

Response to Executive Order 37 -

Prepared for:

Connecticut Department of Energy and Environmental Protection

February 3, 2014

Part One – Regulations of Connecticut State Agencies Proposed for Repeal

Table 1: DEEP Regulations Proposed for Repeal

+EO Status Key - (0) Regulation has been repealed or transferred; (1) Regulations are fine as is; (2) Regulations are unnecessary; (3) Regulations are necessary but changes are required to correct inaccurate info; (4) Regulations are necessary but changes could improve them.

Section #	Short Description / Subject Matter	EO Status⁺	Rationale for Repeal
Section 15-140v-1	Outdoor Recreation, Boating Division/Safe Boating Certificate, Right to Operate a vessel, Certificate of personal watercraft operation requires a written request to reinstate a boating certificate.	(2)	Language is outdated and no longer necessary and unnecessarily burdensome because the Conservation database automatically reinstates certificates at the end of the suspension period.
CGS §22a-66y and RCSA §§ 19-300t-1 to 19-300t-13	Materials Management and Compliance Assurance, Sale, use of possession of sodium fluoroacetate	(2)	Language is outdated. Regulations adopted in 1977 created a very rigorous process for its use, handling protocols and approval processes. Pesticides must be registered before they may be sold or distributed in Connecticut. This pesticide has not been registered or used in Connecticut in at least 30 years.
Section 22a-174-36a	Air Management, Heavy Duty Diesel Engines	(2)	Language is outdated and due to efforts of California to harmonize their standards with EPA these standards are not necessary.
CGS §22a-69 thru 22a-75; Sections 22a-69-1 through 22a-69-7.4	Air Management, Noise Control	(2)	Language is outdated and stifles municipal efforts hindered by ineffective State involvement.
Section 22a-174-21	Air Management, Control of Carbon Monoxide Emissions	(2)	Language is outdated and contains ineffective standards that are easily met with today's technology. There are currently no sources in the state. There is no need to maintain standards for permitting should any such sources be constructed.
Section 22a-113b-1	Water Protection and Land Reuse, Grants for the Protection of Coves and Embayments	(2)	The underlying statute was repealed in 2010, making the regulations obsolete.

Section #	Short Description / Subject Matter	EO Status⁺	Rationale for Repeal
Section 23-65g-1 through 23-65g-2	Natural Resources, Forestry Division/ Voluntary Registration of Foresters and Loggers Regulations superseded with Certification of Forest Practitioners (Sec. 23-65h-1 to 23-65h-1).	(2)	Language is outdated and was superseded with the Certification of Forest Practitioners in Sections 23-65h-1 et. seq.
Subsection 26-48-5a(d) and (e)	Natural Resources, Wildlife Division/ Limitation on taking, Private Shooting Preserves	(2)	Language is outdated - Subsections related to the number of birds and date they are liberated are unnecessarily burdensome. Repeal subsections 26-48-5a(d) and (e)
Section 26-55-3 (c) through (f)	Natural Resources, Wildlife Division/ Possession of salamanders and turtles	(2)	Language is outdated - adoption of section 26-55-6 of the RCSA in 2011 rendered subsections 26-55-3 (c) through (f) moot.
Section 26-66-8	Natural Resources, Wildlife Division/ Sale of game	(2)	Language is outdated - and unnecessarily burdensome, ineffective and ineffectual, and more appropriately addressed under section 26-78 of the CGS.
Subsection 26-66-12 (e) subparagraph (2)(B)(ii)	Natural Resources, Wildlife Division/ Wild turkey seasons, bag limits, firearms, ammunition, archery equipment, methods, permits, tags and reporting, permits and tags	(2)	Language is outdated - Requiring landowners to allow public hunting for turkeys is unnecessarily burdensome and ineffective. Repeal the subparagraph (2)(B)(ii).
Section 26-78-2	Natural Resources, Wildlife Division/ Conditions of possession of bog turtles	(2)	Language is outdated - adoption of section 26-55-6 of the RCSA in 2011 rendered section 26-78-2 moot.
Section 26-86a-7	Natural Resources, Wildlife Division/ Clothing Color Requirements	(2)	Language is outdated - Section 26-86a-7 is redundant with other regulatory sections that require the wearing of orange clothing while hunting.
Subsection 26-112-47(a)	Natural Resources, Inland Fisheries/ State-controlled fishing areas (a) Enfield Dam Shad Fishing Area.	(2)	Language is outdated there is no longer a controlled fishing area at this site - the area is now under purview of the State Parks and Public Outreach Division as part of Windsor Locks Canal State Park Trail.

Part Two – Regulations of Connecticut State Agencies DEEP Intends to Amend

*Table 2: Regulations DEEP Intends to Amend
(Also Includes Suggestions for Amendments to Connecticut General Statutes)*

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Section #	Short Description / Subject Matter	EO Status⁺	Rationale for Amendment
Section 15-121-A13	Outdoor Recreation, Boating Division/ Personal flotation devices for manually propelled racing vessels	(4)	Language is outdated - rewrite to allow an escort vessel to escort more than three vessels at a time.
Section 15-140f-1	Outdoor Recreation, Boating Division/ Safe boating certificate course content	(4)	Language is outdated - change to reflect current demand (responsive to several comments). Allow for an hour of blended learning before providing an equivalency exam. In the blended learning environment the student will use online education to get a portion of the knowledge and will have a classroom session to demonstrate life jacket donning, fire extinguisher and flare use. Ultimately certificate and course requirements should be combined with certificate of Personal Watercraft Operation (legislative change required). There is no longer a reason for two separate certificates.
Section 15-140f-3	Outdoor Recreation, Boating Division/ Issuance of safe boating certificates	(3)	Language is outdated - revise to reflect usage of Sportmen's Database - current requirements no longer apply.
Section 15-140f-4	Outdoor Recreation, Boating Division/ Fees for safe boating certificate courses and examinations and for issuing safe boating certificates, temporary safe boating certificates and duplicate certificates	(4)	Language is outdated - reduce exam fee for any holder of a diploma from any NASBLA-approved class.

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Section 15-140j-1	Outdoor Recreation, Boating Division/ Issuance of certificates of personal watercraft operation	(3)	Language is outdated - revise to reflect usage of Sportmen's Database - requirements no longer apply.
Section 15-140j-2	Outdoor Recreation, Boating Division/ Certificate of personal watercraft operation course content	(4)	Language is outdated - change to reflect current demand (responsive to several comments). Allow for an hour of blended learning before providing an equivalency exam. In the blended learning environment the student will use online education to get a portion of the knowledge and will have a classroom session to demonstrate life jacket donning, fire extinguisher and flare use. Ultimately certificate and course requirements should be combined with Safe Boating Certificate (legislative change required). There is no longer a reason for two separate certificates.
Section 15-140j-3	Outdoor Recreation, Boating Division/ Fees for certificate of personal watercraft operation courses and for issuing certificate of personal watercraft operation, Temporary Certificate of Personal Watercraft Operation and duplicate Certificates	(3)	Language is outdated - reduce exam fee for any holder of a diploma from any NASBLA-approved class.
Sections 19-24-1 through 14	Air Management/ Radiation Program Outdated and inefficient because Connecticut's regulatory framework for sources of ionizing radiation is based on the federal 1954 Atomic Energy Act. Some of the regulatory requirements are in conflict with current Nuclear Regulatory Commission requirements.	(3)	Language is outdated and inaccurate - modify statutory and regulatory authority to update and streamline the agency's approach to the registration and regulation of x-ray equipment and other sources of ionizing radiation. Eliminate inconsistencies with federal requirements. 22a-153-1 through 9 (proposed) to replace Sections 19-24-1 through 14.
Sections 22a-3a-2 through 6	Office of the Commissioner, Rules of Practice	(3) and (4)	Sections are outdated or inaccurate or can be revised to reflect new procedures (e.g., e-filing) that will create efficiencies in the hearing process. Changes will be consistent with the UAPA (CGS §§4-166 to 4-189) or, where appropriate, revisions to Rules or UAPA will be proposed.
Sections 22a-30-1	Water Protection and Land Reuse, Tidal Wetlands Regulations	(3)	Language is inconsistent - Revise 22a-30-6 to reduce the required number of application copies to three and provide for electronic

