



General Assembly

January Session, 2025

Governor's Bill No. 6868

LCO No. 4388



Referred to Committee on ENVIRONMENT

Introduced by:

Request of the Governor Pursuant
to Joint Rule 9

***AN ACT ENHANCING ENVIRONMENTAL PERMITTING
PREDICTABILITY.***

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

1 Section 1. Section 22a-6aa of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 The Commissioner of Energy and Environmental Protection may
4 continue in effect any general permit issued by the commissioner
5 pursuant to the provisions of this title [for a period of twelve months
6 beyond the expiration date for such permit] until a new general permit
7 is issued, or the commissioner makes a determination not to issue a new
8 general permit, provided the commissioner publishes notice, not later
9 than one hundred eighty days prior to the expiration date of such
10 general permit of the intent to renew such general permit in accordance
11 with any applicable provision of this title. Any such general permit
12 continued in effect beyond its expiration date shall remain in effect until
13 the commissioner makes a final decision on the renewal of such general
14 permit, in accordance with the provisions of this title. [, provided such

15 final decision is made on or before the twelfth month after the expiration
16 date. If no final decision is made within such time period, such general
17 permit shall expire.] The commissioner may require the remittance of a
18 registration fee in an amount not to exceed the existing registration fee
19 for such general permit whenever a general permit is continued in effect
20 beyond its expiration date in accordance with the provisions of this
21 section. Nothing in this section shall affect the obligation of any person
22 to register for a general permit pursuant to the provisions of this title in
23 a timely fashion or to comply with any general permit issued by the
24 commissioner pursuant to the provisions of this title.

25 Sec. 2. (NEW) (*Effective July 1, 2025*) (a) (1) Notwithstanding the
26 provisions of chapters 440 and 444 of the general statutes and sections
27 22a-361 and 22a-363b of the general statutes, the Commissioner of
28 Energy and Environmental Protection may require, as a condition of any
29 permit issued pursuant to section 22a-32, 22a-42, 22a-361 or 22a-363b of
30 the general statutes, or as a condition of any certification regarding
31 water quality pursuant to 33 USC 1341, watershed-level compensatory
32 mitigation to offset impacts to water resources caused by any regulated
33 activity (A) that is authorized under permit actions and conducted by
34 any department, agency or instrumentality of the state, except any local
35 or regional board of education, or (B) that is authorized under permit
36 actions for activities within the public trust, including, but not limited
37 to, impacts to inland wetlands and watercourses, tidal wetlands and
38 coastal waters.

39 (2) The commissioner may include conditions for any license or
40 certification referenced in subsection (a) of this section only if the
41 commissioner determines that the applicant has demonstrated that: (A)
42 It is not prudent to further minimize impacts of the regulated activity,
43 and (B) for licensees or certificates that authorize actions for activities
44 within the public trust, the commissioner additionally determines that
45 the applicant has demonstrated that the watershed-level mitigation
46 project will provide substantial public benefit.

47 (3) The commissioner may enter into any contract or agreement with
48 any contractor, state agency or federal agency in order to implement the
49 provisions of this section.

50 (b) Provided the requirements of subdivision (2) of subsection (a) of
51 this section are met, the commissioner may require one or both of the
52 following actions by the permittee: (1) The purchasing of resource
53 credits to provide compensation, in an amount established by the
54 commissioner, to fund compensatory mitigation projects, or (2)
55 participation in a compensatory mitigation project in lieu of a fee
56 program or mitigation bank that has been approved for use by the
57 United States Army Corps of Engineers and the Department of Energy
58 and Environmental Protection.

59 (c) Any land purchase, conservation easement or other protective
60 instrument used as a compensatory mitigation project pursuant to this
61 section shall be held by a third party, unless the commissioner
62 determines it is in the interest of the state for the state to hold the asset.
63 All lands or interests in land acquired pursuant to this section shall be
64 preserved in perpetuity for the protection of the wetland and
65 hydrological functioning.

66 (d) Any watershed-level mitigation project pursued in accordance
67 with this section shall create, restore or enhance the same or similar
68 types of water resource to be impacted by the regulated activity and
69 such compensation shall be proportional to the impacts caused by the
70 proposed regulated activity.

71 (e) All watershed-level compensation resources acquired pursuant to
72 this section shall be adequately protected, in perpetuity, to protect the
73 water resources subject to mitigation under this section.

74 (f) (1) The commissioner shall issue, and may periodically reissue, a
75 request for proposals for contractors who will develop a watershed-
76 level mitigation program. Any such selected contractor shall be
77 responsible for identifying potential watershed-level mitigation project

78 locations for the commissioner's approval and performing wetland and
79 water resource creation, restoration or enhancement projects, including
80 providing for such project's long-term management. The request for
81 proposals may include any elements necessary for operation of the
82 watershed-level mitigation program, as determined by the
83 commissioner. In evaluating contractors for selection under any such
84 request for proposals, the commissioner shall evaluate contractor
85 qualifications that include, but are not limited to, sufficient financial
86 resources to monitor and maintain any mitigation project for the
87 appropriate time periods and sufficient and reliable demonstration of
88 financial controls to administer the accounts necessary to conduct,
89 monitor and maintain any such projects. The commissioner may select
90 one or more contractors to carry out the purposes of this section.

