

Via Electronic Mail

August 1, 2013

The Honorable Andres Ayala, Jr.
State Senator
Co-Chair, Legislative Regulations Review Committee
Room 3600, Legislative Office Building
Hartford, CT 06106-1591

The Honorable Selim G. Noujaim
State Representative
Co-Chair, Legislative Regulations Review Committee
Connecticut House Republican Office
Room 4200, Legislative Office Building
Hartford, CT 06106

Re: Water Quality

Public Act 10-158 amended Conn. Gen. Stat. § 22a-426(a) to require the Department of Energy and Environmental Protection to adopt Connecticut's existing Water Quality Standards as regulations. This amendment became effective March 1, 2011. In accordance with Conn. Gen. Stat. § 4-168(b), the Department was required to publish its notice of intent to adopt such regulations by August 1, 2011. Section 4-168(b) requires an electronic submission of the following statement of reasons for the Department's failure to publish its notice of intent by that deadline. An identical statement will be sent under separate cover to Governor Malloy and the Environment Committee of the General Assembly.

The statutory amendment requiring adoption of regulations was enacted during a federally-mandated Triennial Review of Connecticut's Water Quality Standards, and became effective immediately following that process. The Triennial Review conducted by the Department began in December 2009 and consisted of an extensive public review and revision process. The process culminated with the adoption of revised Water Quality Standards on February 25, 2011 after final review and approval of the Standards by the U.S. Environmental Protection Agency. Given the Department's limited staff resources, a revision of the Water Quality Standards on the heels of the completed Triennial Review was not feasible.

To preserve the integrity of the existing Water Quality Standards, the Department initiated further amendment to the statute through P.A. 11-141, to allow the state's existing Water Quality Standards to remain in full force and effect until the regulations could be promulgated. This amendment became effective July 8, 2011.

The notice of intent to adopt the required regulations was published on April 16, 2013. The Attorney General has conducted a legal sufficiency review and signed off on the proposed regulations. We anticipate submitting the regulations to the Legislative Regulation Review Committee on or before August 6, 2013 for review at the Committee's meeting on September 24, 2013.

If you have any questions, you may contact the Department's legislative liaison, Robert LaFrance, via e-mail at robert.lafrance@ct.gov or by telephone at (860) 424-3401. You may also contact me as the attorney assisting Department staff at kenneth.collette@ct.gov or by telephone at (860) 424-3043.

Sincerely,



Kenneth M. Collette
Staff Attorney 3

Cc: Kirstin Breiner, LRRC Administrator
Robert LaFrance, Legislative Liaison, DEEP