000

Municipal Impact: None

Explanation

The bill establishes an annual fee of \$100 for people engaging in regulated activities covered by general permits issued by the Department of Energy and Environmental Protection (DEEP) on or after October 1, 2013. In FY 12, approximately 1,100 general permits were issued. Thus, it is estimated that there would be a revenue gain of approximately \$110,000 annually.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of permits issued.

OLR Bill Analysis**sHB 6536****AN ACT CONCERNING GENERAL PERMITS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.****SUMMARY:**

This bill establishes annual fees for people operating under general permits issued by the Department of Energy and Environmental Protection (DEEP) on or after October 1, 2013. It requires them to pay the annual fee in addition to the registration fee required under existing law.

Unless a general permit specifies otherwise, the bill requires anyone authorized to conduct a regulated activity covered by a general permit to pay an annual fee of (1) \$200 when the permit requires both registering with DEEP and obtaining its approval of the registration before starting the activity or (2) \$100 when the permit requires only registration with DEEP before the activity is allowed.

Under the bill, a general permit issued on or after October 1, 2013 may require no annual fee or may prescribe a different amount, not exceeding \$1,000.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***General Permit***

DEEP issues both individual and general permits to regulate activities. It issues individual permits directly to an applicant. General permits authorize similar minor activities by one or more applicants (e.g., removal of derelict structures, minor seawall repair). The general

permit may require an applicant to register with DEEP or both register and obtain DEEP approval.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 18 Nay 10 (03/25/2013)