



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

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

Public Hearing – March 4, 2016  
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee  
Presented By Deputy Commissioner Michael Sullivan

**House Bill No. 5381 (Raised) – AAC REGULATORY AUTHORITY FOR WASTEWATER PERMITTING PROGRAMS**

Thank you for the opportunity to present testimony regarding **House Bill No. 5381 – AAC REGULATORY AUTHORITY FOR WASTEWATER PERMITTING PROGRAMS**. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

DEEP supports this preliminary proposal to remove the requirement to adopt regulations and make the requirement discretionary, as the law had existed prior to the enactment of Public Act 10-158. Removing the mandate would save resource commitments needed to draft and promulgate regulations.

Section 22a-430(j)(2) of the general statutes was amended by Section 6 of Public Act 10-158 changing the discretionary provision to a requirement that the Commissioner adopt regulations by June 30, 2011 (Public Act 13-209 amended the deadline for adoption to February 1, 2015) to establish categories of wastewater discharges exempted from the requirement to submit detailed engineering plans and specifications as part of the permitting process administered by DEEP. The amendment evolved out of a broader effort during the 2010 legislative session to streamline DEEP's permitting process, and the Connecticut Business & Industry Association (CBIA) was a major proponent for the measure. On June 8, 2011, Attorney Eric Brown, Counsel for CBIA, met with DEEP staff to discuss the mandate. After DEEP's presentation regarding its proposed Pilot Expedited Permit Process pursuant to Section 1(a) of Public Act 10-158, CBIA recommended that DEEP proceed with its Pilot Expedited Permit Process and indicated its willingness to work with DEEP to support a repeal of the mandate and revert the requirement to a discretionary provision, as the law had existed prior to the enactment of Public Act 10-158. Attached please find for your reference a letter from Attorney Brown, Counsel for CBIA.

On March 22, 2013 and October 31, 2013, DEEP issued the General Permit for the Discharge of Wastewaters from Categorical Industrial Users to a Publicly Owned Treatment Works (POTW) and the General Permit for Miscellaneous Discharges of Sewer Compatible (MISC) Wastewaters, respectively, which significantly streamlined and expedited the permitting process in accordance with Section 1(a) of Public Act 10-158. Issuance of the aforementioned general permits also significantly expanded the categories of discharges exempted from the requirement to submit plans and specifications as authorized pursuant to Section 22a-430(j)(1) of the general statutes.

On January 27, 2016, Attorney Brown confirmed with DEEP staff that CBIA would not have any objection to DEEP's legislative proposal to revert Section 22a-430(j)(2) of the general statutes to a discretionary provision.

In summary, DEEP supports **House Bill No. 5381 – AAC REGULATORY AUTHORITY FOR WASTEWATER PERMITTING PROGRAMS** and looks forward to working with the Committee for its favorable review and passage.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov).

Attachment: Letter dated June 21, 2011 from Attorney Eric Brown, Counsel for CBIA.



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