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through 22a-30-17			submission. Delete obsolete 22a-30-7(c)(2)(E). Revise 22a-30-7(c)(4) to make comment period 30 days, consistent with other DEEP programs. Revise 22a-30-7(e) to allow copies of notices and applications to be sent by electronic means.
Subsection 22a-174-3a(a)(2)(B)(i),	Air Management, Stripping facilities. Exempt VOCs, such as perchloroethylene, are commonly stripped from water and soil. The permit exemption is appropriate for the class of exempt VOCs. The exemption requires the use of a control device with at least 95% removal efficiency, the same requirement that would likely be in a permit issued for a facility stripping exempt VOCs.	(3)	Language is outdated and inaccurate - The exemption for stripping facilities is too narrow because it applies only to the stripping of volatile organic compounds (VOCs). Revise the regulation to broaden the exemption to stripping facilities that strip VOCs and exempt VOCs.
Section 22a-174-3b	Air Management, Exemptions from permitting for certain equipment and operations	(3)	Language is outdated and inaccurate - The requirements for some of the named source categories no longer represent best available control technology (BACT), the standard of control assumed in justifying the creation of this permit-by-rule. Modify with requirements that currently represent BACT for the source categories included.
CGS §22a-174g	Air Management, Environmental Quality Statutes (CAL LEV)	(4)	Language is burdensome - CAA requires CT standards be identical to California standards. But regulatory adoption delays lead to periods where CT regulations are often not in step with CA standards, which violates the federal Clean Air Act.
Section 22a-174-18	Air Management, Control of particulate matter and visible emissions subsections (c), (g) and (f) are ineffective.	(3)	Language is outdated - For subsections (c) and (g): Amend with effective, timely requirements, or eliminate ineffective provisions For subsection (f): Amend with effective, timely requirements that address abrasive blasting or eliminate the subsection (responsive to comment).
Section 22a-174-22	Air Management, Control of nitrogen oxides Some of the standards are outdated and no longer represent reasonably available control technology (RACT), the standard of control necessary for EPA approval.		Replace with the regulation with clear and current control requirements for fuel-burning sources in a manner that addresses the applicability, standards, test requirements and record keeping requirements. The replacement requirements should take into account current EPA requirements for engines, turbines and boilers.

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	<p>Some of the applicability requirements cause confusion in the regulated community, although DEEP has always held the same interpretation of the applicability.</p> <p>The 5-year test requirements should be revised to maintain the repeat test in the same time of year as the previous test.</p> <p>Testing provisions should allow for alternative methods. Maximum capacity should be determined by either input or output.</p> <p>The record keeping provisions should be clarified with regard to GPLPE sources.</p> <p>DEEP should adopt EPA's requirements for emergency engines in 40 CFR 63, subpart ZZZZ.</p>		
Section 22a-174-26; CGS §22a-6f; CGS §22a-6h	Air Management, Permit Fees	(4)	Language is outdated - Permit Fee Schedule is Unnecessarily Burdensome Due to Multiple Billing. Modify to Implement a Single Payment Fee Structure
Section 22a-174-29	<p>Air Management/ Hazardous Air Pollutants</p> <p>Outdated and overly burdensome to some sources</p>	(3)	Language is outdated and burdensome - Modify in two respects: (1) to limit the extent of the requirements for small sources operating under a permit-by-rule; and (2) to exempt sources that are major for hazardous air pollutants and subject to a federal National Emissions Standard for Hazardous Pollutants (NESHAP).
Section 22a-174-30	<p>Air Management/ Dispensing of gasoline: Stage I and Stage II vapor.</p> <p>The Stage II requirements are outmoded given the adoption of Public Act 13-120, which mandates decommissioning of all Stage II vapor recovery equipment by July 2015.</p>	(3)	The requirements are out-moded- modify this regulation to eliminate Stage II vapor recovery requirements and to address Stage I vapor recovery equipment consistent with the requirements of Public Act 13-120.

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Section 22a-174-33(d)(1)	Air Management/ Title V permitting The current requirements fail to recognize that sources subject to certain permits-by-rule are limited below Title V thresholds.	(4)	Language is outdated and burdensome - Revise to include limitations under a permit-by-rule.
Section 22a-174-40	Air Management/ Consumer products The standards and product categories need to be updated to remain consistent with California and the regional OTC model rule.	(3)	Language is outdated - Amend consistent with recommendations of current OTC model rule.
Section 22a-174-41	Air Management/ Architectural and industrial maintenance coatings The standards and product categories need to be updated to remain consistent with California and the regional OTC model rule	(4)	Language is outdated - Amend consistent with recommendations of current OTC model rule.
Sections 22a-409-1 through 22a-409-2	Water Protection and Land Reuse, Dam Safety	(3)	Language is outdated - Make changes required by legislation which will modify the classification and inspection schedules for jurisdictional dams.
CGS §22a-430(j)	Materials Management and Compliance Assurance, Plans and Specifications	(2)	Language is burdensome – Amend and revert back to discretionary regulations to allow for expedited permit processes as identified in Section 1(a) of Public Act 10-158, to achieve water permitting efficiencies rather than developing mandated regulations.
Subsections 22a-638-1(b)(2)(A) & (B).	Materials Management and Compliance Assurance, Shorten E-Waste Recycler Application	(2)	Language is burdensome - Reduce the prescribed time periods to become a Certified Electronics Recycler (CER) to improve approval timeframes and shorten the notice of commencement of the open application timeframe from 30 days prior to the application period to 10 days and shortening the Open Application Period from 60 days to 45 days; add date(s) for recyclers to submit applications annually [proposed - November 1 - December 15] responsive to a changing market.

