



# House of Representatives

General Assembly

**File No. 474**

January Session, 2013

Substitute House Bill No. 6653

*House of Representatives, April 11, 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 DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO ASSIST MUNICIPALITIES.***

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

1 Section 1. Subsection (b) of section 7-246 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (b) Each municipal water pollution control authority designated in  
5 accordance with this section may prepare and periodically update a  
6 water pollution control plan for the municipality. Such plan shall  
7 designate and delineate the boundary of: (1) Areas served by any  
8 municipal sewerage system; (2) areas where municipal sewerage  
9 facilities are planned and the schedule of design and construction  
10 anticipated or proposed; (3) areas where sewers are to be avoided; (4)  
11 areas served by any community sewerage system not owned by a  
12 municipality; (5) areas to be served by any proposed community  
13 sewerage system not owned by a municipality; and (6) areas to be

14 designated as decentralized wastewater management districts. Such  
15 plan shall also describe the means by which municipal programs are  
16 being carried out to avoid community pollution problems and describe  
17 any programs wherein the local director of health manages subsurface  
18 sewage disposal systems. Such plan shall be consistent with the state  
19 plan of conservation and development. The authority shall [file]  
20 submit a copy of the plan and any periodic updates of such plan [with]  
21 to the Commissioner of Energy and Environmental Protection for  
22 review and written approval and shall manage or ensure the effective  
23 supervision, management, control, operation and maintenance of any  
24 community sewerage system or decentralized wastewater  
25 management district not owned by a municipality.

26 Sec. 2. Subsection (a) of section 22a-6g of the general statutes is  
27 repealed and the following is substituted in lieu thereof (*Effective*  
28 *October 1, 2013*):

29 (a) Any person who submits an application to the Commissioner of  
30 Energy and Environmental Protection for any permit or other license  
31 pursuant to section 22a-32, 22a-39, as amended by this act, 22a-174,  
32 22a-208a, 22a-342, 22a-361, as amended by this act, 22a-368, 22a-403, as  
33 amended by this act, or 22a-430, as amended by this act, subsection (b)  
34 or (c) of section 22a-449, section 22a-454 or Section 401 of the federal  
35 Water Pollution Control Act (33 USC 466 et seq.), except an application  
36 for authorization under a general permit shall: (1) [Include with such  
37 application a signed statement certifying that the applicant will  
38 publish notice of such application on a form supplied by the  
39 commissioner in accordance with this section; (2) publish] Publish  
40 notice of such application in a newspaper of general circulation in the  
41 affected area; [(3) send the commissioner a certified copy of such notice  
42 as it appeared in the newspaper; and (4)] (2) notify the chief elected  
43 official of the municipality in which the regulated activity is proposed;  
44 and (3) include with such application a copy of such notice as it  
45 appeared in the newspaper and a signed statement certifying that the  
46 applicant notified the chief elected official of the municipality in which  
47 such regulated activity is proposed. Such notices shall include: (A) The

48 name and mailing address of the applicant and the address of the  
49 location at which the proposed activity will take place; (B) the  
50 application number, if available; (C) the type of permit sought,  
51 including a reference to the applicable statute or regulation; (D) a  
52 description of the activity for which a permit is sought; (E) a  
53 description of the location of the proposed activity and any natural  
54 resources affected thereby; (F) the name, address and telephone  
55 number of any agent of the applicant from whom interested persons  
56 may obtain copies of the application; and (G) a statement that the  
57 application is available for inspection at the office of the Department of  
58 Energy and Environmental Protection. The commissioner shall not  
59 process an application until the applicant has submitted to the  
60 commissioner a copy of the notice and the signed statement required  
61 by this section. The provisions of this section shall not apply to  
62 discharges exempted from the notice requirement by the commissioner  
63 pursuant to subsection (b) of section 22a-430, as amended by this act,  
64 to hazardous waste transporter permits issued pursuant to section 22a-  
65 454 or to special waste authorizations issued pursuant to section 22a-  
66 209 and regulations adopted thereunder.

67 Sec. 3. Subsection (d) of section 22a-6h of the general statutes is  
68 repealed and the following is substituted in lieu thereof (*Effective*  
69 *October 1, 2013*):

70 (d) Not later than thirty days after the date on which the  
71 commissioner publishes or causes to be published notice of the  
72 commissioner's tentative determination regarding an application  
73 under Section 401 of the federal Water Pollution Control Act, 33 USC  
74 466, such applicant may submit a written request and any person may  
75 submit a petition signed by twenty-five or more persons to the  
76 commissioner to conduct a hearing on such application in accordance  
77 with the provisions of chapter 54. The commissioner shall grant any  
78 such request or petition provided such request or petition is submitted  
79 in writing and filed in a timely manner. Any person that is aggrieved  
80 by the commissioner's final decision on such application may appeal  
81 such decision to the Superior Court, in accordance with section 4-183.

82       Sec. 4. Subsections (a) and (b) of section 22a-30 of the general  
83 statutes are repealed and the following is substituted in lieu thereof  
84 (*Effective October 1, 2013*):

85       (a) The commissioner or his authorized representative shall have the  
86 right to enter upon any public or private property at reasonable times  
87 to carry out the provisions of sections 22a-28 to 22a-35, inclusive. [The  
88 commissioner may make an inventory of all tidal wetlands within the  
89 state. The boundaries of such wetlands shall be shown on suitable  
90 reproductions or aerial photographs to a scale of one inch equals two  
91 hundred feet with such accuracy that they will represent a class D  
92 survey. Such lines shall generally define the areas that are at or below  
93 an elevation of one foot above local extreme high water. Such maps  
94 shall be prepared to cover entire subdivisions of the state as  
95 determined by the commissioner. Upon completion of the tidal  
96 wetlands boundary maps for each subdivision, the commissioner shall  
97 hold a public hearing. The commissioner shall give notice of such  
98 hearing to each owner of record of all lands designated as such  
99 wetland as shown on such maps by certified mail, return receipt  
100 requested, not less than thirty days prior to the date set for such  
101 hearing. The commissioner shall also cause notice of such hearing to be  
102 published at least once not more than thirty days and not fewer than  
103 ten days before the date set for such hearing in a newspaper or  
104 newspapers having a general circulation in the town or towns where  
105 such wetlands are located. After considering the testimony given at  
106 such hearing and any other facts which may be deemed pertinent and  
107 after considering the rights of affected property owners and the  
108 purposes of sections 22a-28 to 22a-35, inclusive, the commissioner shall  
109 establish by order the bounds of each of such wetlands. A copy of the  
110 order, together with a copy of the map depicting such boundary lines,  
111 shall be filed in the town clerk's office of all towns affected. The  
112 commissioner shall give notice of such order to each owner of record  
113 of all lands designated as such wetlands by mailing a copy of such  
114 order to such owner by certified mail, return receipt requested. The  
115 commissioner shall also cause a copy of such order to be published in a  
116 newspaper or newspapers having a general circulation in the town or

117 towns where such wetlands are located. Any person aggrieved by such  
118 order may appeal therefrom in accordance with the provisions of  
119 section 4-183, except venue for such appeal shall be in the judicial  
120 district of New Britain.]

121 (b) [The commissioner may periodically inspect the wetlands of the  
122 state to determine the necessity for revision or correction of such tidal  
123 wetlands boundary maps. If the commissioner finds that wetland areas  
124 have been omitted from such maps or uplands have been included  
125 within designated wetland boundaries or finds that the natural  
126 processes of accretion, reliction, subsidence and erosion have rendered  
127 such maps inaccurate he may revise such wetland boundary maps in  
128 accordance with the provisions of subsection (a) of this section.  
129 Notwithstanding the provisions of subsection (a) and this subsection,  
130 any] Any regulated activities conducted upon any wetlands, whether  
131 or not such wetlands have been mapped, shall be subject to the  
132 provisions of sections 22a-32 to 22a-35, inclusive.

