



General Assembly

Amendment

January Session, 2025

LCO No. 8804



Offered by:
REP. PARKER, 101st Dist.

To: Subst. House Bill No. 6868

File No. 456

Cal. No. 286

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

1 Strike section 4 in its entirety and insert the following in lieu thereof:

2 "Sec. 4. (NEW) (*Effective from passage*) (a) For any license, as defined
3 in section 4-166 of the general statutes, that requires a hearing upon
4 receipt of a petition by the Commissioner of Energy and Environmental
5 Protection pursuant to any provision of title 22a of the general statutes
6 or section 25-68d of the general statutes, as amended by this act, or the
7 regulations of Connecticut state agencies under the authority of the
8 Department of Energy and Environmental Protection, such hearing
9 shall be a public informational hearing and shall not be subject to the
10 requirements of chapter 54 of the general statutes unless such petition
11 satisfies the requirements of subsection (b) of this section. At such public
12 informational hearing, the Commissioner of Energy and Environmental
13 Protection shall accept written and verbal comments regarding the
14 license that is the subject of such informational hearing. Before issuing
15 any final decision on a license that is the subject of such a public

16 informational hearing, the commissioner shall respond to comments
17 received at such informational hearing by posting a written response on
18 the Department of Energy and Environmental Protection's Internet web
19 site.

20 (b) A hearing shall be subject to the requirements of chapter 54 of the
21 general statutes if the petition sets forth specific facts that: (1)
22 Demonstrate that the legal rights, duties or privileges of at least one
23 person who signed the petition will be, or may reasonably be expected
24 to be, affected by the decision, or (2) satisfy the requirements to
25 intervene as a party pursuant to section 22a-19 of the general statutes.
26 The commissioner shall provide a copy of any such petition to the
27 person seeking such license. Not later than ten days after receipt of such
28 petition, such person may object, in writing, to such petition on the basis
29 that such petition fails to contain the specific factual demonstration
30 required by subdivision (1) of this subsection or that such petition does
31 not satisfy the requirements to intervene as a party required by
32 subdivision (2) of this subsection. Any objection shall be submitted to
33 the commissioner and a copy provided to the person who submitted the
34 petition, and the person who submitted the petition may respond, in
35 writing, to any objection not later than seven days after it is submitted.
36 Not later than thirty days after a petition is submitted pursuant to
37 subsection (a) of this subsection that seeks to qualify under subdivision
38 (1) or (2) of this subsection, or not later than thirty days after a response
39 to an objection is submitted, whichever is later, the commissioner shall
40 determine whether the petition satisfies the requirements of this section
41 and send notice of such determination, in writing, to the person seeking
42 such license. If such petition request is granted by the commissioner, the
43 petitioner shall be granted intervening party status and a hearing shall
44 be held pursuant to the requirements of chapter 54 of the general
45 statutes. If the commissioner determines that the petition does not
46 satisfy the requirements of this subsection, the person who submitted
47 the petition may appeal such determination pursuant to section 4-183 of
48 the general statutes.

49 (c) No provision of subsection (a) or (b) of this section shall be
50 construed to require a public informational hearing or contested case
51 hearing in lieu of the public hearing prerequisites established in
52 subdivisions (1) and (2) of subsection (b) of section 22a-32 of the general
53 statutes, subdivisions (2) and (3) of subsection (k) of section 22a-39 of
54 the general statutes, subdivisions (2) and (3) of subsection (b) of section
55 22a-361 of the general statutes or subdivisions (3) and (4) of subsection
56 (d) of section 25-68d of the general statutes.

57 (d) No provision of this section shall be construed to prevent the
58 commissioner from holding a hearing prior to approving or denying
59 any application if the commissioner determines that the public interest
60 will be best served by holding a hearing and if another provision of the
61 general statutes provides the commissioner the discretion to hold such
62 a hearing. Any hearing held pursuant to this subsection shall not be
63 subject to the requirements of chapter 54 of the general statutes."