Section #	Short Description / Subject Matter	EO Status⁺	Rationale for Amendment
Sections 23-4-1 through 5	Outdoor Recreation, Parks and Forests/ These are the primary regulations to ensure the safe operation of our state parks and forest recreation areas	(3)	Language is outdated - Currently, the DEEP is finalizing amendments dealing with the possession of alcohol in certain state parks. Other areas for improvement including extending the time during the winter and early spring when dogs may be allowed on public beaches; additional specifics regarding car top boat launching at some facilities, and clarifications about entrance into parks when they are at capacity.
Sections 23-4-7 through 22	Outdoor Recreation, Use and Fee Structure of Certain State Park Facilities/ These facilities are rented for weddings, family gatherings, corporate functions and other events. The regulations cover such topics as fees, caterers, reservations, cancellations, refunds, and a range of other details.	(3)	Language is outdated -We anticipate proposing changes to these sections during the 2014 calendar year. Facilities will include: The mansion at Harkness, the Pavilion at Rocky Neck, the visitor center at Gillette Castle, and the conference center and Fort at Fort Trumbull.
Sections 23-4-23 through 35	Outdoor Recreation, State Park Rentals/ These regulations detail the fees and other considerations related to the rental of pavilions and rustic cabins at state parks and forest recreation areas.	(4)	Some of the statutorily increased fees have led to a decrease in rentals of certain facilities, and we are considering proposing amendments to this section in the coming year to reflect a more appropriate fee level for reservations.
Sections 23-26-2 through 11	Outdoor Recreation, State Park Fees/ Various park fees, permits, licenses, and waivers, including admission fees, parking fees, special use license fees, as well as procedures for fee waivers for Charter Oak Pass holders, and other events.	(3)	Language is outdated - Need to reflect the new statutory fee levels, and we also anticipate revisiting some of the regulations in the Special Use License section as well. We anticipate proposing changes to these sections during the 2014 calendar year.
Sections 25-68h-1 through 25-68h-3	Water Protection and Land Reuse, Flood Management	(4)	Language is duplicative - Modify regulations to clarify requirements and eliminate unnecessary and duplicative reviews.
Subsection 26-16-2(p)	Natural Resources, Wildlife Division/ Limitations on public use of state controlled Field Trial and Dog Training Areas,	(3)	Language is outdated and not all-inclusive of field trial organizations. Delete reference to sanctioning organizations (AKC, CASDFTA and NAVHDA)
Section 26-42-1	Natural Resources, Wildlife Division/ Receipt of raw furs by fur dealers	(4)	Language is outdated - Amend section 26-42-1 to include fisher

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Section 26-48-2	Natural Resources, Wildlife Division/ Area (Private Shooting Preserves)	(4)	Language is outdated - Size specifications for posting signs are unnecessarily burdensome. Specify size signs commonly available from commercial vendors.
Subsection 26-49-2(d)	Natural Resources, Wildlife Division/ Hunting dog training areas	(4)	Language is outdated - Size specifications for posting signs are unnecessarily burdensome. Specify size signs commonly available from commercial vendors.
Subsection 25-52-1(a)	Natural Resources, Wildlife Division/ Permits for shooting birds liberated at field dog trials	(4)	Language is outdated and not all-inclusive of field trial organizations. Delete reference to sanctioning organizations (AKC, CASDFTA and NAVHDA)
Subdivision 26-55-1 (i) (2)	Natural Resources, Inland Fisheries/ Importation, transportation or liberation of live fish or live fish eggs (Subsections specific to triploid grass carp). Onerous requirement that all individuals with ownership rights on a water body provide written consent before a liberation permit can be issued.	(4)	Language is outdated - Amend section 26-55-1(i)(2) to provide an alternative procedure that would allow DEEP to hold a public information meeting concerning the proposed liberation.
Section 26-55-4	Natural Resources, Wildlife Division/ Import/possession of deer, moose, and elk carcasses and parts	(3)	Language is outdated - list of states acknowledged to have cervids testing positive with CWD is outdated, include MD, PA, VA.
Subsections 26-57-1(a) and (b)	Natural Resources, Wildlife Division/ Permit for transporting deer carcasses	(3)	Language is outdated - current language requiring 2 forms (EPW-2 and EPW-8) are unnecessarily burdensome on public safety officials, and the DEEP no longer provides EPW-2 forms. Also, DKIR form was changed to a WKIR form.
Subsection 26-57-2(b)	Natural Resources, Wildlife Division/ Permit for transporting deer carcasses	(3)	Language is outdated - DKIR form was changed to a WKIR form.
Subsection 26-66-1 (j)	Natural Resources, Wildlife Division/ Behavior and actions of hunters	(3)	Language is outdated - With the adoption of section 26-67e of the CGS and sections 26-67e-1 through 18 of the RCSA, provisions of this section are outdated. Persons using raptors for the above purpose would be authorized under the current falconry program and/or scientific collecting permits.
Subsection 26-66-2(e).	Natural Resources, Wildlife Division/ State-owned, state-leased, and permit-required hunting areas; weapons	(3)	Language is outdated - with the advent of on-line daily use permit issuance and on-line harvest reporting, language needs to reflect e-permitting and reporting.

Section #	Short Description / Subject Matter	EO Status⁺	Rationale for Amendment
Subsection 26-66-3(f).	Outdoor Recreation/Open hunting seasons and bag limits for upland game birds and Quadrupeds, subsection (f) Protection of Hungarian Partridge is no longer required.	(4)	Amend subsection (f) to delete reference to Hungarian Partridge since attempts to introduce this non-native game bird in the 1970's were abandoned.
Subsection 26-112-47(b)	Natural Resources, Inland Fisheries/ State-controlled fishing areas (a) Quinebaug Valley Trout Hatchery Public Fishing Ponds	(4)	Language is outdated fee structure - Amend section 26-112-47(b) to delete reference to fees (over 35 years old) that does not cover the cost to administer the program. In addition, the ponds have not been used for many years, though there is increasing interest in reopening them to public fishing.
Section 26-142a-1 & Section 26-142a-12	Natural Resources, Marine Fisheries/ Inland Commercial Species and Taking and Sale of Bait Species	(4)	Language is unclear. Amend sections. The redundancy between sections is unnecessarily confusing and inefficient.
Subdivision 26-142a-16 (3)	Natural Resources, Marine Fisheries/ Definition of "Land" is overly narrow	(3)	Language is outdated and horseshoe crab needs to be included in lists of species subject to landings.
Subsection 26-142a-3a(a)	Natural Resources, Marine Fisheries/ Area-Gear Restrictions "as indicated by posters"	(4)	Language is outdated - burdensome for DEEP staff
Section 26-159a-6	Natural Resources, Marine Fisheries/ Use of Commercial Fishing Gear	(3)	Language is outdated - LORAN C 14935 are no longer in use needs updating w lat/longs
Subsection 26-159a-9(a)	Natural Resources, Marine Fisheries/ Bluefish reference to purse seine	(3) & (4)	Language is outdated - remove reference to purse seine. Consider ban on pair-trawls and midwater trawls in CT waters
Subsection 26-159a-9(c)	Natural Resources, Marine Fisheries/ Bluefish commercial season	(4)	Language is outdated - remove closed commercial season and 10 fish limit for commercial (but no sale) from Jan 1-Apr 14

Part Three –Comments Received in Response to Executive Order 37 and DEEP’s Corresponding Responses

