

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



To: Connecticut's Municipal Inland Wetlands Agencies

From: Betsey Wingfield
Bureau Chief
Bureau of Water Protection and Land Reuse

Handwritten note: PBW for BW 4 Mar 2010

Dated: March 3, 2010

Re: 2009 Legislation and Regulations Advisory

The 2009 Legislature amended section 22a-42a of the Connecticut Inland Wetlands and Watercourses Act with the passage of Section 3 of Public Act 09-181. This Public Act adds a new subsection (g) to section 22a-42a. This amendment went into effect upon passage of the Public Act on July 2, 2009.

Section 22a-42a of the Connecticut Inland Wetlands and Watercourses Act pertains to the establishment of wetland and watercourse boundaries by regulation, the adoption of inland wetlands agency regulations, inland wetlands agency permits, and filing fees. Public Act 09-181 added a new subsection (g) to section 22a-42a which allows permits issued during the period from July 1, 2006 to July 1, 2009 to be valid for not less than six years, and any such permit may be renewed upon certain circumstances, provided no such permit be valid for more than eleven years. Permits issued prior to July 1, 2006 or after July 1, 2009 are not subject to this amendment.

A complete copy of Public Act 09-181 is attached for your use with the amended language designated by "NEW". You should plan to revise your regulations to reflect the amendment to Section 22a-42a. Please note that only the revised language in section 3 of Public Act 09-181 is relevant to inland wetlands agencies. Changes to the other sections of the public act, while noted as "NEW", do not apply to inland wetlands agencies.

If your regulations follow the Inland Wetlands and Watercourses Model Municipal Regulations (IWWMMR) Fourth Edition dated May 1, 2006, you should plan to revise the following sections as noted.

Section 7: Application Requirements

The underlined language noted below is new and should be added to your regulations.

- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in

circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided a) no permit issued during the time period from July 1, 2006, to July 1, 2009, inclusive, shall be valid for more than eleven years; and b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years.

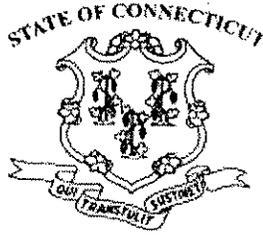
*Section 11: Decision Process and Permit*

The underlined language noted below is new and should be added to your regulations.

- 11.6 Any permit issued by the Agency prior to July 1, 2006 or after July 1, 2009 for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency prior to July 1, 2006 or after July 1, 2009 for any other activity shall be valid for not less than two years and not more than five years. Any permit issued by the Agency during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval.

Please be reminded it is our understanding that Section 3 of Public Act 09-181 governs until such time that your regulations are revised.

Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther of the Wetlands Management Section at (860) 424-3019.



**Substitute House Bill No. 5254**

**Public Act No. 09-181**

**AN ACT CONCERNING EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-3 of the general statutes is amended by adding subsection (m) as follows (*Effective from passage*):

(NEW) (m) Notwithstanding the provisions of this section, any site plan approval made under this section during the period from July 1, 2006, to July 1, 2009, inclusive, except an approval made under subsection (j) of this section, shall expire not less than six years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than eleven years from the date the site plan was approved.

Sec. 2. Section 8-26c of the general statutes is amended by adding subsection (e) as follows (*Effective from passage*):

(NEW) (e) Notwithstanding the provisions of this section, any subdivision approval made under this section during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided the time for all extensions under this subsection shall not exceed eleven years from the date the subdivision was approved.

Sec. 3. Section 22a-42a of the general statutes is amended by adding subsection (g) as follows (*Effective from passage*):

(NEW) (g) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than eleven years.

Sec. 4. Section 8-26g of the general statutes is amended by adding subsection (c) as follows  
*(Effective from passage):*

(NEW) (c) Notwithstanding the provisions of this section, any approval of a subdivision of land for a project of four hundred or more dwelling units made during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than eleven years after the date of such approval.

Approved July 2, 2009