



General Assembly

February Session, 2024

Raised Bill No. 189

LCO No. 1542



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE ISSUANCE OF PERMITS BY THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.***

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

1 Section 1. Subsection (b) of section 22a-6p of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2024*):

4 (b) The Commissioner of Energy and Environmental Protection shall
5 adopt regulations, in accordance with the provisions of chapter 54,
6 establishing schedules for timely action for each application for a permit
7 for activity regulated under this title. Such schedules may be based on
8 the lengths of time that the commissioner deems appropriate for
9 different categories of permit applications and permits and may address
10 situations when more than one permit is required for the regulated
11 activity. Each such schedule shall contain the following:

12 (1) A provision that the schedule shall begin when an application is
13 received by the Department of Energy and Environmental Protection,
14 any public notice requirements have been fulfilled and the application
15 fee is paid;

16 (2) One or more periods of reasonable length, not to exceed ninety
17 days in total, based on the nature and complexity of the review required
18 of the department, at the end of which time the department shall issue
19 a decision to grant or deny the permit or identify deficiencies in the
20 application, provided the schedule may also reasonably limit the
21 amount of time in which the applicant may remedy such deficiencies.
22 All reasonable efforts shall be made by the department to ensure that
23 deficiencies in any application for a permit are identified and the
24 applicant notified in writing of such deficiencies not later than [sixty]
25 forty-five days after the department receives such application. If, after
26 ninety days, the department does not issue a decision on the permit, the
27 permit shall be deemed granted;

28 (3) A period of reasonable length, not to exceed ninety days, based on
29 the nature and complexity of the review required of the commissioner,
30 beginning with receipt of materials submitted by the applicant in
31 response to the commissioner's identification of deficiencies, at the end
32 of which time the commissioner shall issue a tentative determination to
33 grant or deny the permit. All reasonable efforts shall be made by the
34 department to issue a tentative determination to grant or deny a permit
35 not later than [one hundred eighty] ninety days after the department
36 determines that the application materials are sufficient, provided such
37 [one-hundred-eighty-day] ninety-day period shall not include any
38 period of time during which the commissioner has requested, in
39 writing, and is waiting to receive, additional application materials from
40 an applicant;

41 (4) A period of reasonable length after such tentative determination
42 and the conclusion of any public hearing held with regard to such
43 decision;

44 (5) Allowance for applicable state or federal public participation
45 requirements; and

46 (6) A provision extending the time periods set forth in subdivisions
47 (2) and (3) of this subsection when action by another state agency or a

48 federal or municipal agency is required before the commissioner may
49 act, when (A) judicial proceedings affect the ability of the commissioner
50 or the applicant to proceed with the application, (B) the commissioner
51 has commenced enforcement proceedings which could result in
52 revocation of an existing permit for the facility or regulated activity that
53 is the subject of the application and denial of the application, or (C) the
54 applicant provides written assent extending any applicable time period.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2024</i> | 22a-6p(b) |

Statement of Purpose:

To establish a ninety-day limitation for permit issuance decisions by the Department of Energy and Environmental Protection.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]