133 Sec. 5. Subsection (k) of section 22a-39 of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective*  
135 *October 1, 2013*):

136 (k) Conduct a public hearing no sooner than thirty days and not  
137 later than sixty days following the receipt by said commissioner of any  
138 inland wetlands application, provided whenever the commissioner  
139 determines that the regulated activity for which a permit is sought is  
140 not likely to have a significant impact on the wetland or watercourse,  
141 he may waive the requirement for public hearing after (1) publishing  
142 notice, in a newspaper having general circulation in each town  
143 wherever the proposed work or any part thereof is located, of his  
144 intent to waive said requirement, and (2) mailing or providing by  
145 electronic means notice of such intent to the chief administrative  
146 officer in the town or towns where the proposed work, or any part  
147 thereof, is located, and the chairman of the conservation commission  
148 and inland wetlands agency of each such town or towns, except that  
149 the commissioner shall hold a hearing on such application upon

150 receipt, [within] not later than thirty days after such notice has been  
151 published, sent or mailed, of a petition signed by at least twenty-five  
152 persons requesting such a hearing. The commissioner shall [(1)] (A)  
153 publish notice of such hearing at least once not more than thirty days  
154 and not fewer than ten days before the date set for the hearing in a  
155 newspaper having a general circulation in each town where the  
156 proposed work, or any part thereof, is located, and [(2)] (B) mail or  
157 provide by electronic means notice of such hearing to the chief  
158 administrative officer in the town or towns where the proposed work,  
159 or any part thereof, is located, and the chairman of the conservation  
160 commission and inland wetlands agency of each such town or towns.  
161 All applications and maps and documents relating thereto shall be  
162 open for public inspection at the office of the commissioner. The  
163 commissioner shall state upon his records his findings and reasons for  
164 the action taken;

165 Sec. 6. Subsection (d) of section 22a-45a of the general statutes is  
166 repealed and the following is substituted in lieu thereof (*Effective*  
167 *October 1, 2013*):

168 (d) Any general permit issued under this section [shall] may require  
169 that any state agency, department or instrumentality other than a  
170 regional or local board of education, intending to conduct an activity  
171 covered by such general permit shall [, at least sixty days before  
172 initiating such activity,] give written notice of such intention to the  
173 inland wetlands agency, zoning commission, planning commission or  
174 combined planning and zoning commission and conservation  
175 commission of any municipality which will or may be affected by such  
176 activity and to the department which shall make such notices available  
177 to the public. The general permit shall specify the information which  
178 must be contained in the notice. [An inland wetlands agency, planning  
179 and zoning commission, conservation commission or any person may  
180 submit written comments to the commissioner concerning such  
181 activity not later than twenty-five days prior to the date that the  
182 activity is proposed to begin.]

183 Sec. 7. Subsection (d) of section 22a-354m of the general statutes is  
184 repealed and the following is substituted in lieu thereof (*Effective*  
185 *October 1, 2013*):

186 (d) [On or before July 1, 1999, the] The Commissioner of Energy and  
187 Environmental Protection, in consultation with the Commissioner of  
188 Agriculture, the United States Soil Conservation Service, the  
189 Cooperative Extension Service at The University of Connecticut and  
190 the Council for Soil and Water Conservation [, shall] may publish  
191 notice of intent to adopt regulations in accordance with chapter 54 for  
192 farm resources management plans. Such regulations [shall] may  
193 include, but not be limited to, a priority system and procedures for  
194 determining if a farm management plan is required and the priority  
195 that is assigned to the preparation of such a plan, best management  
196 practices, restrictions and prohibitions for manure management,  
197 storage and handling of pesticides, reduced use of pesticides through  
198 pest management practices, integrated pest management, fertilizer  
199 management and underground and above-ground storage tanks and  
200 criteria and procedures for submission and review of farm resources  
201 management plans and amendments of such plans. In adopting such  
202 best management practices, restrictions and prohibitions, the  
203 commissioner shall consider existing state and federal guidelines or  
204 regulations affecting aquifers and agricultural resources management.

205 Sec. 8. Subsection (b) of section 22a-361 of the general statutes is  
206 repealed and the following is substituted in lieu thereof (*Effective*  
207 *October 1, 2013*):

208 (b) The commissioner, at least thirty days before approving or  
209 denying an application for a permit, shall provide or require the  
210 applicant to provide notice by certified mail, return receipt requested,  
211 or by electronic means to the applicant, to the Commissioner of  
212 Transportation, the Attorney General and the Commissioner of  
213 Agriculture and to the chief executive officer, the chairmen of the  
214 planning, zoning, harbor management and shellfish commissions of  
215 each town in which such structure, fill, obstruction, encroachment or

216 dredging is to be located or work to be performed, and to the owner of  
217 each franchised oyster ground and the lessee of each leased oyster  
218 ground within which such work is to be performed and shall publish  
219 such notice once in a newspaper having a substantial circulation in the  
220 area affected. Such notice shall contain (1) the name of the applicant;  
221 (2) the location and nature of the proposed activities; (3) the tentative  
222 decision regarding the application; and (4) any additional information  
223 the commissioner deems necessary. There shall be a comment period  
224 following the public notice during which interested persons may  
225 submit written comments. The commissioner may hold a public  
226 hearing prior to approving or denying an application if, in the  
227 commissioner's discretion, the public interest will best be served by  
228 holding such hearing. The commissioner shall hold a public hearing if  
229 the commissioner receives: (A) A written request for such public  
230 hearing from the applicant, or (B) a petition, signed by twenty-five or  
231 more persons requesting such public hearing on an application. [that  
232 will: (i) Significantly impact any shellfish area, as determined by the  
233 director of the Bureau of Aquaculture at the Department of  
234 Agriculture, (ii) have interstate ramifications, or (iii) involve any  
235 project that requires a certificate issued pursuant to section 16-50k or  
236 approval by the Federal Energy Regulatory Commission.] Following  
237 such notice and comment period and public hearing, if applicable, the  
238 commissioner may, in whole or in part, approve, modify and approve  
239 or deny the application. The commissioner shall provide to the  
240 applicant and the persons set forth above, by certified mail, return  
241 receipt requested, or by electronic means, notice of the commissioner's  
242 decision. If the commissioner requires the applicant to provide the  
243 notice specified in this subsection, the applicant shall certify to the  
244 commissioner, not later than twenty days after providing such notice,  
245 that such notice has been provided in accordance with this subsection.  
246 Any person who is aggrieved by the commissioner's final decision on  
247 such application may appeal such decision to the Superior Court in  
248 accordance with section 4-183.

249 Sec. 9. Subsections (c) and (d) of section 22a-371 of the general  
250 statutes are repealed and the following is substituted in lieu thereof

251 (Effective October 1, 2013):

252 (c) If the commissioner finds that an application is complete, he shall  
253 notify the applicant by electronic means or certified mail, return  
254 receipt requested. The commissioner shall also notify the applicant of  
255 the time, date and location of any public hearing to be held on the  
256 application.

257 (d) Upon notifying the applicant in accordance with subsection (c)  
258 of this section that the application is complete, the commissioner shall  
259 immediately provide, by electronic means, notice of the application  
260 and a concise description of the proposed diversion to the Governor,  
261 the Attorney General, the speaker of the House of Representatives, the  
262 president pro tempore of the Senate, the Secretary of the Office of  
263 Policy and Management, the Commissioners of Public Health and  
264 Economic and Community Development, the chairperson of the Public  
265 Utilities Regulatory Authority, the chief executive officer and chairmen  
266 of the conservation commission and wetlands agency of the  
267 municipality or municipalities in which the proposed diversion will  
268 take place or have effect, and any person who has requested notice of  
269 such activities.

270 Sec. 10. Subsection (a) of section 22a-403 of the general statutes is  
271 repealed and the following is substituted in lieu thereof (Effective  
272 October 1, 2013):

273 (a) Before any person constructs, alters, rebuilds, substantially  
274 repairs, adds to, replaces or removes any such structure, such person  
275 shall apply to the commissioner for a permit to undertake such work.  
276 The application for such permit shall be in triplicate, the original of  
277 which, with necessary drawings, plans, specifications and other data,  
278 shall be submitted to the commissioner, in the form and to the extent  
279 required by him. If the commissioner finds that an application is  
280 complete, he shall (1) notify the applicant by electronic means or  
281 certified mail, return receipt requested, of his intent to grant a permit  
282 with or without terms and conditions or to deny a permit for such  
283 work, and (2) publish notice of such intention in a newspaper having a

284 general circulation in the area in which the proposed work will take  
285 place or have effect. The commissioner shall mail or provide by  
286 electronic means notice of such intent to the chief executive officer, the  
287 inland wetland agency, and the planning, zoning and conservation  
288 commissions of each town in which the work will take place or have  
289 effect. The commissioner may hold a hearing prior to approving or  
290 denying any application if, in his discretion, the public interest will be  
291 best served thereby, and he shall hold a hearing if, within thirty days  
292 after such notice has been published, he receives a petition requesting  
293 such a hearing signed by at least twenty-five persons. Notice of such  
294 hearing shall be published at least thirty days before the hearing in a  
295 newspaper having a general circulation in the area in which the work  
296 will take place or have effect.

297 Sec. 11. Subsection (j) of section 22a-430 of the general statutes is  
298 repealed and the following is substituted in lieu thereof (*Effective*  
299 *October 1, 2013*):

300 (j) (1) The commissioner may exempt persons who or municipalities  
301 which apply for permits for the following discharges from the  
302 requirement to submit plans and specifications under subsection (b) of  
303 this section:

304 (A) A discharge from a new treatment or disposal system which  
305 system is substantially the same as a system that the applicant is  
306 operating in compliance with a permit for said system issued by the  
307 commissioner;

308 (B) The discharge is described in a general permit issued by the  
309 commissioner pursuant to section 22a-430b;

310 (C) The discharge is from a system, the purpose of which, as  
311 determined by the commissioner, is not to treat any toxic or hazardous  
312 substances; or

313 (D) The discharge is exempt from public notice under subsection (b)  
314 of this section and regulations adopted thereunder.

315 (2) The commissioner shall adopt regulations not later than [June 30,  
316 2011] February 1, 2015, in accordance with the provisions of chapter 54,  
317 to establish other categories of discharges which may be exempted  
318 from the requirement to submit plans and specifications under  
319 subsection (b) of this section. Such regulations may include, but not be  
320 limited to, the following: (A) Minimum standards for the design and  
321 operation of treatment systems for such discharges; and (B)  
322 requirements for submission of information concerning such  
323 discharges.