Table 3: Response to Comments

Reference	Section #	Short Description of Comment/ Subject Matter	Response
Numerous	Sections 23-4-1 and 26-66-2	<p>Outdoor Recreation/Carry handguns in State Forests and Parks.</p> <p>Please modify the State Agencies Regulations to allow individuals with valid permits to carry a handgun for self defense while in CT State Parks and Forests.</p> <p>Remove the prohibition on the ‘carrying of firearms’ in section 23-4-1(c).</p> <p>Add an exemption to 26-66-2 to allow the carrying of pistols and revolvers (including handguns using center-fire ammunition) for the purpose of self defense.</p>	<p>Currently, the Regulations of Connecticut State Agencies (RCSA 23-4-1(c)) prohibit the possession of firearms in state parks and forests, unless authorized by the Commissioner. The Commissioner authorizes the possession of firearms on DEEP controlled lands for a number of purposes, including; regulated hunting during the various seasons; target shooting at the firearm ranges that exist on state park and forest property; firearms training classes, etc. A large number of comments were received by the public urging the DEEP to repeal this regulation thereby allowing those with a permit to carry firearms to bring them into state parks and forests.</p> <p>The prohibition against carrying firearms into state parks and forests dates back to at least 1918. This regulation has served state park and forest users well for all these years.</p> <p>Consistent with section 26-66-2, the use of revolvers for hunting on state lands is currently legal for the hunting of small game, provided the person has a state permit to carry concealed weapons (pistol permit) and the ammunition used is not larger than .22 caliber rimfire long rifle cartridge.</p> <p>Though some raised concerns about “self defense,” we believe our regulations continue to strike the right</p>

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			balance given the various uses of our parks and forests and diverse interests of our visitors. DEEP does not anticipate altering these regulations.
2, 291, 363, 381, 615, 1230, 162	CGS §26-73 (not RCSA)	Favoring Sunday Hunting Comments	The DEEP fully supports Sunday archery hunting on private lands, has submitted legislative initiatives during the past two legislative sessions and has provided testimony in support of such changes. In addition, Sunday archery deer hunting on private lands would have no practical impact on users of public lands as the proposal would restrict hunting to privately owned lands. DEEP feels strongly that private property owners should have right to determine who recreates on their properties, whether it is for hunting, hiking or other outdoor pursuits.
283		Advocating for a short muzzleloader deer season before the firearms deer season -	Over the past five years, the muzzleloader season has been greatly expanded from only a 2-week season to almost 6 weeks. This season is now twice as long as our shotgun-rifle deer hunting season. In the past few years, hunters in northwestern Connecticut have expressed concerns about a declining deer population and the lack of fawn production. As a result of this concern, the DEEP initiated a deer study in that portion of the state to assess fawn survival and population trends. Two years of the five-year fawn survival study have been completed. It would be premature to make any decision about adding more hunting days until we complete our scientific assessment.
1158		Criticizing website posting for giving inaccurate information related to restricted firearms for deer hunting	The information posted on DEEP's website regarding use of the Bushmaster AR-15 rifle for hunting is factually correct. DEEP fully recognizes that only certain calibers of centerfire ammunition can be used to hunt deer in Connecticut. These

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			<p>caliber restrictions (6mm or larger) however, do not apply to small game hunting on private lands, except during the firearms deer season. It was not the agency's intent to reiterate commonly understood laws or regulations published in the Connecticut Hunting and Trapping Guide.</p> <p>The question and answer was broadly crafted to cover hunting of all species, recognizing that a .223 caliber AR-15 can be used for small game hunting and an AR-15 chambered in .308 caliber could be used for deer hunting on private lands. DEEP takes very seriously our mission to educate the hunting public and the FAQ's posted on our website were the result of considerable research and collaboration within and outside of the agency in an earnest effort to help hunters understand how the new gun legislation might affect their activities.</p>
1446		Seeking clarification concerning providing/selling ammunition to youth who shoot trap and skeet at the Seymour Fish and Game Club	To be addressed by representative from the Department of Emergency Services and Public Protection
	Section 14-164c-1 through 12	Air Management/ Motor vehicle emissions testing The emissions testing program should be terminated or justified as newer vehicles are much cleaner than older vehicles making the program obsolete.	<p>The motor vehicle emissions testing program should not be repealed or revised.</p> <p>The motor vehicle emissions testing program is mandated by the federal Clean Air Act as a result of Connecticut's historical ozone nonattainment problem. Although Connecticut's air quality has improved, Connecticut is still in nonattainment for the federal ozone standards and cannot remove ozone reducing programs. The program includes an exemption for recent model year vehicles, which recognizes that newer cars are cleaner.</p>
1911, 1912, 1914, 1917, 1921, 1940,	Section 15-140f-1 and 2	Outdoor Recreation, Boating Division/ Commenters opine regarding potential acceptance of online education as meeting the prerequisite for receiving a	While DEEP believes that online safe boating education is a viable alternative to classroom-based safe boating education, DEEP's proposals in both

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1941, 1946		Safe Boating Certificate	statute and regulation to approve online classes as one possible pathway to obtaining a safe boating certificate were rejected by the legislature following adverse public comment. We would consider revisiting the issue.
1242		Outdoor Recreation, Boating Division/ Commenter perceives a conflict between federal and state jurisdiction with respect to regulation on Candlewood Lake, a man-made impoundment, the use of which is under FERC license to Firstlight. The commenter posits that jurisdiction belongs to the federal government and that state regulation does not apply.	<p>The statutory section referenced in the comment (Conn. Gen. Stat. 15-127) defines federal water and state waters for the purposes of Part II of Chapter 268, which relates to boating safety. DEEP derives its regulatory authority over Connecticut's water bodies from Connecticut General Statutes § 15-121. The Connecticut General Assembly has vested the Commissioner of DEEP with broad authority over boating on Connecticut's water bodies. DEEP recognizes the importance of incorporating federal standards into its statutes and regulations to foster consistent approaches to boating regulation, e.g. Conn. Gen. Stat. § 15-129. The legislature expressly prohibits regulations on the operation of vessels in Long Island Sound but does not specify other water bodies. Where the federal government has not acted to regulate boating and boating safety on Candlewood Lake, DEEP maintains its authority to act as the state agency required by the legislature to administer the state's boating laws. Further, the Order of the Federal Energy Regulatory Commission issuing the license referenced in the comment requires the licensee to issue a Shoreline Management Plan. The approved version of this plan specifically recognizes DEEP's authority to approve swim areas and moorings within Candlewood Lake in addition to other authority held by the state under the Clean Water Act.</p> <p>All DEEP regulations go through rigorous legal review, including the review by Office of the</p>

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			<p>Attorney General (OAG) for legal sufficiency required by Conn. Gen. Stat. § 4-169. As part of that review, the OAG will identify proposed regulations that conflict with or are otherwise pre-empted under federal law. Without more specific references to the DEEP's boating regulations, it is difficult to respond further to this comment.</p> <p>In general, DEEP works closely with its partners on Candlewood Lake, including the Federal Energy Regulatory Commission, First Light Power Resources (the federal licensee), the five municipalities and their residents that abut Candlewood Lake, and the statutorily recognized Candlewood Lake Authority. DEEP will continue its efforts to work with these partners in recognition of the multiple user groups and diverse interests that rely on and enjoy Candlewood Lake.</p>
1931	Sections 19-24-1 through 19-24-14	<p>Air Management/ Radiation Program</p> <p>The DEEP regulations concerning radioactive materials were written at a time when DEEP was responsible for oversight of X-ray equipment and non-Nuclear Regulatory Commission (NRC) regulated radioactive materials like those from accelerators. However, in 2005 the NRC changed their definition of Byproduct material and assumed a phased in responsibility for oversight of radioactive material produced in accelerators. Connecticut is not an NRC Agreement State and DEEP does not issue licenses for work with radioactive material. DEEP retains oversight of x-ray equipment, and its regulations should focus on activities and equipment it does regulate. The CT DEEP regulations specific to radioactive materials in section 19-24-1 through 14 are duplicative and often conflict with NRC regulations. It would also be helpful for DEEP to reexamine the regulations because they are outdated</p>	<p>The DEEP agrees that the language is outdated and suggests that CT seek appropriate authority to become an NRC Agreement State and modify the radiation program accordingly. In the meanwhile, the program should be replaced with regulations that address current technologies and take into account current federal standards.</p>

