
OLR Bill Analysis

sHB 5454 (as amended by House "A")*

AN ACT CONCERNING NINETY-DAY PERMIT TURNAROUND TIMES FOR THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

SUMMARY

This bill requires the Department of Energy and Environmental Protection (DEEP) to make best efforts to review and make a final determination on certain permit applications within 90 days, as long as the applications are complete. DEEP must identify, and notify an applicant in writing of, all deficiencies in an application within 90 days of receiving it. The applicant may grant DEEP additional time for its review in writing. The bill applies to permit applications received by DEEP before, on, or after the bill's passage.

Under current law, specified applications are automatically approved if DEEP does not make a final determination on them within 90 days. The bill eliminates this automatic approval provision.

The bill applies its new timeframe requirements to 29 specified types of permit applications, as shown in Table 1. Current law's automatic approval provision applies to 45 types of applications, some of which are not for permits.

Lastly, the bill requires the DEEP commissioner to establish a pilot program to expedite the issuance of permits. For the program, the commissioner may use up to two licensed environmental professionals (LEPs) or other qualified environmental professionals he certifies as experts on relevant environmental protection regulations and principles (see BACKGROUND). The commissioner may establish fees for the expedited service and must retain authority for issuing the permits.

*House Amendment "A" makes two changes to the pilot program.

It allows the DEEP commissioner to (1) use other qualified environmental professionals in addition to LEPs and (2) establish fees for the expedited service instead of recovering expenses through permit fees.

EFFECTIVE DATE: Upon passage

PERMIT APPLICATIONS AFFECTED

Table 1 identifies the 29 types of permit applications to which the bill's timeframe requirements apply and the applicable statutory or regulatory citation for each such permit, as identified in the bill. Most of these applications are subject to the current law's automatic approval provision.

Table 1: Permit Applications Subject to the Bill's Timeframe Requirements

	<i>Permit Application</i>	<i>Citation</i>
1	Air permits for the temporary use of radiation DTX or RMI	CGS § 22a-150
2	Aquifer protection registration	Conn. Agencies Regs. § 22a-354i-7
3	Certificate of permission	CGS § 22a-363b
4	Disposal of special waste	CGS § 22a-209 and related regulations
5	Collecting waste oil, petroleum, chemical liquids, or hazardous waste	CGS § 22a-454
6	E-waste manufacturer	CGS § 22a-630
7	Emergency discharge authorization	CGS § 22a-6k(a)
8	Online sportsmen licensing system	None specified
9	State park passes and bus permits	CGS § 23-26
10	State parks and forests special use licenses	CGS § 23-11
11	Camping site leases	CGS §§ 23-16 & 23-16a

12	Boating permits	CGS § 15-140b
13	Safe boating certifications	CGS § 15-140e
14	Marine event permits	Conn. Agencies Regs. § 15-121-A6
15	Marine dealer certificates	Conn. Agencies Regs. § 15-121-B5
16	Navigation marker permit	Conn. Agencies Regs. § 15-121-A5
17	Regulatory marker permit	Conn. Agencies Regs. § 15-121-A5
18	Water ski slalom course or jump permit	CGS § 15-134
19	Inland fishing licenses	CGS § 26-112
20	Marine recreational and commercial licenses	None specified
21	Hunting and trapping	CGS § 26-30
22	Non-shooting field trial	Conn. Agencies Regs. § 26-51-2
23	Private land shooting preserve permit	CGS § 26-48
24	Regulated hunting dog training	CGS §§ 26-49, 26- 51, & 26-52
25	Scientific collection permit for aquatic species, plants, and wildlife and for educational mineral collection	CGS § 26-60
26	Commercial fishing licenses and permits	CGS § 26-142a
27	Nuisance wildlife control operator	CGS § 26-47(b)
28	Taxidermist	CGS § 26-58
29	Wildlife rehabilitator	CGS § 26-54

Current law also applies to the following applications, but the bill does not:

1. aquifer protection (but see aquifer protection registration in Table 1),
2. coastal management consistency review form for federal authorization,
3. emergency authorization to discharge to groundwater to remediate pollution,
4. property transfers,
5. marine terminals,
6. pesticide application by aircraft,
7. pesticides in state waters,
8. waste transportation,
9. E-waste covered recycler,
10. campground reservations and other camping permits (but see camping site leases in Table 1),
11. fishing tournaments,
12. commercial arborists,
13. licensed environmental professional,
14. pesticide certification and registration,
15. solid waste facility operator,
16. wastewater treatment facility operator certification, and
17. forest practitioner.

BACKGROUND

Licensed Environmental Professional

An LEP is a person qualified by experience and education to engage

in activities associated with investigating and remediating pollution, including the release of hazardous waste or petroleum products into soil or groundwater, who has passed a state examination (CGS § 22a-133v).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/22/2018)