324 Sec. 12. Subsections (e) and (f) of section 22a-461 of the general  
325 statutes are repealed and the following is substituted in lieu thereof  
326 (*Effective October 1, 2013*):

327 [(e) The commissioner shall adopt regulations, in accordance with  
328 the provisions of chapter 54, to require the registration of sewage  
329 system additives.]

330 [(f)] (e) Any person who violates any provision of this section may  
331 be fined not less than one hundred dollars or more than three hundred  
332 dollars for the first offense, and not less than three hundred dollars or  
333 more than five hundred dollars for the second and each subsequent  
334 offense. A separate and distinct offense shall be construed to be  
335 committed each day on which such person shall continue or permit  
336 any such violation.

337 Sec. 13. Section 22a-434 of the general statutes is repealed and the  
338 following is substituted in lieu thereof (*Effective October 1, 2013*):

339 When the commissioner issues a final order to any person to correct  
340 potential sources of pollution or to abate pollution, the commissioner  
341 shall cause a certified copy thereof to be filed on the land records in the  
342 town wherein the land is located, and such order shall constitute a  
343 notice to the owner's heirs, successors and assigns. When the order  
344 [has been fully] is complied with or revoked, the commissioner shall  
345 issue a certificate showing such compliance or revocation, which  
346 certificate the commissioner shall cause to be recorded on the land

347 records in the town wherein the order was previously recorded. A  
348 certified copy of the certificate shall be sent to the owner of the land at  
349 such owner's last-known post office address.

350 Sec. 14. Section 22a-449m of the general statutes is repealed and the  
351 following is substituted in lieu thereof (*Effective October 1, 2013*):

352 [(a)] Any remediation of contaminated soil or groundwater the cost  
353 of which is to be paid out of the program established under subsection  
354 (a) of section 22a-449c shall be performed by or under the direct onsite  
355 supervision of a registered contractor, as defined in sections 22a-449l  
356 and 22a-449n, and shall be performed in accordance with regulations  
357 adopted by the commissioner pursuant to section 22a-133k that  
358 establish direct exposure criteria for soil, pollutant mobility criteria for  
359 soil and groundwater protection criteria for GA and GAA areas. If the  
360 replacement of any such residential underground heating oil storage  
361 tank system performed pursuant to the provisions of this section  
362 involves installation of an underground petroleum storage tank, such  
363 tank shall conform to any standards which apply to new underground  
364 petroleum storage tanks.

365 [(b)] The commissioner shall adopt regulations, in accordance with  
366 the provisions of chapter 54, setting forth the standards and criteria for  
367 residential underground heating oil storage tank systems which may  
368 include, but not be limited to, (1) standards for criteria for the design,  
369 installation, operation, maintenance and monitoring of such facilities,  
370 (2) the life expectancy after which such systems must be removed and  
371 replaced, and (3) standards and procedures for the granting of a  
372 waiver for the installation of a new residential underground heating  
373 oil storage tank system or the replacement of an existing system. The  
374 commissioner shall adopt regulations, in accordance with the  
375 provisions of chapter 54, regarding the removal of all pipes connected  
376 to both above ground and underground residential heating oil storage  
377 tank systems, when a storage tank is removed, regardless of the  
378 storage tank's capacity.]

379 Sec. 15. Subsection (d) of section 22a-361 of the general statutes is

380 repealed and the following is substituted in lieu thereof (*Effective*  
381 *October 1, 2013*):

382 (d) (1) The Commissioner of Energy and Environmental Protection  
383 may issue a general permit for any [minor] activity regulated under  
384 sections 22a-28 to 22a-35, inclusive, or sections 22a-359 to 22a-363f,  
385 inclusive, if the commissioner determines that such activity would (A)  
386 cause minimal environmental effects when conducted separately, (B)  
387 cause only minimal cumulative environmental effects, (C) not be  
388 inconsistent with the considerations and the public policy set forth in  
389 sections 22a-28 to 22a-35, inclusive, and section 22a-359, as applicable,  
390 (D) be consistent with the policies of the Coastal Management Act, and  
391 (E) constitute an acceptable encroachment into public lands and  
392 waters. Such activities may include routine minor maintenance and  
393 routine minor repair of existing structures, fill, obstructions,  
394 encroachments or excavations; substantial maintenance consisting of  
395 rebuilding, reconstructing or reestablishing to a preexisting condition  
396 and dimension any structure, fill, obstruction, encroachment or  
397 excavation; maintenance dredging of areas which have been dredged  
398 and continuously maintained as serviceable; activities allowed  
399 pursuant to a perimeter permit; the removal of structures, derelict  
400 vessels, debris, rubbish or similar discarded material or unauthorized  
401 fill material; minor alterations or amendments to authorized activities  
402 consistent with the authorization for such activities; activities which  
403 have been required or allowed by an order of the commissioner; open  
404 water marsh management by or under the supervision of the  
405 Department of Public Health or the Department of Energy and  
406 Environmental Protection; conservation activities of or under the  
407 supervision or direction of the Department of Energy and  
408 Environmental Protection; construction of individual residential docks  
409 which do not create littoral or riparian conflicts, navigational  
410 interference, or adverse impacts to coastal resources, as defined in  
411 section 22a-93, which are not located in tidal wetlands, as defined in  
412 section 22a-29, and which extend no further than forty feet waterward  
413 of mean high water or to a depth of minus four feet mean low water,  
414 whichever point is more landward; installation of scientific measuring

415 or monitoring devices; survey activities including excavation of test  
416 pits and core sampling and driving of test pilings; construction of  
417 utility lines; aquacultural activities; and installation and removal of  
418 small seasonal structures including floats and moorings. Any person  
419 conducting an activity for which a general permit has been issued shall  
420 not be required to obtain an individual permit or certificate under any  
421 other provision of sections 22a-28 to 22a-35, inclusive, or sections 22a-  
422 359 to 22a-363f, inclusive, for that activity except as provided in  
423 subdivision (3) of this subsection. A general permit shall clearly define  
424 the activity covered thereby and may include such conditions and  
425 requirements as the commissioner deems appropriate, including, but  
426 not limited to, construction timing, methodologies and durations,  
427 resource protection practices, management practices, and verification  
428 and reporting requirements. The general permit may require any  
429 person proposing to conduct any activity under the general permit to  
430 register such activity, including obtaining approval from the  
431 commissioner, before the general permit becomes effective as to such  
432 activity. Registrations and applications for approval under the general  
433 permit shall be submitted on forms prescribed by the commissioner.  
434 Any approval by the commissioner under a general permit may  
435 include conditions specific to the proposed activity to ensure  
436 consistency with the requirements for issuance of the general permit.  
437 [The commissioner shall prepare, and annually amend, a list of holders  
438 of general permits under this section, which list shall be made  
439 available to the public.]

440 (2) Notwithstanding any other procedures specified in sections 22a-  
441 28 to 22a-35, inclusive, and sections 22a-359 to 22a-363f, inclusive, any  
442 regulations adopted thereunder, and chapter 54, the commissioner  
443 may issue a general permit in accordance with the following  
444 procedures: (A) The commissioner shall publish in a newspaper  
445 having a substantial circulation in the affected area or areas notice of  
446 intent to issue a general permit; (B) the commissioner shall allow a  
447 comment period of thirty days following publication of such notice  
448 during which interested persons may submit written comments  
449 concerning the permit to the commissioner and the commissioner shall

450 hold a public hearing if, within said comment period, he receives a  
451 petition signed by at least twenty-five persons; (C) the commissioner  
452 may not issue the general permit until after the comment period; (D)  
453 the commissioner shall publish notice of any permit issued in a  
454 newspaper having substantial circulation in the affected area or areas;  
455 and (E) summary suspension may be ordered in accordance with  
456 subsection (c) of section 4-182. Any person may request that the  
457 commissioner issue, modify or revoke a general permit in accordance  
458 with this subsection.

459 (3) Subsequent to the issuance of a general permit, the commissioner  
460 may require any person whose activity is or may be covered by the  
461 general permit to apply for and obtain an individual permit or  
462 certificate under the provisions of sections 22a-28 to 22a-35, inclusive,  
463 or sections 22a-359 to 22a-363f, inclusive, for all or any portion of the  
464 activities covered by the general permit, if the commissioner  
465 determines that an individual permit is necessary to assure consistency  
466 with purposes and policies of such sections, and the Coastal  
467 Management Act. The commissioner may require an individual permit  
468 under this subdivision in cases including, but not limited to, the  
469 following: (A) The permittee is not in compliance with the conditions  
470 of the general permit; (B) an individual permit or certificate is  
471 appropriate because of circumstances specific to the site; (C)  
472 circumstances have changed since the time the general permit was  
473 issued so that the permitted activity is no longer acceptable under the  
474 general permit; or (D) a change has occurred in relevant law. The  
475 commissioner may require an individual permit or certificate under  
476 this section only if the affected person has been notified in writing that  
477 an individual permit or certificate is required. The notice shall include  
478 a brief statement of the reasons for the decision.

