



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

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*Your Home  
Is Our  
Business*

March 13, 2017

To: Senators Kennedy and Miner, Representative Demicco, Co-Chairs  
Representative Harding, Ranking Member  
Members of the Environment Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Support HB 6327, AAC the Process for the Issuance of Certain General Permits by the Department of Energy & Environmental Protection**

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

**We strongly support HB 6327 as another step to bring more outside oversight to DEEP's regulatory work. We also believe other agency documents that have the force and effect of regulations, such as guidance manuals and policy letters, should be promulgated according to the UAPA.**

**Connecticut's development and permitting environment remains extremely difficult.** We have long cited to documents that outline the regulatory torture faced by real estate developers in this state. Please see <http://www.hbact.org/RegulatoryHurdlesInCT>.

**Included in this complex mix of regulatory hurdles are DEEP's "general permits."** The requirements of general permits are, of course, mandatory yet they are adopted and revised entirely within the confines of DEEP with no formal outside review, as are regulations applicable to individual permits (i.e., review by OPM, Governors Office, Attorney General's Office and the Regulations Review Committee).

**DEEP's general permits that are affected by this bill have a direct and significant impact on the regulated community and economic development potential of the state.** General permits can serve a very useful function to help streamline the regulation of common, less complicated, frequent or minor activities. However, without outside vetting of a general permits' requirements, as well as the process to "obtain" a general permit, DEEP has adopted general permits that can add many months to the overall permitting process.

**Moreover, in the case of DEEP's stormwater general permits (and perhaps others), they are not true general permits.** A general permit typically means someone who wants to conduct a regulated activity designs the activity a required way, i.e., according

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**Mission: "Using Effective Advocacy and New Knowledge to Solve Our Member's Problems."**

to the general permit, and files with the agency the necessary paperwork (a general permit application) to document the activity.

Once filed, the applicant should be able to proceed (i.e., the permit to conduct the activity is granted by virtue of filing the required designs and paperwork with the agency). If a problem does develop with a project operating under a general permit, the agency has the documentation to conduct enforcement activities.

**However, DEP has designed its stormwater general permit in a way that forces applicants into waiting for approval.** The wait may not be as long as waiting for an individual permit, but again just having to wait is the same as applying for permission to conduct an activity under a regulation, and it is all tacked onto sequential approvals necessary from other state agencies and local officials.

**Regulations applicable to individual permits already follow UAPA rulemaking. It seems consistent to us that the requirements of and process to obtain a general permit should do the same.** HB 6327 merely requires that before a general permit goes into effect, it must be adopted as a regulation through UAPA rulemaking.

**In the past when this legislation was before you (e.g., 2010 session, HB 5359), DEEP threatened to force everyone into the individual permit process if this bill is adopted. This misses the point of the bill and such threats contribute to the anti-business environment we find ourselves in here in CT. We hope such threats are not made again here in 2017.**

**To address the issue, however, there is and should be a distinction between individual and general permits.** They regulate different degrees, levels or intensity of activity. Requiring that both mechanisms (individual and general permits) be set up through UAPA rulemaking process does not destroy the distinction between the two or the necessity to continue both types of permits. Rather, requiring both mechanisms be adopted through the checks and balances of the UAPA ensures that DEEP no longer works in the dark, without outside oversight by other government entities, and should produce better permitting systems for all. Moreover, stakeholders, both the regulated community and other advocates, would not have to legally intervene in the proposed general permit process to advocate for changes.

**We urge you to support HB 6327 to help further improve the regulatory environment in Connecticut.**

Thank you for the opportunity to express our views on this legislation.