

# Legislative update



**June 22, 2010**

# Background

- Some bills of interest
- E.O. 39 and the Permit Task Force
- Legislative Backdrop
- PA 10-158



# A sampling of the 2010 session

- Public Act No. 10-87 AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING, ZONING ORDINANCES AND SOLID WASTE COLLECTION CONTRACTS
  - See presentation from last month
- Public Act No. 10-140 AN ACT CONCERNING THE INSPECTION OF LAND FOR USE AS AN ASH RESIDUE FACILITY BY CERTAIN STATE QUASI-PUBLIC AGENCIES
  - Changes DON timing for ash landfills
- Public Act No. 10-106 AN ACT CONCERNING LONG ISLAND SOUND, COASTAL PERMITTING AND CERTAIN GROUP FISHING LICENSES AND PERMITS FOR SOLID WASTE FACILITIES.



# A sampling of the 2010 session

- [Public Act No. 10-164 AN ACT ESTABLISHING A CHEMICAL INNOVATIONS INSTITUTE AT THE UNIVERSITY OF CONNECTICUT](#)
- [Public Act No. 10-113 AN ACT BANNING CADMIUM IN CHILDREN'S JEWELRY](#)
  - Ban begins 7/14 - .0075 per cent by weight
- [Public Act No. 10-25 AN ACT CONCERNING THE ACCOUNTING SYSTEM FOR REDEEMED BEVERAGE CONTAINERS](#)
  - Brings DRS into collection of escheats.



# Executive Order 39

- E.O. 39 established a Permitting Task Force:
  - “to examine the processes by which permits are issued by various state agencies and develop recommendations”
  - “reduce unnecessary burdens, costs and inefficiencies while maintaining appropriate protections for the public health, safety and welfare and the orderly conduct of business.”
- Included representatives of:
  - business and industry, the construction industry, labor and municipalities
- Issued recommendations early April



# Timeframe Recommendation

- Recommend that the Commissioner of Environmental Protection conduct an analysis of permit processing timeframes, including but not limited to:
  - Assessment of the current timeframes and current resource levels
  - Potential timeframes with LEAN improvements
  - Additional resource needs to meet suggested timeframes
- Conduct series of public meetings to discuss the results of this analysis in accordance with the following schedule and report to Governor Rell



# Legislative Background:

A number of proposed bills directed at DEP permitting programs and practices

- Allow for petition to regulation review committee re: DEP guidance
- Adopt general permits by regulation
- Set a 60 day timeframe for sufficiency review
- Establish multi-agency teams for the purpose of expediting review of permit applications for certain projects
- Develop on-line application system
- Create “expedited pilot” with auto approval if we fail to act timely
- Create “OSHA-like” consulting program
- Require WQS to be adopted by regulation.



# Public Act 10-158

- Pilot expedited permitting process: "proposes a plan to establish a pilot expedited permitting process for not less than two hundred representative manufacturing or other industrial facilities"
- Permit timeframe review: "prescribes changes to be made to the department's review schedules for individual permits, including reducing the timeframes for identifying deficiencies in permit applications and issuing tentative determinations" (60 days/180days)  
"identifies the process improvements, additional resources, staffing and programmatic changes necessary to meet such timeframes"



# Public Act 10-158 cont.

- CEPA study of: "the impact of Connecticut's Environmental Protection Act on (A) the business community, (B) the timeliness and certainty of the permitting process under such act, and(C) the efficacy of the permitting process under such act in protecting and preserving the environment"
- Implement process to allow for withdrawal of petition for a hearing under listed permitting programs
- Analyze hearing process and implement procedures to: "increase the use of settlement conferences, enforce the requirement for submittal of prehearing evidence and require the filing of prehearing written testimony"



# Public Act 10-158 cont.

- General permit (GP) study of: "existing procedures regarding the issuance of general permits"
- Permit ombudsman/expedited permitting MOUs with DECD
- General permit extensions: allows the agency to continue a GP in effect for up to 12 months provided we publish notice of intent to renew at least 180 days prior to expiration. (A modified version of our SB121)
- Establish categories of wastewater discharges which may be exempted from the requirement to submit plans and specifications



# Public Act 10-158 cont.

- Negotiate with EPA to create/allow for a “consulting services Program”
- Water Quality Standards adoption via regulation (SB174)
- Regulatory flexibility analysis language adjustment
- Track our progress
  - <http://www.ct.gov/dep/permitassessments>