479 (4) The commissioner may adopt regulations, in accordance with the  
480 provisions of chapter 54, to carry out the purposes of this section.

481 Sec. 16. Subsection (a) of section 22a-378a of the general statutes is  
482 repealed and the following is substituted in lieu thereof (*Effective*

483 *October 1, 2013*):

484 (a) The Commissioner of Energy and Environmental Protection may  
485 issue a general permit for any [minor] activity regulated under sections  
486 22a-365 to 22a-378, inclusive, except for any activity covered by an  
487 individual permit, if the commissioner determines that such activity  
488 would cause minimal environmental effects when conducted  
489 separately and would cause only minimal cumulative environmental  
490 effects, and will have no adverse effect on existing or potential uses of  
491 water for potable water supplies, hydropower, flood management,  
492 water-based recreation, industry or waste assimilation. Such activities  
493 may include diversions which were eligible for registration under  
494 subsection (a) of section 22a-368 but were not registered; backup wells,  
495 provided such wells are not used to increase the quantity of water  
496 diverted from a well-field permitted or registered under [said] section  
497 22a-368; transferring water from one distribution system or service  
498 area to another distribution system or service area or the installation of  
499 the capacity to transfer such water in anticipation of a water supply  
500 emergency for public water supply; and collection and discharge of  
501 runoff, including stormwater runoff and skimming of flood flows,  
502 from a watershed area less than equal to one square mile. On or before  
503 April 1, 1995, the commissioner shall issue a general permit for public  
504 water systems, as defined in section 25-33d, in accordance with this  
505 section and the regulations adopted pursuant to sections 22a-365 to  
506 22a-378, inclusive, for diversions maintained by any entity which is  
507 acquired by such systems which diversions were eligible for  
508 registration under subsection (a) of section 22a-368 but were not  
509 registered and for backup wells provided such wells are not used to  
510 increase the quantity of water diverted from a well-field permitted or  
511 registered under [said] section 22a-368. Any person or municipality  
512 conducting an activity for which a general permit has been issued shall  
513 not be required to obtain an individual permit under any other  
514 provision of [said] sections 22a-365 to 22a-378, inclusive, except as  
515 provided in subsection (c) of this section. A general permit shall clearly  
516 define the activity covered thereby and may include such conditions  
517 and requirements as the commissioner deems appropriate, including

518 but not limited to, management practices and verification and  
519 reporting requirements. The general permit may require any person or  
520 municipality conducting any activity under the general permit to  
521 report, on a form prescribed by the commissioner, such activity to the  
522 commissioner before it shall be covered by the general permit. [The  
523 commissioner shall prepare, and shall annually amend, a list of  
524 holders of general permits under this section, which list shall be made  
525 available to the public.]

526 Sec. 17. Subsection (e) of section 22a-361 of the general statutes is  
527 repealed and the following is substituted in lieu thereof (*Effective*  
528 *October 1, 2013*):

529 (e) No person, firm or corporation, public, municipal or private,  
530 who removes sand, gravel or other material lying waterward of the  
531 mean high water mark of the tidal, coastal or navigable waters of the  
532 state pursuant to a permit issued under this section on or after October  
533 1, 1996, shall make any beneficial or commercial use of such sand,  
534 gravel or other material except upon payment to the state of a fee. [of  
535 four dollars per cubic yard of such sand, gravel and other materials.]  
536 Such payment shall be made at times and under conditions specified  
537 by the commissioner in such permit, provided the commissioner may  
538 waive such payment for the beneficial or commercial use of sand,  
539 gravel, or other material that such person, firm or corporation  
540 decontaminates or processes to meet applicable environmental  
541 standards for reuse. No fee shall be assessed for (1) the performance of  
542 such activities on land which is not owned by the state, (2) the use of  
543 sand, gravel or other materials for beach restoration projects, or (3)  
544 ultimate disposal of such sand, gravel or other materials which does  
545 not result in an economic benefit to any person. For the purposes of  
546 this section, "beneficial or commercial use" includes, but is not limited  
547 to, sale or use of sand, gravel or other materials for construction,  
548 aggregate, fill or landscaping. The commissioner may adopt  
549 regulations, in accordance with the provisions of chapter 54,  
550 establishing the amount of the fee required pursuant to this subsection.  
551 Such fee shall be four dollars per cubic yard of such sand, gravel and

552 other material until such time as the commissioner adopts such  
553 regulations.

554 Sec. 18. Section 22a-2d of the general statutes is repealed and the  
555 following is substituted in lieu thereof (*Effective October 1, 2013*):

556 (a) There is established a Department of Energy and Environmental  
557 Protection, which shall have jurisdiction relating to the preservation  
558 and protection of the air, water and other natural resources of the state,  
559 energy and policy planning and regulation and advancement of  
560 telecommunications and related technology. For the purposes of  
561 energy policy and regulation, the department shall have the following  
562 goals: (1) Reducing rates and decreasing costs for Connecticut's  
563 ratepayers, (2) ensuring the reliability and safety of our state's energy  
564 supply, (3) increasing the use of clean energy and technologies that  
565 support clean energy, and (4) developing the state's energy-related  
566 economy. For the purpose of environmental protection and regulation,  
567 the department shall have the following goals: (A) Conserving,  
568 improving and protecting the natural resources and environment of  
569 the state, and (B) preserving the natural environment while fostering  
570 sustainable development. The Public Utilities Regulatory Authority  
571 within the department shall be responsible for all matters of rate  
572 regulation for public utilities and regulated entities under title 16 and  
573 shall promote policies that will lead to just and reasonable utility rates.  
574 The department head shall be the Commissioner of Energy and  
575 Environmental Protection who shall be appointed by the Governor in  
576 accordance with the provisions of sections 4-5 to 4-8, inclusive, with  
577 the powers and duties therein prescribed. The Department of Energy  
578 and Environmental Protection shall establish bureaus, one of which  
579 shall be designated an energy bureau.

580 (b) The Department of Energy and Environmental Protection shall  
581 constitute a successor department to the Department of Environmental  
582 Protection and the Department of Public Utility Control in accordance  
583 with the provisions of sections 4-38d, 4-38e and 4-39.

584 (c) Wherever the words "Commissioner of Environmental

585 Protection" are used or referred to in the following sections of the  
586 general statutes, the words "Commissioner of Energy and  
587 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-  
588 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-  
589 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-  
590 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, as amended by this act,  
591 7-246f, 7-247, 7-249a, 7-323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-  
592 231d, 10-231g, 10-382, 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-  
593 217mm, 12-263m, 12-407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b,  
594 13a-142e, 13a-175j, 13b-11a, 13b-38x, 13b-51, 13b-56, 13b-57, 13b-329,  
595 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-100b, 14-164c, 14-164h,  
596 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125, 15-127, 15-130, 15-  
597 133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-140f, 15-140j, 15-  
598 140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144, 15-145, 15-149a,  
599 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-155d, 15-156, 15-  
600 174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j, 16-261a, 16a-3,  
601 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-35a, 19a-47,  
602 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc, 22-81a, 22-  
603 91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, 22a-6a, 22a-  
604 6b, 22a-6e, 22a-6f, 22a-6g, as amended by this act, 22a-6h, as amended  
605 by this act, 22a-6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s,  
606 22a-6u, 22a-6v, 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-  
607 7a, 22a-7b, 22a-8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c,  
608 22a-21d, 22a-21h, 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-  
609 27l, 22a-27p, 22a-27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-  
610 29, 22a-35a, 22a-38, 22a-42a, 22a-44, 22a-45a, as amended by this act,  
611 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54, 22a-54a, 22a-56a, 22a-66a,  
612 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y, 22a-66z, 22a-68, 22a-93, 22a-  
613 106a, 22a-109, 22a-113n, 22a-113t, 22a-114, 22a-115, 22a-118, 22a-122,  
614 22a-133a, 22a-133b, 22a-133k, 22a-133l, 22a-133m, 22a-133n, 22a-133u,  
615 22a-133v, 22a-133w, 22a-133y, 22a-133z, 22a-133aa, 22a-133bb, 22a-  
616 133ee, 22a-134, 22a-134e, 22a-134f, 22a-134g, 22a-134h, 22a-134i, 22a-  
617 134k, 22a-134l, 22a-134m, 22a-134n, 22a-134p, 22a-134s, 22a-135, 22a-  
618 136, 22a-137, 22a-148, 22a-149, 22a-150, 22a-151, 22a-153, 22a-154, 22a-  
619 155, 22a-156, 22a-158, 22a-160, 22a-162, 22a-170, 22a-171, 22a-173, 22a-

