The meeting was called to order at 11:10 AM by Chairman, Sen. Miner C. S30.

The following committee members were present:

Senators: Kelly K. S21; Logan G. S17; Miner C. S30; Osten C. S19

Representatives: Arnone T. 058; O'Neill A. 069; Palm C. 036; Rutigliano D. 123; Ziogas C. 079

Absent were:

Senators: Bergstein A. S36; Maroney J. S14

Representatives: Carpino C. 032; Johnson S. 049; Klarides-Ditria N. 105

2018-024B

Department of Energy & Environmental Protection

CONNECTICUT ENVIRONMENTAL POLICY ACT

LRRC - Approved with Technical Corrections & Deletions

A motion was made by Representative Rutigliano and seconded by Representative O'Neill to reject the regulation without prejudice. Senator Miner asked if there was any discussion.

Senator Miner stated that the regulation has already been before the committee and that during the interim a meeting was held with LCO, DEEP, and members of DEEP’s legal staff to try and find a pathway to an approval. He stated that the meeting was fruitful and allowed them to understand what the goal was with regard to the hang up, which was establishing a shelf-life of a CEPA process, since the statute didn’t contemplate a shelf-life back at the beginning. He furthered that the question for him is whether there is a way to move the whole regulation forward including the shelf-life language, to move a portion forward and not the shelf-life language and leave it for the full legislature to look at, or maybe look at a way to allow the agency to administratively develop a shelf-life and maybe not come back to the legislature. He stated that the committee could reject without prejudice and continue with the discussion but he didn’t know what surety legislators could provide to pass a seven year shelf-life to a CEPA process and also didn’t know how to hold the agency to not develop their own.
Representative Arnone stated that he agreed with having the shelf-life language go through the legislative process but has the same stumbling block as Senator Miner. He furthered that the shelf-life portion is holding back the rest of the regulation, which is a good regulation, and would like to hear more thoughts on what others would like to do.

Senator Osten stated that she is willing to move the regulation forward but is not willing to give the agency control over shelf-life on their own. She stated that the legislature needs to be involved in this to come up with a way and would rather have it come back to the LRRC. She added that she was not as inclined to have it all in the agency’s hands.

Representative O’Neill asked LCO if with the portions of the regulation that are cited as substantive concerns, if it was possible to delete those related to shelf-life without destroying the integrity of the rest of the regulation. He further asked if from a technical standpoint the committee could punch out those pieces.

LCO Brad Towson stated that yes, the committee could technically punch out those pieces. He stated that those pieces are located on page 14 though 15, subsection b to f, respectively, and said there would be one technical correction that could be added to reflect that punching out.

Representative O’Neill stated that he wasn’t at the meeting that took place during the interim but asked if it was the agency’s position to want all or nothing or were they willing to accept taking portions out and moving forward with the rest of the regulation.

Ken Collette (DEEP) stated that the agency would accept the regulation without that portion, which he said was section 11. He furthered that there is a constituency interested in the shelf-life concept and, whether or not it gets acted upon by the legislature, they would be looking for this concept to be worked in, regardless of whether it was worked into a regulation or statute. He stated that for those not at the meeting, the seven year timeframe was a balancing act between the interest of some state agencies who have to undertake this review process and the concerns of some environmental groups, including the state’s Council on Environmental Quality.

Representative O’Neill stated he believed the regulation is not the place to be adding this substantive a change beyond adding to the authority of the agency and felt it would be a mistake to let it go with this. He agreed with Senator Osten and presumably other members that this is something that should not be part of the regulation and if the committee was to move forward, he would be inclined to support a deletion.

Senator Miner stated that there’s a community of interest in this subject matter and whether that community could reach a resolution of seven, two, or ten years he wasn’t sure. He stated that he shared concerns with regard to doing this through the regulations process versus the statutory process and what he thought he heard mentioned so far was that it may be indeterminate as to whether it would be revised statutorily or through the regulatory process. He furthered that if we deleted it today, there would be no prohibition for the agency coming back and appealing for a regulation, at which point the committee could make a decision again, whatever that might be. He asked the agency their thoughts.
Ken Collette stated that yes, what he meant is that if it were a regulatory change, it would be assuming they had a statement of authority that satisfied LCO’s concerns. He furthered that there is no belief on the agency’s part that LCO is going to change their thoughts based on the current statutory authority. He explained that it would have to be after some legislative authority is added to be able to proceed with this concept in the regulatory process.

Senator Kelly asked if it was the position of DEEP to not do this administratively. He asked if the only way for this to occur is through a regulatory or statutory change.

Ken Collette stated that yes, that was his understanding. He stated that DEEP is charged with the regulations but he didn’t think there was a method for DEEP to unilaterally mandate agencies to take a look at their environmental impact evaluations after a certain timeframe. He further explained that it’s a very public review process so that’s why it’s set up the way it is, that agencies don’t do it on their own, and it’s setup to keep the public involved.

Senator Miner asked if the amendment that was described by LCO satisfied the questions members had.

LCO Towson said that yes it would.

LCO Hanratty said that the initial motion needs to be withdrawn in order to make a second motion to move forward with LCO’s amendment.

A motion was made by Representative Rutigliano and seconded by Representative O’Neill to withdraw the motion.

A new motion was made by Senator Osten and seconded by Representative Arnone to approve the regulation with the technical corrections noted in the LCO report and with the additions below:

Technical correction number 3. On page 14, in section 22a-1a-11(a), delete subdivision (3) as unnecessary and renumber the remaining subdivisions of said subsection accordingly. The deletion for this regulation will be in the same section, section 22a-1a-11, and it will be to delete subsections (b) to (f), inclusive.

2019-004A

Department of Consumer Protection

CHARITABLE ORGANIZATIONS

LRRC - Approved with Technical Corrections

A motion was made by Senator Osten and seconded by Representative Palm to approve the regulation in whole with technical corrections. The motion passed by voice vote.
A motion was made by Representative Palm and seconded by Senator Osten to approve the regulation with technical corrections. The motion passed by voice vote.

Representative Rutigliano wanted to state for the record that Representative Carpino was out of state on business and that Representative Klarides-Ditria had a work emergency so neither of them were able to attend.

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 11:29 AM.