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		and confusing.	
1937	Sections 22a-39 -1 through 22a-39-13	<p>Water Protection and Land Reuse/ State Inland Wetlands Regulations</p> <p>The commenter states that the state's wetlands regulations are outdated, insufficient and ineffective. There have been 2 major revisions to the wetlands act, in 1987 and 1996, along with about another dozen less comprehensive amendments. The DEEP regulations do not reflect the current statutory program at all. The state should adopt an upland review area.</p> <p>The DEEP has created model regulations for the towns to adopt - which the overwhelming majority of towns have done. The DEEP should take some of its own medicine. With relatively little effort DEEP could use the model regulations as a basis for crafting up-to-date regulations which would be effective and helpful to the public who wish to participate in state wetlands proceedings.</p>	<p>While adopting upland review areas fits well with municipal land-use planning and permitting, adopting such areas for the state-wide level would be difficult and costly to implement, and would represent a significant expansion of jurisdiction with an associated fiscal impact.</p> <p>No changes recommended.</p>
1815	Sections 22a-174-3b and 22	<p>Air Management/ Emergency Engines</p> <p>Emergency engines are subject to CT's requirements, which are very different, and sometimes in conflict, with EPA's requirements under 40 CFR 63, Subpart 4Z NESHAP.</p>	<p>Due to CT historic ozone air quality problem, sources of air pollution that contribute to ozone formation are sometimes held to the requirements that are more stringent than those promulgated by EPA. In this instance, CT policy is not to allow the operation of emergency engines in non-emergency price response mode as these days often coincide with days on which air quality is impaired.</p>
1620	Section 22a-174-6	<p>Air Management/ Air pollution emergency episodes</p> <p>Public perception that this rule is outdated.</p>	<p>Although the regulation was last revised in 1993, the current requirements are appropriate for its intended purpose. This regulation meets a Clean Air Act (CAA) requirement under which each state must have authority, comparable to CAA section 303, to address air pollution levels that present an "imminent and substantial endangerment to public health or welfare." 40 CFR 51 Subpart H defines the</p>

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			“significant harm” levels that each state must have the authority to mitigate. The emergency episode criteria in RCSA section 22a-174-6 authorize actions at ambient air pollution levels more stringent than the “significant harm” levels, and thereby provide the necessary authority. No change is recommended.
11	Subdivision 22a-174-18(e)(2)	Air Management/ Control of particulate matter and visible emissions	For subdivision (e)(2), no change is recommended. Subdivision (e)(2) sets out particulate limits for a limited number of registered sources of pollution. Such registered units are very old, so the standards provided are appropriate to the operation of such units.
1615	Subsection 22a-174-18(f)	Regulation 22a-174-18(f). Process Industries – General (Process Weight Regulations) RCSA §22a-174- 18(f) is an old air pollution regulation that dates back to regulations initially established in Los Angeles, California in 1949. The regulation contains a table that lists allowable emissions rates for particulate matter in pounds per hour based on the total weight in pounds of all materials introduced into a process that may cause the emissions of particulate matter. This process weight regulation was refined in 1959 by the Bay Area Air Pollution Control District in San Francisco, and this type of regulation was adopted by states across the nation before the Clean Air Act came into existence. The CTDEEP has sought to apply this regulation to outdoor abrasive blasting operations, which also cannot comply with the requirement, which was never intended to apply to fugitive emission sources. Subsection 22a-174-18(f) should be deleted as obsolete.	The DEEP agrees that the language is outdated – and suggest that it be amended with effective, timely requirements that address abrasive blasting or eliminate the subsection.
1930	Section 22a-174-22	Air Management/ Control of nitrogen oxides emissions	The DEEP agrees that this regulation requires re-examination. DEEP is required to periodically

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		Comments on multiple sections of the DEEP air quality regulations concerning nitrogen oxide emissions: applicability; emissions testing and monitoring; and reporting and recordkeeping.	perform such re-examinations under the federal Clean Air Act and has already embarked on an open and transparent stakeholder driven process to do so.
CBIA	Section 22a-174-26(d)(4) (c)	Air Management/ Inventory Stabilization Factor	<p>CAA section 502(b)(3) requires Title V fees to cover the direct and indirect costs of administering the program. The CAA established that the presumptive cost of the program would be met if states collected \$25/ton adjusted annually for inflation. However, experience shows the presumptive minimum is not adequate to cover the full program cost. CT created the ISF to address this issue, and it has been successful in keeping fee collections at a level to fund the Title V program fully.</p> <p>Capping the ISF is not an option as it would result in inadequate revenue. The program is now charging minimal staff hours to the work effort, and the necessary work cannot be done with less staff.</p> <p>Rather than change a fee structure that works, DEEP has reduced the Title V program costs from \$5 million to \$2 million per year by continuous improvement and attention to efficiency.</p>
1932	Subdivision 22a-209-15(f) (7)	Materials Management and Compliance Assurance/ Solid Waste DEEP regulations define standards for the disposal of medical waste. Under the regulations, it is industry practice to sterilize medical waste in an autoclave, which is sufficient to render it safe for disposal in an incineration plant. However, DEEP regulations require	DEEP does not concur with the suggested revision since we believe rendering all biomedical waste unrecognizable is a simply and full proof way to differentiate higher risk (untreated) biomedical waste from lower risk (treated) biomedical waste. Uniform application of the “render unrecognizable” standard is protective of the public as well as the health care

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		<p>the additional step of shredding waste; this step is prudent for needles and other “sharps” but is unnecessary for other forms of medical waste that do not present a hazard of cuts or punctures.</p> <p>We recommend that Subdivision 22a-209-15(f)(7) of DEEP regulations be amended to read,</p> <p>“Unless it is physically altered so as to render it unrecognizable as biomedical waste, or if it is being sent directly to a trash to energy incineration plant, decontaminated biomedical waste shall be subject to the requirements of this section.”</p> <p>Clarifying this requirement to make clear that only truly defined “sharps” waste must be rendered unrecognizable would be a relief for those treating and shredding of waste on-site.</p>	<p>and waste handling workers that generate and manage biomedical waste. It is also important to note that in 2009 the legislature enacted Connecticut’s Environmental Justice law (CGS 22a-20), thereby affirmed the public’s general concern for certain categories and activities involving solid waste including medical waste.</p>
1929	Section 22a-430-3	<p>Materials Management and Compliance Assurance/RCSA 22a-430-3 General Conditions Applicable to Water Discharge Permits</p> <p>DEEP has set multiple standards for wastewater discharge. It is not clear which reporting standard applies under certain circumstances; it would be helpful to regulated entities for DEEP to clarify the regulations.</p>	<p>The reporting requirements laid out in the regulatory provision referenced by the commenter and the reporting requirements set forth in many of the DEEP’s wastewater General Permits are triggered by different situations, however, this comment has highlighted for DEEP the potential for confusion. We appreciate this being brought to our attention and will attempt to provide better clarity and simplification as applicable general permits are reissued, modified or developed.</p>
CBIA	Sections 22a-430-3 and 4	<p>Materials Management & Compliance Assurance/ Water Discharge Permitting</p> <p>The statutory foundation of these regulations is so overly broad as to place an impossible burden on DEEP. For example, subsection (a) of C.G.S. section 22a-430 requires a permit for, among a plethora of</p>	<p>General permits are a streamline regulatory control mechanism that provides relief on the administrative burden to DEEP and the regulated community. Many types of discharges are covered under these types of mechanisms, which may only require a registration, and in certain cases no registration is even required. DEEP will continue</p>