620 174c, 22a-174d, 22a-174e, 22a-174f, 22a-174g, 22a-174h, 22a-174i, 22a-  
621 174j, 22a-174k, [22a-174l, 22a-174m,] 22a-180, 22a-182a, 22a-183, 22a-  
622 186, 22a-188, 22a-188a, 22a-191, 22a-191a, 22a-192, 22a-193, 22a-194a,  
623 22a-194c, 22a-194f, 22a-198, 22a-199, 22a-200, 22a-200a, 22a-200b, 22a-  
624 200c, [22a-201a, 22a-201b,] 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-  
625 208e, 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-  
626 208q, 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-208aa, 22a-208bb,  
627 22a-209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-209h, 22a-209i,  
628 [22a-213a,] 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220, 22a-220a,  
629 22a-220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-230, 22a-231,  
630 22a-233a, 22a-235, 22a-235a, 22a-237, 22a-238, as amended by this act,  
631 22a-239, [22a-240,] 22a-240a, 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-  
632 241h, 22a-241j, 22a-245, 22a-245a, 22a-245b, 22a-245d, 22a-248, 22a-250,  
633 22a-250a, 22a-250b, 22a-250c, 22a-252, 22a-255b, [22a-255c,] 22a-255d,  
634 22a-255f, 22a-255h, 22a-256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o,  
635 22a-256q, 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260, 22a-264,  
636 22a-283, 22a-285a, 22a-285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j,  
637 22a-295, 22a-300, 22a-308, 22a-309, 22a-314, 22a-315, 22a-316, 22a-317,  
638 22a-318, 22a-319, 22a-320, 22a-321, 22a-322, 22a-324, 22a-326, 22a-328,  
639 22a-336, 22a-337, 22a-339a, 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-  
640 339g, 22a-339h, 22a-342a, 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b,  
641 22a-354c, 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-354j,  
642 22a-354k, 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-354v,  
643 22a-354w, 22a-354x, 22a-354z, 22a-354aa, 22a-354bb, 22a-354cc, 22a-355,  
644 22a-357, 22a-359, 22a-361, as amended by this act, 22a-361a, 22a-363b,  
645 22a-364, 22a-367, 22a-368a, 22a-378a, as amended by this act, 22a-381,  
646 22a-401, 22a-402, 22a-406, 22a-409, 22a-416, 22a-423, 22a-426, 22a-430b,  
647 22a-430c, 22a-434a, 22a-439, 22a-439a, 22a-444, 22a-445, 22a-449, 22a-  
648 449e, 22a-449f, 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-449k, 22a-  
649 449l, 22a-449n, 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-452e, 22a-  
650 453a, 22a-454c, 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461, as  
651 amended by this act, 22a-462, 22a-463, 22a-471, 22a-472, 22a-474, 22a-  
652 475, 22a-482, 22a-485, 22a-497, 22a-500, 22a-501, 22a-517, 22a-521, 22a-  
653 522, 22a-523, 22a-524, 22a-525, 22a-526, 22a-527, 22a-601, 22a-602, 22a-  
654 605, 22a-613, 22a-616, 22a-626, 22a-627, 22a-629, 22a-630, 22a-634, 22a-

655 637, 22a-638, 22a-902, 23-4, 23-5, 23-5b, 23-6, 23-7, 23-8, 23-8b, 23-9a, 23-  
656 9b, 23-10, 23-10b, 23-10c, 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-  
657 15a, 23-15b, 23-16, 23-16a, 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24,  
658 23-24a, 23-25, 23-26b, 23-26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32,  
659 23-32a, 23-33, 23-37a, 23-37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f,  
660 23-65g, 23-65h, 23-65i, 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-  
661 65q, 23-73, 23-75, 23-77, 23-101, 23-102, 24-2, 25-33e, 25-33k, 25-33m, 25-  
662 33o, 25-34, 25-68b, 25-68i, 25-68k, 25-68l, 25-68m, 25-68n, 25-71, 25-72,  
663 25-74, 25-76, 25-80, 25-83a, 25-94, 25-95, 25-97, 25-102a, 25-102d, 25-  
664 102e, 25-102f, 25-102t, 25-102ii, 25-102qq, 25-102xx, 25-109e, 25-109q,  
665 25-131, 25-139, 25-155, 25-157, 25-178, 25-199, 25-199a, 25-201, 25-231,  
666 26-1, 26-3, 26-3a, 26-3b, 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-  
667 18, 26-25a, 26-25b, 26-27, 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30,  
668 26-31, 26-31a, 26-40a, 26-40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c,  
669 26-67e, 26-74, 26-80a, 26-86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-  
670 107h, 26-107i, 26-115, 26-119, 26-141a, 26-141b, 26-141c, 26-142a, 26-  
671 142b, 26-157c, 26-157d, 26-157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-  
672 192j, 26-297, 26-313, 26-314, 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e,  
673 32-9dd, 32-9kk, 32-9ll, 32-11a, 32-23x, 32-242, 32-242a, 32-664, 38a-684,  
674 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-66g, 51-164n, 52-192, 52-  
675 473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

676 (d) Wherever the words "Department of Environmental Protection"  
677 are used or referred to in the following sections of the general statutes,  
678 the words "Department of Energy and Environmental Protection" shall  
679 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-  
680 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-  
681 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,  
682 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-  
683 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-  
684 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-  
685 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-  
686 5b, 22a-6, 22a-6f, 22a-6g, as amended by this act, 22a-6l, 22a-6p, 22a-6r,  
687 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a, 22a-21, 22a-21a, 22a-  
688 21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-25, 22a-26, 22a-26a,  
689 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-47a, 22a-58, 22a-61,

690 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-122, 22a-123, 22a-126,  
691 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135, 22a-170, 22a-174, [22a-  
692 174l,] 22a-186, 22a-188a, 22a-196, 22a-198, 22a-200b, 22a-200c, 22a-200d,  
693 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-  
694 245a, 22a-247, 22a-248, 22a-250, 22a-255h, 22a-256m, 22a-256y, 22a-259,  
695 22a-260, 22a-264, 22a-275, 22a-314, 22a-315, 22a-336, 22a-352, 22a-355,  
696 22a-361, as amended by this act, 22a-363b, 22a-416, 22a-426, 22a-446,  
697 22a-449f, 22a-449l, 22a-449n, 22a-454a, 22a-475, 22a-477, 22a-509, 22a-  
698 521, 22a-601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b, 23-  
699 10d, 23-15, 23-15b, 23-19, 23-20, 23-24a, 23-32a, 23-61a, 23-65f, 23-65h,  
700 23-65i, 23-65k, 23-67, 23-68, 23-72, 23-73, 23-101, 23-102, 23-103, 25-32d,  
701 25-33p, 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131,  
702 25-157, 25-157a, 25-157b, 25-157n, 25-175, 25-201, 25-206, 25-231, 26-6a,  
703 26-15, 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59,  
704 26-66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300,  
705 26-304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-1e, 32-9t, 32-9dd, 32-9kk,  
706 32-9ll, 32-11a, 32-23d, 32-23x, 32-242, 32-242a, 32-726, 46b-220, 47-46a,  
707 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-44a, 53a-217e, 54-56g and  
708 54-143.

709 (e) Wherever the words "Department of Public Utility Control" are  
710 used or referred to in the following sections of the general statutes, the  
711 words "Public Utilities Regulatory Authority" shall be substituted in  
712 lieu thereof: 1-84, 1-84b, 2-20a, 2-71p, 4-38c, 4a-57, 4a-74, 4d-2, 4d-80, 7-  
713 223, 7-233t, 7-233ii, 8-387, 12-81q, 12-94d, 12-264, 12-265, 12-408b, 12-  
714 412, 12-491, 13a-82, 13a-126a, 13b-10a, 13b-43, 13b-44, 13b-387a, 15-96,  
715 16-1, 16-2, 16-2a, 16-6, 16-6a, 16-6b, 16-7, 16-8, 16-8b, 16-8c, 16-8d, 16-9,  
716 16-9a, 16-10, 16-10a, 16-11, 16-12, 16-13, 16-14, 16-15, 16-16, 16-17, 16-18,  
717 16-19, 16-19a, 16-19b, 16-19d, 16-19f, 16-19k, 16-19n, 16-19o, 16-19u, 16-  
718 19w, 16-19x, 16-19z, 16-19aa, 16-19bb, 16-19cc, 16-19dd, 16-19ee, 16-  
719 19ff, 16-19gg, 16-19jj, 16-19kk, 16-19mm, 16-19nn, 16-19oo, 16-19pp, 16-  
720 19qq, 16-19tt, 16-19uu, 16-19vv, 16-20, 16-21, 16-23, 16-24, 16-25, 16-25a,  
721 16-26, 16-27, 16-28, 16-29, 16-32, 16-32a, 16-32b, 16-32c, 16-32e, 16-32f,  
722 16-32g, 16-33, 16-35, 16-41, 16-42, 16-43, 16-43a, 16-43d, 16-44, 16-44a,  
723 16-45, 16-46, 16-47, 16-47a, 16-48, 16-49e, 16-50c, 16-50d, 16-50f, 16-50k,  
724 16-50aa, 16-216, 16-227, 16-231, 16-233, 16-234, 16-235, 16-238, 16-243,

