

Subject: Meeting Summary of fourth meeting of the Permit Task Force
Date: March 18, 2010
Location: DECD, 505 Hudson Street, Hartford, CT 06106, Room 466
Time: 3:00 – 5:00 PM
Purpose: In accord with Governor's Executive Order #39. The executive order establishes 45 day duration for the TF to meet, collect data and provide recommendations to the Governor.

Summary and Recommendations

1. DEP, DECD and Beth Barton will draft:
 - a. TF recommendation to allow (Interveners/ Intervening Parties/ Individuals representing groups of at least 25 people) to withdraw request for Hearing.
 - b. TF recommendation to limit the timeframe for Intervention in compliance with federal requirements.
2. The TF recommends passage of Senate Bill No. 121 concerning the extension of DEP general permits.
3. The TF recommends expanding the use of the general permit process to include water discharge permits for metal finishing pre-treatment discharges.
4. The TF recommends legislative changes to wastewater discharge permitting under 22a-430/22a-436 to eliminate a duplicative opportunity for public hearing.

Talking Points

Public Hearing/Intervention

- Make changes to legislation to allow one person to represent each group of 25 or more which requests a public hearing.
- When a group of 25 or more requests a public hearing and an agreement is reached with the group representative prior to the hearing it should be possible to cancel the public hearing.
- DEP must maintain consistency with federal requirement in any changes to the number of people required for public hearing.
- An ongoing problem with the DEP public process is business competitors using the process to delay an activity. A deadline for intervention would help add certainty to the public process.
- DPUC public process is similar to DEP in the absence of a deadline for objection.

Permit Renewal

- If new legislation is proposed for expediting permit renewal “no substantive change” and “no record of compliance problems” would require clarification.
- The TF unanimously supports S.B. No. 121 which will allow DEP to extend any general permit beyond the expiration date provided that DEP publishes notice of a tentative determination to renew such general permit 180 days prior to the expiration.

General Permit

- An alternative to new legislation is implementing changes to DEP regulations to modify the water discharge regulations for permits for discharges to sewers, which represent 75% of all individual industrial discharge permits issued by DEP
- Another alternative is for DEP to expand use of the general permit process to include industrial sewer discharges (specifically metal finishing pre-treatment discharges, which constitute approximately 75 of the approximately 225 individual sewer discharge permits issued in the state, which would remove almost 40 percent of DEP's permitting workload in this area.

Permit Timelines

- TF members would like regulatory agencies to create timelines for all permits to send a message to the business that the state is open for business.
- DEP and DOT state that timelines are currently in place for most permits. These timelines are met on average but not every time.
- DEP is concerned that legislative changes to implement "date certain" or "automatic approval" timeframes on permits will result in the loss of authority to administer federal programs. DEP is also concerned that resources are not available to implement "date certain" timeframes for all permits.
- DEP suggests continuing to use the LEAN process to improve permitting or identifying particular permits that are problematic.
- TF member made recommendation that a penalty, such as permit fee reimbursement, if permit timelines are not met.

Other

- TF members suggest looking at other states "date certain" permitting as examples of how to implement the process in Connecticut (ex. New York State).
- Another TF suggestion is the creation of expedited permitting teams similar to H.B. 5208 that requires DECD to establish teams for expediting the review of permit applications by MOU with DECD, DEP, DOT, the municipality and others for projects that create a certain number of jobs or are located in brownfields. [DECD counter to this suggestion is the permit ombudsman's office. As related during the 3/11 meeting, the permit action team concept with MOUs is too disruptive to DECD operations. H.B. 5208 is not supportable in its current form]
- TF members suggest examining the CT Environmental Policy Act to tighten up the time frame associated with state funded projects.
- Permitting Task Force deadline has been extended to April 1, 2010.
- DECD will provide information regarding other states permitting programs: Massachusetts Permitting Collaborative, Virginia.
- DEP will provide information on the current timeframe, cost and staffing for all DEP permits.

Meeting Attendees

- *Commissioner Joan McDonald, DECD
- *Peter Simmons, DECD
- *Beth Barton, Day Pitney LLP
- *Denise Savageau, Director, Town of Greenwich
- *Mark Alexander for Commissioner Joseph Marie, DOT
- *Bryan Garcia, Yale Environmental Center
- *Commissioner Amey Marrella, DEP
- *Bonnie DelConte, CONNSTEP, Inc.
- *John Olsen, Connecticut AFL-CIO
- *Eric Brown, Connecticut Business & Industry Association
- *Kenneth Olsen, POKO Partners LLC
- *Ellen Blaschinski, Department of Public Health
- Graham Stevens, DEP
- Dean Applefield, DEP
- Nelson Tereso, DECD
- Robert Kaliszewski, DEP
- Gary Sawicki, Cooper – Atkins
- Scott Simoneau, Legislative Investigations Committee
- Janelle Stevens, Legislative Investigations Committee
- * Member Permitting Task Force (TF)

Absent TF Members

- Honorable Richard M. Moccia, City of Norwalk
- Mr. Frank Johnson, Manufacturing Alliance of CT
- Ms. Carol Wallace, Cooper – Atkins
- Mr. Bruce L. McDermott, Wiggin and Dana LLP

Next meeting scheduled for March 25, 2010, 3:00 pm. DECD