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		<p>other similar absurdities, a person pouring a glass of water from their faucet onto the ground.</p> <p>Solution: Revise subsection (a) of C.G.S. section 22a-430 to reduce the universe of discharges requiring a permit to those discharges that potentially pose a reasonably foreseeable risk to environmental quality or human health. Then revise R.C.S.A. 22a-430-3 and -4 in accordance with the revised statute and the regulatory transparency provisions of Executive Order #37.</p>	<p>to pursue opportunities to streamline the permit process as well as use and develop general permits to address its statutory obligations.</p>
CBIA		<p>Central Services/General Permits having the potential to impact 25 or more Connecticut Businesses.</p> <p>General permits are useful tools for helping DEEP meet its enormously broad permitting obligations through the issuance of one document that imposes legal obligations on categories of businesses without having to develop and issue a permit one business at a time. However, some general permits place legal requirements on dozens or even hundreds of businesses and therefore constitute, in our view, de facto regulations which DEEP can adopt with few, if any, protections provided under the Uniform Administrative Procedures Act.</p> <p>Solution: Declare by statute that environmental general permits that have the potential to impact 25 or more business are substantially similar to a regulation as defined by state statute, such that certain specified aspects of the Uniform Administrative Procedures Act, as well as the regulatory transparency provisions of Executive Order #37 apply to their issuance. We're confident this approach would also have insured long ago that the many Connecticut businesses required to periodically</p>	<p>There are two basic types of permits, individual and general permits. An individual permit is a permit specifically tailored to an individual facility. Once a facility submits the appropriate application, the permitting authority develops a permit for that particular facility based on the information contained in the application. The permit is issued for a specific time period with requirement to reapply prior to the expiration date. A general permit covers multiple facilities within a specific category. General permits are a cost effective option for permitting authorities to cover a large number of facilities that have elements in common, and provide an efficient manner to allocate permitting resources, provide timely permit coverage and ensure consistency of permit conditions for similar facilities. General permits are regularly used by EPA and states.</p> <p>The administrative process for issuing general permits ensure ample opportunity for public participation. As part of this process, the DEEP conducts public outreach activities and provides opportunity for stakeholder input to explain permit requirements and accept comments/concerns for</p>

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		test their fire protection systems could do so without risking a violation for discharging without a permit	consideration. General permits are also flexible mechanisms that enable the DEEP to adapt to changing federal requirements and allow for continuous improvement.
CBIA		<p>Central Services/Regulations Concerning the Renewal or Modification of Existing Permits.</p> <p>Current regulations concerning air, water, and other permitting unnecessarily burden both DEEP and regulated businesses in circumstances where a business is being transferred, expanded or upgraded. These circumstances require a permit modification but the current process is cumbersome, lengthy and expensive. Similarly, when a permit expires and is due for renewal, the same problems arise, even when little or no change has occurred at the permitted facility.</p> <p>Solution: Modify the regulations concerning the renewal, transfer or modification of permits to significantly streamline the process where no significant change in activity is occurring or where such significant change will reduce the environmental impact of the activity</p>	<p>We have already implemented certain streamlining measures which have alleviated unnecessary burdens including:</p> <ul style="list-style-type: none"> -expedited modification determinations under RCSA 22a-430-3(i) -expedited permitting through the recently issued Categorical and revised Miscellaneous General Permit GPs; and -revising application form E1 of our renewal application to allow for some plans from the last renewal to be incorporated by reference. <p>We have also discussed additional third-party professional certifications to be used for individual permit renewals to replace DEEP staff review. Although represented to us that there has been no significant change in activities, chemistry or processes in applications, those representations are not always accurate. While some processes must be consistent with federal law(s), DEEP continues to use LEAN to continually improve and streamline our processes.</p>
CBIA		<p>Central Services / E-GOVERNMENT AND ELECTRONIC SUBMITTALS</p> <p>Most environmental regulations include record-keeping and reporting requirements. CBIA appreciates the significant effort DEEP has made to incorporate e-government into its regulatory programs. We want to take this opportunity to encourage the agency to continue to make this a priority and to point out two examples of current programs where such innovation is urgently needed: Community Right-To-Know, Tier</p>	<p>The State Emergency Response Commission (SERC) and DEEP have encouraged reporters for EPCRA Tier 2 submissions to utilize e-Filing, although we currently still receive a significant amount of submissions in hard copy format. We are very interested in getting filers to submit electronically and will continue to promote e-Filing.</p> <p>Due to the very sensitive nature of this information, there are specific procedures for obtaining EPCRA Tier 2 submission data, different from having an</p>

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		<p>II submittals. Having a statewide database, is less about our ability to compete and more about increasing the information our local emergency responders can access when deploying resources in an emergency.</p> <p>Similarly, the annual requirement to submit a “Form R” under the program is now performed electronically using EPA’s CDX internet based system. Submitters essentially fill out the standard forms on line. However, the State of Connecticut requires submitters to print a hard copy of this data and submit it via US Mail as well.</p> <p>Solution: Continue to expand E-government capabilities. For Tier II submittals, maintain a secure database for the collection of, and controlled access to, this information. For Form Rs, determine what, if any, value there is in collecting paper copies, then find a way to get that same value from the EPA’s centralized system.</p>	<p>open on-line database.</p> <p>The recommendation for the Toxic Release Inventory ‘Form R’ to be received electronically is a good recommendation, but historically has been problematic due to information technology incompatibility with EPA’s system. A challenge with both of these submissions (Tier II and TRI) is the certification and signing of these documents when submitted. DEEP’s staff have been working through these challenges in other e-Gov applications and expect solutions will be transferrable as we continue to expand e-Services.</p>
CWWA		<p>Water Protection & Land Reuse/General Permit for Water Treatment Wastewater Discharges</p> <p>Recommendation: Modify the general permit for water treatment wastewater discharges to create a workable general permit by: 1) expanding the definition of water treatment facility to include potable water storage tanks; 2) clarifying that certain discharges are exempt from monitoring and record-keeping requirements; 3) increasing the maximum daily flow of all discharges on one site; 4) raising or eliminating the maximum groundwater discharge limits for iron and manganese; 5) deleting the monitoring requirement.</p> <p>Rationale: These changes are needed to improve the efficiency of this General Permit and better reflect</p>	<p>The DEEP will take these comments into consideration when the DEEP publishes notice of its tentative decision on the reissuance of the General Permit for the Discharge of Water Treatment Wastewater, which is anticipated in the Summer of 2014. An opportunity for public participation and comment will also be provided at that time.</p>