725 16-243a, 16-243b, 16-243c, 16-243f, 16-243i, 16-243j, 16-243k, 16-243m,  
726 16-243n, 16-243p, 16-243q, 16-243r, 16-243s, 16-243t, 16-243u, 16-243v,  
727 16-243w, 16-244a, 16-244b, 16-244c, 16-244d, 16-244e, 16-244f, 16-244g,  
728 16-244h, 16-244i, 16-244k, 16-244l, 16-245, 16-245a, 16-245b, 16-245c, 16-  
729 245e, 16-245g, 16-245l, 16-245p, 16-245q, 16-245s, 16-245t, 16-245u, 16-  
730 245v, 16-245w, 16-245x, 16-245aa, 16-246, 16-246e, [16-246g,] 16-247c,  
731 16-247j, 16-247l, 16-247m, 16-247o, 16-247p, 16-247t, 16-249, 16-250, 16-  
732 250a, 16-250b, 16-256b, 16-256c, 16-256h, 16-256k, 16-258a, 16-258b, 16-  
733 258c, 16-259, 16-261, 16-262a, 16-262c, 16-262d, 16-262i, 16-262j, 16-262k,  
734 16-262l, 16-262m, 16-262n, 16-262o, 16-262q, 16-262r, 16-262s, 16-262v,  
735 16-262w, 16-262x, 16-265, 16-269, 16-271, 16-272, 16-273, 16-274, 16-275,  
736 16-276, 16-278, 16-280a, 16-280b, 16-280d, 16-280e, 16-280f, 16-280h, 16-  
737 281a, 16-331, 16-331c, 16-331e, 16-331f, 16-331g, 16-331h, 16-331i, 16-  
738 331j, 16-331k, 16-331n, 16-331o, 16-331p, 16-331q, 16-331r, 16-331t, 16-  
739 331u, 16-331v, 16-331y, 16-331z, 16-331aa, 16-331cc, 16-331dd, 16-331ff,  
740 16-331gg, 16-332, 16-333, 16-333a, 16-333b, 16-333e, 16-333f, 16-333g,  
741 16-333h, 16-333i, 16-333l, 16-333n, 16-333o, 16-333p, 16-347, 16-348, 16-  
742 356, 16-357, 16-358, 16-359, 16a-3b, 16a-3c, 16a-7b, 16a-7c, 16a-13b, 16a-  
743 37c, subsection (b) of section 16a-38n, 16a-38o, 16a-40b, 16a-40k, 16a-41,  
744 16a-46, 16a-46b, 16a-46c, 16a-47a, 16a-47b, 16a-47c, 16a-47d, 16a-47e,  
745 16a-48, 16a-49, 16a-103, 20-298, 20-309, 20-340, 20-340a, 20-341k, 20-  
746 341z, 20-357, 20-541, [22a-174l,] 22a-256dd, 22a-266, 22a-358, 22a-475,  
747 22a-478, 22a-479, 23-8b, 23-65, 25-33a, 25-33h, 25-33k, 25-33l, 25-33p, 25-  
748 37d, 25-37e, 26-141b, 28-1b, 28-24, 28-26, 28-27, 28-31, 29-282, 29-415,  
749 32-80a, 32-222, 33-219, 33-221, 33-241, 33-951, 42-287, 43-44, 49-4c and  
750 52-259a.

751 (f) Wherever the words "Secretary of the Office of Policy and  
752 Management" are used or referred to in the following sections of title  
753 16a, the words "Commissioner of Energy and Environmental  
754 Protection" shall be substituted in lieu thereof: 16a-4d, 16a-14, 16a-22,  
755 16a-22c, 16a-22h, 16a-22i, 16a-22j, 16a-23t, 16a-37f, 16a-38, 16a-38a, 16a-  
756 38b, 16a-38i, 16a-38j, 16a-39b, 16a-40b, 16a-44b, 16a-46a, 16a-46b, 16a-  
757 46c, 16a-46e, 16a-46f and 16a-102.

758 (g) Wherever the words "Office of Policy and Management" are

759 used or referred to in the following sections of title 16a, the words  
760 "Department of Energy and Environmental Protection" shall be  
761 substituted in lieu thereof: 16a-2, 16a-3, 16a-4d, 16a-6, 16a-7b, 16a-14,  
762 16a-14e, 16a-20, 16a-22, 16a-22c, 16a-22h, 16a-22j, 16a-37c, 16a-37f, 16a-  
763 37v, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, 16a-38l, 16a-39b,  
764 16a-40b, 16a-44b, 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-46g, 16a-102  
765 and 16a-106.

766 (h) Wherever the word "secretary" is used or referred to in the  
767 following sections of title 16a, the word "commissioner" shall be  
768 substituted in lieu thereof: 16a-2, 16a-3, 16a-4d, 16a-6, 16a-9, 16a-13,  
769 16a-13a, 16a-13b, 16a-14, 16a-14a, 16a-14b, 16a-22, 16a-22c, 16a-22d,  
770 16a-22e, 16a-22f, 16a-22h, 16a-22i, 16a-22j, 16a-23t, 16a-37f, 16a-38, 16a-  
771 38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, 16a-39b, 16a-40b, 16a-44b, 16a-  
772 45a, 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-102 and 16a-106.

773 (i) Wherever the word "department" is used or referred to in the  
774 following sections of the general statutes, the word "authority" shall be  
775 substituted in lieu thereof: 16-9, 16-9a, 16-10, 16-11, 16-13, 16-14, 16-16,  
776 16-17, 16-19, 16-19b, 16-19d, 16-244d, 16-245a, 16-245f, 16-245g, [16-  
777 246g,] 16-245h, 16-245i, 16-245j, 16-245k, 16-245n, 16-245p, 16-247b, 16-  
778 247e, 16-247f, 16-247g, 16-247h, 16-247l, 16-247n, 16-247t, 16-262v, 16-  
779 280a, 16-331 and 16-333d.

780 (j) Wherever the words "Renewable Energy Investment Fund" are  
781 used or referred to in the following sections of the general statutes, the  
782 words "Clean Energy Fund" shall be substituted in lieu thereof: 16-1,  
783 16-243q, 16-245, 16-245e, 16-245f, 16-245i, 16-245j, 16-245w, 16-245aa,  
784 16a-38p, and 32-9ww.

785 (k) Wherever the term "Department of Environmental Protection" or  
786 "Department of Public Utility Control" is used or referred to in any  
787 public or special act of 2011, or in any section of the general statutes  
788 which is amended in 2011, "Department of Energy and Environmental  
789 Protection" shall be substituted in lieu thereof.

790 (l) Wherever the term "Commissioner of Environmental Protection"

791 is used or referred to in any public or special act of 2011, or in any  
792 section of the general statutes which is amended in 2011,  
793 "Commissioner of Energy and Environmental Protection" shall be  
794 substituted in lieu thereof.

795 (m) The Legislative Commissioners' Office shall, in codifying the  
796 provisions of this section, make such conforming, technical,  
797 grammatical and punctuation changes as are necessary to carry out the  
798 purposes of this section.

799 Sec. 19. Section 22a-201c of the general statutes is repealed and the  
800 following is substituted in lieu thereof (*Effective October 1, 2013*):

801 (a) As used in this section, "motor vehicle" means a motor vehicle, as  
802 defined in section 14-1, with a gross vehicle weight rating, as defined  
803 in section 14-1, of ten thousand pounds or less, except for a motorcycle.

804 [(a)] (b) On and after January 1, 2007, the Commissioner of Motor  
805 Vehicles shall charge a fee of five dollars, in addition to any other fees  
806 required for registration, for each new motor vehicle. Said fee may be  
807 identified as the "greenhouse gas reduction fee" on any registration  
808 form, or combined with the fee specified by subdivision (3) of  
809 subsection (k) of section 14-164c. All receipts from the payment of such  
810 fee shall be deposited into the General Fund.

811 [(b) The Commissioner of Motor Vehicles may draw upon not more  
812 than forty per cent of the funds generated pursuant to subsection (a) of  
813 this section to implement the requirements of sections 22a-201a and  
814 22a-201b.]

815 Sec. 20. Section 22a-236 of the general statutes is repealed and the  
816 following is substituted in lieu thereof (*Effective October 1, 2013*):

817 The provisions of sections 22a-6a, 22a-6b, 22a-176, 22a-190 to 22a-  
818 193, inclusive, and 22a-231 to [22a-240] 22a-239a, inclusive, shall apply  
819 to any resources recovery plant or facility operating on or after July 1,  
820 1986.

821 Sec. 21. Subsection (b) of section 22a-238 of the general statutes is  
 822 repealed and the following is substituted in lieu thereof (*Effective*  
 823 *October 1, 2013*):

824 (b) The commissioner shall, by regulations adopted in accordance  
 825 with chapter 54, establish qualifications for inspectors and operators of  
 826 resources recovery facilities. The provisions of this section shall not be  
 827 construed to limit the authority of the Commissioner of Energy and  
 828 Environmental Protection under the provisions of sections 22a-6a, 22a-  
 829 6b, 22a-176, 22a-190 to 22a-193, inclusive, and 22a-231 to [22a-240] 22a-  
 830 239a, inclusive, or any other environmental statute or regulation  
 831 adopted thereunder.