64 After the last section, add the following and renumber sections and
65 internal references accordingly:

66 "Sec. 501. Subdivision (2) of subsection (b) of section 22a-32 of the
67 general statutes is repealed and the following is substituted in lieu
68 thereof (*Effective from passage*):

69 (2) For the purposes of subdivision (1) of this subsection, a petition
70 alleges aggrievement or unreasonable pollution or destruction of the
71 public trust if the petition sets forth specific facts that (A) demonstrate
72 that the legal rights, duties or privileges of at least one person who
73 signed the petition will be, or may reasonably be expected to be, affected
74 by such regulated activity, or [that alleges that the regulated activity
75 involves conduct which has, or which is reasonably likely to have, the
76 effect of unreasonably polluting, impairing or destroying the public
77 trust in the air, water or other natural resources of the state] (B) satisfy
78 the requirements to intervene as a party pursuant to section 22a-19. Any
79 such petition shall identify the relevant statutory or regulatory
80 provision which the petitioners claim such proposed regulated activity

81 does not satisfy. The commissioner shall provide a copy of any such
82 petition received to the person proposing to conduct or cause to be
83 conducted such regulated activity, who, not more than [seven business]
84 ten days after receipt of such petition, may object to such petition on the
85 basis that the petition does not contain the specific factual
86 demonstration required by this subdivision. [The] Any objection shall
87 be submitted to the commissioner and a copy provided to the person
88 who submitted the petition. The person who submitted the petition may
89 respond, in writing, to any such objection not later than seven days after
90 such submission. Not later than thirty days after a petition is submitted
91 pursuant to subdivision (1) of this subsection, or not later than thirty
92 days after a response to an objection is submitted, whichever is later, the
93 commissioner shall determine whether the petition satisfies the
94 requirements of this subdivision and shall send notice of such
95 determination, in writing, to the person proposing to conduct or cause
96 to be conducted such regulated activity and the person who submitted
97 the petition. If the commissioner determines that the petition does not
98 satisfy the requirements of this subdivision, the person who submitted
99 the petition may appeal such determination pursuant to section 4-183.

100 Sec. 502. Subdivision (3) of subsection (k) of section 22a-39 of the
101 general statutes is repealed and the following is substituted in lieu
102 thereof (*Effective from passage*):

103 (3) For the purposes of subdivision (2) of this subsection, a petition
104 alleges aggrievement or unreasonable pollution or destruction of the
105 public trust if the petition sets forth specific facts that demonstrate (A)
106 that the legal rights, duties or privileges of at least one person who
107 signed the petition will be, or may reasonably be expected to be, affected
108 by such regulated activity, or [that alleges that the regulated activity
109 involves conduct that has, or which is reasonably likely to have, the
110 effect of unreasonably polluting, impairing or destroying the public
111 trust in the air, water or other natural resources of the state] (B) satisfy
112 the requirements to intervene as a party pursuant to section 22a-19. Any
113 such petition shall identify the relevant statutory or regulatory

114 provision which the petitioners claim such proposed regulated activity
115 does not satisfy. The commissioner shall provide a copy of any such
116 petition received to the person proposing to conduct or cause to be
117 conducted such regulated activity, who, not more than [seven business]
118 ten days after receipt of such petition, may object to such petition on the
119 basis that the petition does not contain the specific factual
120 demonstration required by this subdivision. [The] Any objection shall
121 be submitted to the commissioner and a copy provided to the person
122 who submitted the petition. The person who submitted the petition may
123 respond, in writing, to any such objection not later than seven days after
124 such submission. Not later than thirty days after a petition is submitted
125 pursuant to subdivision (1) of this subsection, or not later than thirty
126 days after a response to an objection is submitted, whichever is later, the
127 commissioner shall determine whether the petition satisfies the
128 requirements of this subdivision and shall send notice of such
129 determination, in writing, to the person proposing to conduct or cause
130 to be conducted such regulated activity and the person who submitted
131 the petition. If the commissioner determines that the petition does not
132 satisfy the requirements of this subdivision, the person who submitted
133 the petition may appeal such determination pursuant to section 4-183.