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		industry practices.	
1171		Water Protection and Land Reuse/ Diversion Permitting Citing PA 02-102, the commenter stated that water diversion permitting is too cumbersome and costly.	Water Diversion permitting balances the demand for water with the state's finite resources. Decisions made pursuant to this law impact all citizens of the state. Currently discussions are underway regarding developing a statewide water plan. Should such a plan be adopted, the Diversion permitting program would need to be modified to implement it. No change recommended at this time.
1243, 1683		Water Protection and Land Reuse/ Cleanup of Contaminated Sites Commenter stated that the cleanup of contaminated sites should not happen with taxpayer money.	Under the state and federal superfund program, DEEP expends state funds to remediate those sites determined to be eligible for funding through a listing process, which includes a determination that there is not a responsible party that can be required to remediate the property, No change recommended.
1730		Water Protection and Land Reuse/ Cleanup of Contaminated Sites Complexities of Brownfield Cleanups Commenter suggests that DEEP staff payment be linked to signing off on cleanups. Expresses concern that the regulations are too onerous and that a clean-up can take years.	DEEP is in the process of transforming the remediation process with the matching the clean up to the risk and expediting cleanups. We do not recommend that staff compensation be connected to the activities of a regulated entity. DEEP will continue its efforts to transform the state's clean up program.
CBIA	Section 22a-449(c)-100, et seq	Materials Management and Compliance Assurance/ Hazardous Waste Regulations There is a longstanding frustration on the part of Connecticut industry regarding the complexity of the state's hazardous waste regulations. These frustrations	DEEP understands there is a longstanding frustration on the part of Connecticut industry regarding the complexity of the state's hazardous waste regulations. To address this issue DEEP has created a wide array of compliance assistance tools and programs, many of which are first of their kind in the

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		<p>stem from two primary sources. First, the degree to which Connecticut's regulations differ from federal requirements. Second, to the extent Connecticut's regulations reference federal regulations, those references are to versions of the federal regulations that are decades old.</p> <p>Undertake a revision to Connecticut's hazardous waste regulations in a manner that 1) minimizes changes to the current federal regulations; 2) clarifies that when federal regulations are updated; and 3) provides the regulated community with a single document.</p>	<p>nation, such as DEEP's free on-line hazardous waste generator training course.</p> <p>DEEP does not concur that the Connecticut regulations are excessive or unnecessarily modified from the federal requirements. DEEP has only modified the federal requirements where necessary to provide standards that are reflective of Connecticut's uniqueness as a small densely-populated state that is heavily reliant on groundwater for drinking water supply and waste-to-energy for waste disposal. Allowing hazardous waste to be injected into underground wells or placed in open dumpsters and sent to the waste-to-energy facilities is simply not prudent or appropriate in Connecticut.</p> <p>DEEP does not concur that we should unilaterally adopt federal changes without affording the agency or the public the opportunity to evaluate these changes and determine if adoption as enacted at the federal level is in the best interest of the state.</p> <p>DEEP concurs that the current hazardous waste management regulations should be incorporated into a single document and DEEP is in the process of using that format with our next update of these regulations. In the interim, DEEP has available on our website both the state and federal regulations, along with a large number of documents and factsheets that will guide a user through the regulatory requirements.</p>
CBIA		<p>Materials Management and Compliance Assurance/Spill Reporting Regulations</p> <p>In 1971, the General Assembly mandated that an extremely broad array of spills (caused by accident or otherwise) by a broad array of individuals (including operators of any vehicles - including cars) be reported</p>	<p>DEEP agrees that regulation for Release Reporting would be helpful for all stakeholder groups and everyone in the state of Connecticut. The DEEP has tried to promulgate regulations several times unsuccessfully, mainly due to divergent opinions from the many different stakeholder groups on who and what that needs to be reported. DEEP agrees</p>

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		<p>“immediately” to the state and, as of 1994, to the DEEP. According to the statute, the reports are to contain information specified by regulations to be adopted by DEEP. Those regulations have never been adopted. Therefore, businesses continue to operate “at risk” if they don’t file a report with DEEP for every spill – no matter how minor. And the agency continues to get thousands of calls each year for very minor spills.</p> <p>Solution: Adopt regulations, consistent with the regulatory transparency provisions of Executive Order #37 that establish simple and clear reporting thresholds for the most commonly spilled materials, based on the records of reported spills at DEEP (a surprisingly small list). These quantities should be based on the volume spilled for liquids and weight spilled for solids. For all other materials, there should be a minimum thresholds established, grouping these materials into a limited number of categories.</p>	<p>that reporting requirements should be simple and understandable, and at the same time still be protective for our precious natural resources we all enjoy. A practical example of one of Connecticut’s natural resources is our groundwater, a good percentage of our population utilizes drinking water from private and public well water supplies. Over the past several months, DEEP has put significant effort into drafting a new regulation package, taking into consideration the comments and recommendations from prior initiatives. This work will dovetail into an overall DEEP Cleanup Transformation effort, in which all cleanup programs are being evaluated to improve efficiencies</p>
1471	Section 22a-449(d)-106	<p>Material Management & Compliance Assurance/ Underground Storage Tank Response and Remediation Programs</p> <p>Inconsistencies between underground storage tank leak response and remediation required under the Remediation Standard Regulations – The commenter states that this section sets forth the requirements that apply to owners/ operators of regulated underground storage tank that have leaked. The section was adopted in 1994 and is now outdated. Since 1994, DEEP has adopted the Remedial Standard Regulations, it created the Licensed Environmental Program and it issued its Site Characterization Guidance Document, which together describe how virtually all other environmental investigation and remediation in the state must be conducted. Moreover, because §22a-449(d)-106 applies</p>	<p>The DEEP does not agree that RCSA 22a-449(d)-106 is outdated or create program duplication because of the subsequent adoption of the Remediation Standard Regulations (RSRs) and the Site Characterization Guidance Document (SCGD). The RSRs do not in any way conflict with or supersede 106. 106 does not set cleanup standards for UST releases, but rather requires that the cleanup “...restore the environment to a condition and quality acceptable to the commissioner...”. The RSRs were put in place to set the standards which are acceptable to the commissioner. The SCGD is not a regulation or standard. It is guidance, unlike 106 which is part of the UST regulations and is enforceable. The purpose of the SCGD is to “describe DEEP’s recommendations for the investigation of properties”. 106 lays out the requirements for investigating and</p>

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		only to owners and operators of tanks, the same spill can be subject to two different sets of response requirements, depending on whether the work is being performed by the tank owner or the land owner. This inconsistency between the requirements that apply to cleaning up leaks from underground tanks and spills from any other sources results in uncertainty for the regulated community as to how the investigation and clean-up should occur, who must conduct it and when it is deemed complete.	cleaning releases from USTs, not entire sites which is the focus of the SCGD. Connecticut DEEP has received federal UST funding for 25 years. In order to maintain that funding, Connecticut must meet certain provisions in their regulations in order to maintain that federal funding as well as program approval by EPA. Section 106 is a necessary part of those requirements.
CWWA	CGS§22a-471	Water Protection & Land Reuse/Department of Public Health/Expanding capacity of Potable Water Program Commenter suggests that potable water regulations be revised to fund increased pipe size when bringing public water to an area.	The potable water grant program was established in CGS 22a-471-1 as a way for municipalities to provide a short and long term supply of potable water to well owners whose well water supply has been found to be polluted, no fault of their own, by human activity and the Responsible Party (RP) either could not be identified or does not have the financial means to provide a potable supply. That is accomplished by the DEEP issuing an order to the municipality, municipality successfully applying for and securing a state grant to cover the cost of the most cost effective option, which is formalized by the consent order. The grant program requirements, as identified by the regulations, specifically do not cover the incremental cost of a public water line to provide incremental capacity of the pipe for fire protection including fire hydrants nor a means for homeowners to have their home insurance policy rates lowered because public water is available. The intent of the law was solely for providing potable (drinking) water to affected property owners not fire protection or future economic development so fire protection is an unallowable project cost under the grant. Adding fire protection would add an additional, unrelated cost to providing potable water (larger pipe requirements) and is an added economic development benefit for