832 Sec. 22. Section 22a-255 of the general statutes is repealed and the  
 833 following is substituted in lieu thereof (*Effective October 1, 2013*):

834 As used in sections 22a-255a [to 22a-255c, inclusive] and 22a-255b:

835 (1) "Beverage" means beer or other malt beverages and mineral  
 836 waters, soda water and carbonated soft drinks in liquid form and  
 837 intended for human consumption;

838 (2) "Plastic bottle" means a container with a capacity of sixteen  
 839 ounces or more composed primarily of one or more plastics; and

840 (3) "Closure" means a screw on or twist off cap used to close a  
 841 container when such cap is not integral to the structure of the  
 842 container.

843 Sec. 23. Sections 16-246g, 22a-31, 22a-174l, 22a-174m, 22a-201 to 22a-  
 844 201b, inclusive, 22a-213a, 22a-240, 22a-255c and 22a-370 of the general  
 845 statutes are repealed. (*Effective October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	7-246(b)
Sec. 2	<i>October 1, 2013</i>	22a-6g(a)
Sec. 3	<i>October 1, 2013</i>	22a-6h(d)

Sec. 4	<i>October 1, 2013</i>	22a-30(a) and (b)
Sec. 5	<i>October 1, 2013</i>	22a-39(k)
Sec. 6	<i>October 1, 2013</i>	22a-45a(d)
Sec. 7	<i>October 1, 2013</i>	22a-354m(d)
Sec. 8	<i>October 1, 2013</i>	22a-361(b)
Sec. 9	<i>October 1, 2013</i>	22a-371(c) and (d)
Sec. 10	<i>October 1, 2013</i>	22a-403(a)
Sec. 11	<i>October 1, 2013</i>	22a-430(j)
Sec. 12	<i>October 1, 2013</i>	22a-461(e) and (f)
Sec. 13	<i>October 1, 2013</i>	22a-434
Sec. 14	<i>October 1, 2013</i>	22a-449m
Sec. 15	<i>October 1, 2013</i>	22a-361(d)
Sec. 16	<i>October 1, 2013</i>	22a-378a(a)
Sec. 17	<i>October 1, 2013</i>	22a-361(e)
Sec. 18	<i>October 1, 2013</i>	22a-2d
Sec. 19	<i>October 1, 2013</i>	22a-201c
Sec. 20	<i>October 1, 2013</i>	22a-236
Sec. 21	<i>October 1, 2013</i>	22a-238(b)
Sec. 22	<i>October 1, 2013</i>	22a-255
Sec. 23	<i>October 1, 2013</i>	Repealer section

**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.

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Department of Energy and Environmental Protection	GF - Savings	Less than 200,000	Less than 200,000

**Municipal Impact:** None

**Explanation**

The bill allows the Department of Energy and Environmental Protection (DEEP) to submit certain notices electronically rather than send notices through the mail. This is anticipated to result in a savings to DEEP of less than \$200,000 annually.

**The Out Years**

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

**OLR Bill Analysis****sHB 6653*****AN ACT CONCERNING DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO ASSIST MUNICIPALITIES.*****SUMMARY:**

This bill makes many changes to the state's environmental laws. Among other things, it:

1. requires municipal water pollution control plans to be (a) consistent with the state's plan of conservation and development and (b) reviewed and approved by the Department of Energy and Environmental Protection (DEEP) commissioner (§ 1);
2. modifies the information regarding public notice that certain permit and license applicants must provide to the commissioner (§ 2);
3. eliminates the commissioner's authority to create tidal wetlands boundary maps (§ 4);
4. expands the circumstances where the commissioner must hold a public hearing for water quality certification under the federal Water Pollution Control Act, or a permit to conduct certain activities below the coastal jurisdiction line in tidal, coastal, or navigable waters (§§ 3 & 8);
5. allows the commissioner to provide certain notices electronically (§§ 5, 9 & 10);
6. allows, rather than mandates, an inland wetlands activity general permit to provide notice of the proposed activity to local

land use agencies and removes a provision allowing the agencies to submit written comments on the activity to the commissioner (§ 6);

7. extends the date by which the commissioner must adopt regulations exempting categories of water discharges from certain plan and specification requirements (§ 11);
8. requires the commissioner to issue and record on the land records a certificate of revocation when he revokes a final order to correct potential sources of, or abate, pollution (§ 13);
9. eliminates requirements for the commissioner to prepare, amend, and make publicly available a list of certain general permit holders (§§ 15 & 16); and
10. allows the commissioner to (a) set the fee for using certain sand, gravel, or other material waterward of the high water mark by regulation and (b) waive the fee (§ 17).

The bill repeals several environmental statutes, including a (1) public education program on solid waste disposal practices, (2) program related to greenhouse gas labeling for motor vehicles, and (3) requirement that DEEP offer carbon dioxide allowances (§§ 18-21 & 23, see Table 1).

It also eliminates requirements that DEEP adopt regulations on (1) farm resources management plans, (2) sewage treatment system additive registration, (3) residential heating oil storage tank systems, and (4) official recycling symbols (§§ 7, 12, 14, 18, 22 & 23, see Table 1).

The bill also makes many technical and conforming changes.

EFFECTIVE DATE: October 1, 2013

## **§ 1 — WATER POLLUTION CONTROL PLANS**

By law, a municipal water pollution control authority may prepare and update a water pollution control plan for the municipality. The bill

requires (1) such a plan to be consistent with the state's plan of conservation and development and (2) a copy of the plan, and any updates to it, to be submitted to the DEEP commissioner for review and written approval. Under current law, the plan is only filed with the commissioner.

## **§ 2 — NOTICE FOR INDIVIDUAL PERMITS OR LICENSES**

Under current law, applicants for certain permits or licenses (e.g., conducting regulated activities in tidal or inland wetlands or certain activities below the coastal jurisdiction line, air contaminant source and solid waste facility construction, and dam construction or alteration) must:

1. include with the application a signed statement certifying that the applicant will publish notice of it on a form the DEEP commissioner supplies,
2. publish the notice in a newspaper of general circulation in the affected area, and
3. send a certified copy of the notice as it appeared in the newspaper to the commissioner.

By law, these applicants must also notify the chief elected official in the town where the regulated activity is proposed.

The bill instead requires such applicants to (1) publish notice of the application in a newspaper of general circulation in the affected area, and (2) include with the application a (a) copy of the notice as it appeared in the newspaper and (b) signed statement certifying that the applicant notified the municipality's chief elected official.

The bill prohibits the commissioner from processing an application until the applicant submits to him the signed statement and a copy of the newspaper notice, instead of only the notice which current law requires.

## **§ 4 — TIDAL WETLANDS INVENTORY**

The bill eliminates DEEP's authority to inventory Connecticut's tidal wetlands. It correspondingly removes current law's requirements on the:

1. depiction of tidal wetlands in boundary maps;
2. procedure by which the maps are created, provided to the public, and may be appealed; and
3. process for the commissioner to (a) periodically inspect the wetlands to determine if revisions to the maps are necessary and (b) update the maps.

### **§ 7 — FARM RESOURCES MANAGEMENT PLANS**

The bill allows, rather than requires, the DEEP commissioner to adopt regulations for farm resources management plans. Current law required him to publish notice of intent to adopt such regulations by July 1, 1999, but the regulations have not been adopted. Current law requires the regulations to include, among other things, a priority system and procedures for deciding if a farm management plan is necessary; best management practices, restrictions, and prohibitions for manure management; storage and handling of pesticides; and criteria and procedures for submitting and reviewing the plans and amendments to the plans. Under the bill, these requirements are no longer mandatory.

Existing law allows the commissioner to require a farm resources management plan from anyone engaged in agriculture on land in an aquifer protection area with gross sales from agricultural products of at least \$2,500 during the prior calendar year. But he must do so according to the above regulations.

### **§§ 3 & 8 — HEARINGS BY PETITION**

The bill expands the circumstances in which the DEEP commissioner must hold a public hearing on a permit application for (1) an application for a water quality (Section 401) certification under the federal Water Pollution Control Act (WPCA) or (2) conducting

certain activities below the coastal jurisdiction line in tidal, coastal, or navigable waters.

### ***Water Quality Certification***

The bill allows anyone to submit a petition signed by at least 25 people to the commissioner for a public hearing on a tentative determination by the commissioner on a WPCA water quality certification application (see BACKGROUND). Under current law only the applicant may seek a hearing. The bill requires the commissioner grant the petition for a public hearing if it is timely and in writing, the same as for an applicant's request under current law.

### ***Activity in Tidal, Coastal, or Navigable Waters***

By law, DEEP regulates dredging, erecting structures, placing fill, and related work in tidal, coastal, or navigable waters below the coastal jurisdiction line. The DEEP commissioner must hold a public hearing on a permit application to conduct such work if (1) the applicant requests one in writing or (2) he receives a petition signed by at least 25 people requesting one and the application will (a) significantly affect a shellfish area, (b) have interstate ramifications, or (c) require a certificate of environmental compatibility and public need or approval from the Federal Energy Regulatory Commission (FERC). The law allows him to hold a public hearing on a permit application if he determines it is in the public interest.

Under the bill, the commissioner instead must hold a public hearing on an application if he receives a request from the applicant or a petition signed by at least 25 people requesting one for any reason.

