

TO: All Staff 
FROM: Daniel C. Esty, Commissioner of Energy and Environmental Protection
RE: Delegation of Authority
DATE: July 12, 2011

DELEGATION OF AUTHORITY

Pursuant to Public Act 11-80, the Department of Energy and Environmental Protection ("the Department") was established and is the successor department to what was formerly the Department of Environmental Protection and the Department of Public Utility Control. Also, pursuant to Public Act 11-80, there is a Public Utilities Regulatory Authority ("PURA") within the newly established Department. Although PURA is within the Department, by statute, various powers are conferred directly upon PURA.

Pursuant to Conn. Gen. Stat. § 4-38d, the delegation of authority previously in effect at what was formerly the Department of Environmental Protection remains in effect. Nevertheless, out of an abundance of caution, the purpose of this memorandum is to identify as comprehensively as practicable and in a single document, those powers statutorily vested in me that continue to be delegated to the Department's management and staff.

Effective July 12, 2011, pursuant to Conn. Gen. Stat. § 22a-2, I hereby continue in effect the delegation of authority that was already in place, on June 30, 2011, at what was formerly the Department of Environmental Protection, including, but not limited to, any delegation of authority previously made in specific cases. In addition, while I am signing this delegation on July 12, 2011, I hereby ratify any actions undertaken by the managers and staff of the Department since July 1, 2011 that is consistent with the aforementioned delegation of authority at what was formerly the Department of Environmental Protection.

This delegation in no way limits my authority to personally exercise such powers; moreover, I may at any time revoke or amend this delegation. In addition, any power assigned to the Commissioner of Energy and Environmental Protection, including powers assigned as result of Public Act 11-80, that is not specifically delegated may be exercised only by the Commissioner. In the future, I will likely delegate additional powers conferred on the Commissioner of Energy and Environmental Protection by Public Act 11-80.

Finally, I recognize that there may be certain matters that come before the Department from which I will recuse myself, and these matters are noted on Attachment A to this delegation. (This delegation of authority and attachment supercedes and replaces my March 9, 2011 memorandum regarding this matter.) Should action be needed in such matters, it may be taken consistent with the delegation of authority in effect. If the delegation of authority in effect does not specifically delegate the exercise of the statutory powers vested in me, unless I specify otherwise in writing, I hereby delegate all such powers in such matters to Robert Kaliszewski, the Director of Planning and Program Development at the Department.

ATTACHMENT A
(To the July 12, 2011 Delegation of Authority)

There are certain matters that may come before the Department from which, out of an abundance of caution, I will recuse myself in order to avoid even the appearance of a conflict of interest. Based upon my prior associations before becoming Commissioner, I am recusing myself from all matters (including, but not limited to, permitting, enforcement and contracting matters) of the Department specific to the entities listed below.

Should action be needed in any matters involving the entities noted below, it may be taken in accordance with the current delegation of authority. Finally, this recusal does not extend to broader policy discussions which may have an impact on numerous entities, including any of the entities noted below.

Alcoa

BP

CH₂M Hill (to the extent that this firm is regulated by the Department, i.e., LEP program)

Coca-Cola Enterprises

Connecticut Fund for the Environment

Disney

ESPN

Dow Chemical

FedEx

General Electric

IBM

Ingersoll-Rand

Johnson & Johnson

Motorola

Naya Waters

Nestle Waters

Nokia

Procter & Gamble

Personal Care Products Council

SC Johnson

Scotts Miracle-Gro

The Nature Conservancy

Timex

Unilever

Walmart

Waste Management

Yale University

Xerox

Please direct any questions that may arise regarding any recusal matter to the Department's Office of Legal Counsel.