91 (2) Any contractor selected pursuant to subdivision (1) of this
92 subsection shall seek the commissioner's approval for any project
93 location or scope before initiating such a compensatory mitigation
94 project.

95 (3) Each such contractor may accept other federal, state or private
96 funding for such projects in order to enhance or expand the
97 compensatory mitigation project.

98 Sec. 3. (NEW) (*Effective from passage*) (a) The Commissioner of Energy
99 and Environmental Protection shall prepare a report that evaluates
100 potential improvements to environmental reviews undertaken
101 pursuant to the state Endangered Species Act. Such report shall include:
102 (1) Recommendations for improvements to the processing of such
103 environmental reviews that will increase the efficiency, transparency,
104 and predictability of such reviews, (2) an assessment of similar
105 environmental review programs in other states, (3) recommendations
106 concerning qualifications and proficiencies of third-party consultants
107 that prepare mitigation plans and other materials required by the
108 Department of Energy and Environmental Protection's Natural
109 Diversity Data Base review process, (4) a description of the required

110 components of a Natural Diversity Data Base review request, (5) the
111 outcomes of a stakeholder engagement process that compiles public
112 opinions on Natural Diversity Data Base review program
113 improvements, and (6) a prioritized list of additional scientific and
114 communications resources that would increase the efficiency and
115 predictability of the environmental review process.

116 (b) The commissioner may, within existing resources, hire a
117 consultant to assist in preparing the report or portions thereof.

118 (c) Not later than February 1, 2026, the commissioner shall submit
119 said report, in accordance with the provisions of section 11-4a of the
120 general statutes, to the joint standing committee of the General
121 Assembly having cognizance of matters relating to the environment and
122 shall post said report on the Department of Energy and Environmental
123 Protection's Internet web site.

124 Sec. 4. (NEW) (*Effective from passage*) (a) For any license, as defined in
125 section 4-166 of the general statutes, that requires a hearing upon receipt
126 of a petition by the Commissioner of Energy and Environmental
127 Protection pursuant to any provision of title 22a of the general statutes
128 or section 25-68d of the general statutes, or the regulations of
129 Connecticut state agencies under the authority of the Department of
130 Energy and Environmental Protection, such hearing shall be a public
131 informational hearing and shall not be subject to the requirements of
132 chapter 54 of the general statutes unless such petition alleges
133 aggrievement or unreasonable pollution, impairment or destruction of
134 the public trust in accordance with the provisions of subsection (b) of
135 this section. At such public informational hearing, the Commissioner of
136 Energy and Environmental Protection shall accept written and verbal
137 comments regarding the license that is the subject of such informational
138 hearing. Before issuing any final decision on a license that is the subject
139 of such a public informational hearing, the commissioner shall respond
140 to comments received at such informational hearing by posting a
141 written response on the Department of Energy and Environmental

142 Protection's Internet web site.

143 (b) For purposes of subsection (a) of this section, a petition alleges
144 aggrievement or unreasonable pollution, impairment or destruction of
145 the public trust if the petition sets forth specific facts that: (1)
146 Demonstrate that the legal rights, duties or privileges of at least one
147 person who signed the petition will be, or may reasonably be expected
148 to be, affected by the decision, or (2) allege that the proceeding involves
149 conduct that has, or is reasonably likely to have, the effect of
150 unreasonably polluting, impairing or destroying the public trust in the
151 air, water or other natural resources of the state. The commissioner shall
152 provide a copy of any such petition to the person seeking such license
153 not later than ten business days after receipt of such petition. Such
154 person may object to such petition on the basis that such petition fails to
155 contain the specific factual demonstration required by this subsection.
156 Not later than thirty days after a petition is submitted pursuant to
157 subsection (a) of this subsection that purports to allege aggrievement or
158 unreasonable pollution or destruction of such public trust, the
159 commissioner shall determine whether the petition satisfies the
160 requirements of this section and send notice of such determination, in
161 writing, to the person seeking such license. If such petition request is
162 granted by the commissioner, the petitioner shall be granted intervening
163 party status and a hearing shall be held pursuant to the requirements of
164 chapter 54 of the general statutes.

165 (c) No provision of subsection (a) or (b) of this section shall be
166 construed to require a public informational hearing or contested case
167 hearing in lieu of the public hearing prerequisites established in
168 subdivisions (1) and (2) of subsection (b) of section 22a-32 of the general
169 statutes, subdivisions (2) and (3) of subsection (k) of section 22a-39 of
170 the general statutes, subdivisions (2) and (3) of subsection (b) of section
171 22a-361 of the general statutes or subdivisions (3) and (4) of subsection
172 (d) of section 25-68 of the general statutes.

173 (d) No provision of this section shall be construed to prevent the

174 commissioner from holding a hearing prior to approving or denying
175 any application if the commissioner determines that the public interest
176 will be best served by holding a hearing and if another provision of the
177 general statutes provides the commissioner the discretion to hold such
178 a hearing. Any hearing held pursuant to this subsection shall not be
179 subject to the requirements of chapter 54 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2025</i>	22a-6aa
Sec. 2	<i>July 1, 2025</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

Section 1	<i>October 1, 2025</i>	22a-6aa
Sec. 2	<i>July 1, 2025</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]