### **§§ 5, 9 & 10 — ELECTRONIC NOTICE**

The bill allows the DEEP commissioner to provide certain notices by electronic means, instead of only by mail as current law requires, in connection with permit applications for (1) inland wetlands regulated activity, (2) water diversion, and (3) dam construction.

### ***Inland Wetlands Regulated Activity Permit***

The law allows the commissioner to waive the public hearing requirement for an inland wetlands application if he determines the activity is not likely to significantly impact the wetland or watercourse involved. But under current law he must (1) publish, in a newspaper with general circulation in the impacted towns, notice of his intent to waive the hearing and (2) mail notice of his intent to the (a) chief administrative officers in the towns where the activity will occur and (b) such towns' conservation commission and inland wetlands agency chairmen. The bill allows the commissioner to provide notice to the town officials electronically.

If the commissioner holds a public hearing on an inland wetlands application, the bill allows him to provide electronic notice of it to the chief administrative officer in the towns where the activity will occur and such towns' conservation commission and inland wetlands agency chairmen. Current law requires him to do so by mail.

***Diversion Permit***

The bill allows the commissioner to notify by electronic means, an applicant for a water diversion permit that the application is complete. Under current law, he must provide this notice by certified mail, return receipt requested.

By law, after the commissioner notifies the applicant about a complete application, he must immediately provide notice of the application and a brief description of the proposed diversion to the:

1. governor,
2. attorney general,
3. House speaker,
4. Senate president pro tempore,
5. Office of Policy and Management secretary,
6. public health and economic and community development

commissioners,

7. Public Utilities Regulatory Authority chairperson,
8. chief executive officer and chairmen of the conservation commission and wetlands agency of towns impacted by the diversion, and
9. any person who requested notice.

The bill specifies that this notice is provided electronically.

### ***Dam Work Permit***

The bill allows the commissioner to notify, by electronic means, an applicant to conduct certain dam work of his intent to grant or deny a permit. Current law requires him to provide this notice by certified mail, return receipt requested.

The bill also allows the commissioner to notify by electronic means, instead of only by mail, his intent to the chief executive officer; inland wetland agency; and planning, zoning, and conservation commissions of each town where the work will occur or have effect.

### **§ 11 — REGULATIONS FOR EXEMPTING DISCHARGE SYSTEMS**

The bill extends the date, from June 30, 2011 to February 1, 2015, by which the DEEP commissioner must adopt regulations exempting categories of wastewater discharges from submitting certain plans and specifications. By law, these regulations may (1) set minimum standards for designing and operating a discharge treatment system and (2) impose reporting requirements.

The law already allows the commissioner to exempt people and municipalities from this requirement if the discharge:

1. comes from a new system that is substantially the same as the current one as long as the current one is operating in compliance with a DEEP permit,

2. is described in a general permit,
3. comes from a system the commissioner determines was not designed to treat toxic or hazardous substances, or
4. is one the commissioner determined by regulation is not likely to cause substantial pollution.

### **§ 13 — CERTIFICATE OF REVOCATION**

The bill requires the DEEP commissioner to issue a certificate of revocation and file it on the land records in the town where the land at issue is located, when he revokes a final order to abate water pollution or correct potential sources of such pollution. He must also send a copy of the certificate to the landowner. By law, the commissioner must issue and file a certificate of compliance and mail a copy to the landowner when such an order is complied with.

### **§§ 6, 15 & 16 — GENERAL PERMITS**

#### ***Inland Wetlands***

Under the bill, the DEEP commissioner may, rather than must, require state agencies, departments, or instrumentalities other than a regional or local board of education, intending to conduct a minor regulated activity in an inland wetland covered by a DEEP general permit, to provide written notice to the:

1. inland wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of a municipality that will or may be impacted by the activity and
2. departments that make such notices publicly available.

Current law requires the notice to be provided at least 60 days before the activity starts. The bill provides no specific timeframe.

The bill eliminates current law's provision allowing any person, inland wetlands agency, planning and zoning commission, or conservation commission to submit written comments on the activity

covered by such a general permit to the commissioner at least 25 days before the activity starts.

***Water Diversion, Tidal Wetlands, and Tidal, Coastal, or Navigable Waters***

By law, the DEEP commissioner may issue general permits for (1) minor water diversion activity and (2) certain minor activity conducted in tidal wetlands or below the coastal jurisdiction line in tidal, coastal, or navigable waters.

For a water diversion general permit, the commissioner must determine that the diversion would (1) cause minimal environmental effects and (2) not adversely impact water use for potable water supplies, hydropower, flood management, water-based, recreation, industry, or waste assimilation. For a general permit to conduct an activity in tidal wetlands or tidal, coastal, or navigable waters, the activity must (1) minimally effect the environment, (2) be consistent with applicable state policies and considerations, including the Coastal Management Act, and (3) be an acceptable encroachment on public lands and waters.

The bill allows the commissioner to issue a general permit for any activity, as opposed to a minor one, as long as the same conditions are met.

It also eliminates the requirement that he (1) prepares, (2) annually amends, and (3) makes publicly available lists of the holders of these general permits.

**§ 17 — BENEFICIAL OR COMMERCIAL USE FEE**

By law, anyone who removes sand, gravel, or other material lying waterward of the mean high water mark in Connecticut's tidal, coastal, or navigable waters under a permit generally must pay a fee to the state to make beneficial or commercial use of it. The bill authorizes the DEEP commissioner to adopt regulations establishing the fee amount. Until then the fee remains \$4 per cubic yard, the fee required under current law. The bill also allows the commissioner to waive the fee if

the sand, gravel, or other material is decontaminated or processed to meet applicable environmental standards for reuse.

### §§ 12, 14, & 18-23 — REPEALED STATUTES AND REGULATIONS

The bill repeals many environmental statutes and eliminates several provisions requiring DEEP to adopt regulations, as described in Table 1. It makes technical and conforming changes based on their removal.

**Table 1: Repealed Statutes and DEEP Regulation Requirements**

<i>Statutory Citation</i>	<i>Description</i>	<i>Bill §</i>
§ 16-246g and § 22a-174l	Requirement for DEEP to issue a general permit for constructing and operating certain emergency engines and distributed generation resources. Pilot program to increase the operation of these electric generation resources, implemented by DEEP's Public Utilities Regulatory Authority.	18, 23
§ 22a-31	Requirement that DEEP appoint hearing officers for tidal wetlands applications proceedings.	23
§ 22a-174m	Requirement that DEEP offer carbon dioxide allowances, for a fixed price, to certain combined heat and power sources (cogeneration) subject to long-term power purchase agreements.	18, 23
§§ 22a-201 to 22a-201b	Requirement for DEEP to establish programs for (1) greenhouse gas labeling for new vehicles sold or leased in Connecticut and (2) public education about the labeling. Prohibition on selling or leasing a new motor vehicle in the state without the Connecticut-specific label DEEP creates. Authorization to use up to 40% of funds from a "greenhouse gas reduction fee" charged on the registration of new motor vehicles to implement the labeling and education programs. (Federal law requires similar informational labels on new motor vehicles.)	18, 19, 23
§ 22a-213a	Reporting requirement for biomedical waste generators to inform DEEP of its disposal contractor, the amount of waste, and the disposal site. (The state's solid waste management regulations require generators to provide such information.)	18, 23
§ 22a-240	Public education program development requirement for DEEP to inform the public on risk assessment and risk management of solid waste disposal practices.	18, 20, 21, 23
§ 22a-255c	Requirement for DEEP to adopt, by regulation, official recycling symbols and procedures for their use.	18, 22, 23
§ 22a-370	Notice requirement for people requesting a water diversion permit to inform the chief executive officer of the towns where the diversion will occur. (Another law, § 22a-6g, requires water diversion permit applicants to provide the same notice to the chief elected official of the town where the diversion is proposed.)	23

§ 22a-449m(b)	Requirement for DEEP to adopt regulations (1) establishing standards and criteria for residential underground heating oil storage tank systems and (2) regarding the removal of pipes connected to aboveground and underground residential heating oil storage tank systems when a tank is removed. (The residential heating oil tank program expired in 2001.)	14
§ 22a-461(e)	Requirement for DEEP to adopt regulations requiring registration of sewage treatment system additives.	12

## BACKGROUND

### ***Water Pollution Control Act***

The federal Water Pollution Control Act (33 USC § 1251 et seq.), also known as the Clean Water Act, is aimed at restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Under § 401 of the act, applicants for certain federal licenses or permits must obtain a certification from the state that the proposed activity is consistent with the WPCA and state water quality standards.

### ***General Permit***

DEEP uses both individual and general permits to regulate activities. Individual permits are issued directly to an applicant, while general permits authorize similar minor activities by one or more applicants. The authorization of an activity under a general permit is governed by that general permit.

### ***Related Bills***

sHB 6441, reported favorably by the Environment Committee, modifies the minor dam activity general permit notice and comment requirements.

sSB 1019, reported favorably by the Environment Committee, removes the requirement to prepare, annually amend, and make publicly available a list of general permit holders of inland wetlands permits.

## COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 18 Nay 10 (03/27/2013)