134 Sec. 503. Subdivision (3) of subsection (b) of section 22a-361 of the
135 general statutes is repealed and the following is substituted in lieu
136 thereof (*Effective from passage*):

137 (3) For the purposes of subdivision (2) of this subsection, a petition
138 alleges aggrievement or unreasonable pollution or destruction of the
139 public trust if the petition sets forth specific facts that (A) demonstrate
140 that the legal rights, duties or privileges of at least one person who
141 signed the petition will be, or may reasonably be expected to be, affected
142 by such activity, or [that alleges that the activity involves conduct which
143 has, or which is reasonably likely to have, the effect of unreasonably
144 polluting, impairing or destroying the public trust in the air, water or
145 other natural resources of the state] (B) satisfy the requirements to
146 intervene as a party pursuant to section 22a-19. Any such petition shall

147 identify the relevant statutory or regulatory provision that the
148 petitioners claim such activity does not satisfy. The commissioner shall
149 provide a copy of any such petition received to the person proposing to
150 conduct or cause to be conducted such activity, who, not more than
151 [seven business] ten days after receipt of such petition, may object to
152 such petition on the basis that the petition does not contain the specific
153 factual demonstration required by this subdivision. [The] Any objection
154 shall be submitted to the commissioner and a copy provided to the
155 person who submitted the petition. The person who submitted the
156 petition may respond, in writing, to any such objection not later than
157 seven days after such submission. Not later than thirty days after a
158 petition is submitted pursuant to subdivision (1) of this subsection, or
159 not later than thirty days after a response to an objection is submitted,
160 whichever is later, the commissioner shall determine whether the
161 petition satisfies the requirements of this subdivision and shall send
162 notice of such determination, in writing, to the person proposing to
163 conduct or cause to be conducted such activity and the person who
164 submitted the petition. If the commissioner determines that the petition
165 does not satisfy the requirements of this subdivision, the person who
166 submitted the petition may appeal such determination pursuant to
167 section 4-183.

168 Sec. 504. Subdivision (4) of subsection (d) of section 25-68d of the
169 general statutes is repealed and the following is substituted in lieu
170 thereof (*Effective from passage*):

171 (4) For the purposes of subdivision (3) of this subsection, a petition
172 alleges aggrievement or unreasonable pollution or destruction of the
173 public trust if the petition sets forth specific facts that (A) demonstrate
174 that the legal rights, duties or privileges of at least one person who
175 signed the petition will be, or may reasonably be expected to be, affected
176 by such activity or critical activity, or [that alleges that the activity or
177 critical activity involves conduct which has, or which is reasonably
178 likely to have, the effect of unreasonably polluting, impairing or
179 destroying the public trust in the air, water or other natural resources of

180 the state] (B) satisfy the requirements to intervene as a party pursuant
 181 to section 22a-19. Any such petition shall identify the relevant statutory
 182 or regulatory provision with which petitioners claim such activity or
 183 critical activity does not satisfy. The commissioner shall provide a copy
 184 of any such petition received to the state agency. Not more than [seven
 185 business] ten days after receipt of such petition, the state agency may
 186 object to such petition on the basis that the petition does not contain the
 187 specific factual demonstration required by this subdivision. [The] Any
 188 objection shall be submitted to the commissioner and a copy provided
 189 to the person who submitted the petition, and the person who submitted
 190 the petition may respond, in writing, to any objection not later than
 191 seven days after it is submitted. Not later than thirty days after a petition
 192 is submitted pursuant to subdivision (1) of this subsection, or not later
 193 than thirty days after a response to an objection is submitted, whichever
 194 is later, the commissioner shall determine whether the petition satisfies
 195 the requirements of this subdivision and shall send notice of such
 196 determination, in writing, to the state agency and the person who
 197 submitted the petition. If the commissioner determines that the petition
 198 does not satisfy the requirements of this subdivision, the person who
 199 submitted the petition may appeal such determination pursuant to
 200 section 4-183."

This act shall take effect as follows and shall amend the following sections:		
Sec. 4	<i>from passage</i>	New section
Sec. 501	<i>from passage</i>	22a-32(b)(2)
Sec. 502	<i>from passage</i>	22a-39(k)(3)
Sec. 503	<i>from passage</i>	22a-361(b)(3)
Sec. 504	<i>from passage</i>	25-68d(d)(4)