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			those being connected to the water line at the expense of CT taxpayers. Paying for fire protection, and future possible water line extensions, whether for hydrants or the incremental size of the pipe can be a significant added cost to the grant when public water supply is preferred alternative. This sharing of cost is determined in proportion to the increased flow volumes being proposed.
CWWA	CGS §22a-377	Water Protection & Land Reuse/ Diversion Permit Requirements for Certain Wells Connected to a Public Water Supply Distribution System Commenter requested that the exemption in Section 22a-377 CGS be revised to eliminate the need for a diversion permit for wells that withdraw less than 50,000 gallons per day (gpd) when they are connected in a public water supply distribution system that withdraws more than 50,000 gpd.	While this would not be a major concern in the case of one or two wells, each with a withdrawal limitation (physical or regulatory) of less than 50,000 gpd, this allowance would potentially pose a significant water management concern in instances where there are multiple wells in close proximity (i.e., drawing from the same aquifer) and provisions are not in place to allow for an evaluation of the cumulative effect of the withdrawals on stream flow, aquatic resources, neighboring wells, other users, etc.
CWWA		Central Services/Efficiency of DEEP Permit Processing. Commenter appreciates the efforts of the DEEP in processing efficiencies and general permit development.	DEEP has a continuing commitment to process improvement.
CWWA		Water Protection & Land Reuse/Water Diversion Limit DEEP's scope of authority in reviewing permit applications to issues directly related to the effect of the diversion on water resources. DEEP appears to be exceeding its statutory authority in reviewing and approving certain permits, referencing the Connecticut Water Diversion Policy Act.	Based on the content of the comment, the basis for CWWA's concern is not clear. CWWA should proffer specific examples germane to their industry interests. Not understanding the source of CWWA's concern, we are unable to provide a specific response other than to affirm that when the DEEP does exercise its authority under the CT Water Diversion Policy Act, it is done so with consideration focused toward regulated activities and impacts to the state's waters, as defined in the Act.
CBIA		BETP/TAXES AND FEES ON ENERGY BILLS AND RENEWABLE REQUIREMENTS	DEEP's concern about the high cost of energy is what drives our investment in energy efficiency programs (C&LM), which result in lower bills for participants

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		<p>These fees (including RGGI, CL&M) are what, in large part, drives Connecticut's energy cost to be higher here than in other nearby states and it will only get worse as our Renewable Portfolio Standards (RPS) become more aggressive. Additionally, the degree to which private-sector businesses benefit from these funds is unclear - as the data has not been assembled. However, there are clearly some major businesses in Connecticut that believe these taxes and fees only serve to make them less competitive with other states.</p> <p>Solution: Accelerate transformation of energy efficiency programs from a rate-payer subsidy model to an open-market, privately financed model, and modify our RPS to be more in line with other northeastern states. In the interim, provide a better accounting of the dollars paid into these funds by manufacturers and other private-sector businesses compared to how much they receive from the funds.</p>	<p>and avoided costs of building new electric generation capacity. Also, with the enactment of P.A. 13-303, DEEP has procured (and will continue to procure) large amounts of renewable generation that will result (under the Section 7 procurement) in keeping on track to meet the RPS while saving an estimated \$219 million. P.A. 13-303 also allowed for any Alternative Compliance Payments made due to a shortage of renewable generation to be refunded back to CT ratepayers. We embrace the proposed solution (shift to private finance of efficiency and renewables), as demonstrated by the launch of CEFIA and its related programs. DEEP is working to align CEFIA and C&LM programs to ensure that transition can happen while keeping on track to meet efficiency goals.</p>
1527		<p>Advocating for ATV registration and safe and legal places to use ATVs in CT</p>	<p>DEEP does not have the statutory authority to promulgate regulations which would require registration of all ATVs. There would need to be a change in statute to allow or to direct that to happen. Current law requires the registration of ATVs only if they are operated on lands that are not owned by the operator, resulting in a very small percentage of vehicles being currently registered.</p> <p>DEEP's ATV Policy outlines the statutory, regulatory and policy steps required on this issue.</p> <p>The potential operation of ATVs on state park or forest property is a challenging topic with a lengthy history. Legislation was vetoed during the 2013 session on the topic, and in his veto message, the Governor Malloy has invited "those interested in changing policies concerning ATV usage on state</p>

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			land to work together with DEEP and other stakeholders to craft a more thoughtful legislative proposal". That is the appropriate next step on this important issue.
1897	26-159a-26 Marine Fishing Tournaments	Please repeal this regulation in its entirety. It serves no useful purpose in the real world. Here's what it does. If I get together with several friends and decide to have a friendly competition with prizes to the victors, we become outlaws for not following these rules. There is no conservation purpose served whatsoever. I follow all regulations concerning seasons, sizes, and bag limits without complaint because doing so serves the goal of conservation and wise use of resources. This regulation, however well intended, does not and is just plain nuts. Please understand that I worked for DMHAS for 25 years and I have a sophisticated appreciation for the importance of regulations. This regulation is nothing but a nuisance. I guess I just want DEEP off my boat. Please repeal 26-159a-26. Thanks for hearing my gripe.	We agree that the current regulation could be unnecessarily burdensome for some anglers fishing in friendly competition in the marine environment and propose amending the regulation to exempt competitions involving five or fewer vessels . The primary need for a marine tournament registration is to enable the agency to manage larger organized events which experience tells us have the potential to disrupt non-participants' use of access areas and in some cases pose a resource conservation concern. It is important to keep in mind that the marine tournament registration regulation provides a necessary mechanism for non-profit civic organizations to apply for exemption from the marine waters fishing license requirement provided in CGS 26-28b(d) for resident anglers fishing in a free one-day "derby" or tournament hosted by such organizations. In addition, this regulation provides a necessary mechanism to grant tournament organizers an exemption (with conditions) from "culling or high-grading" restrictions specified in RCSA 26-159a-4 (minimum length) and 26-159a-7 (creel limits). Subsection 26-159a-26(e) of the current marine fishing tournament regulation allows the Commissioner to grant such exemptions provided specific conservation safeguards are in place that enable tournament organizers to efficiently conduct a catch, hold and release style fishing event with high fish survival rates. In summary, DEEP will propose an amendment to RCSA 26-159a-26 that exempts small fishing

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			competitions involving five or fewer vessels, but otherwise preserves the regulation as is. This modification will in effect provide a needed definition of "fishing tournament or derby" for the purposes of this regulation, as a fishing competition involving more than five vessels.