

Public Act 10-158 – An Act Concerning the Permit and Regulatory Authority of the DEP

- Section 8 – By September 1, 2010 negotiate with EPA to create/allow for a consulting services program within DEP
- By October 31, 2010 reallocate existing resources and adjust policies to implement a consultant services program in accordance with EPA requirements

If EPA requirements are incompatible with the creation of a consulting services program, DEP shall consult with representatives from regulated entities to implement alternative programs to provide compliance assistance for business and municipalities

Progress – Negotiations with EPA

- June, 2010 letter from DEP Commissioner to EPA New England Regional Administrator with an update on PA 10-158 section 8 and directed DEP regulatory managers to begin discussions with EPA
- June, August and October – DEP met with EPA. DEP stresses how compliance assistance is integral to a strong compliance assurance program

Progress – Negotiations with EPA

- EPA is receptive to work with DEP but has concerns regarding the need for DEP to keep within the statutory and regulatory bounds of its delegations and the EPA/DEP Performance Partnership Agreement/Grant
- EPA wants enforcement discretion emphasized as opposed to the potential amnesty or legal immunity that is suggested by section 8

Progress - Stakeholder Input

- July and November meetings with CBIA's Environmental Policies Council and Small Business/Manufacturing Advisory Council to:
 - Learn about the areas or sectors where environmental compliance assistance is needed
 - Describe existing hazardous waste management COMPASS program
 - Share EPA's comments, and
 - Provide a preliminary proposal for DEP's on-site compliance assistance

Progress - Stakeholder Input

○ Feedback

- Small businesses, in particular within the manufacturing sector, need assistance – they may not be able to afford to hire environmental consultants
- Need for DEP to improve how regulatory information is made available on Department's website
- Questions arose regarding the degree of enforcement discretion DEP will exercise if violations discovered, the timeline to correct the violations and potential cost of compliance

Proposal for On-Site Compliance Assistance

- On a pilot basis for Federal Fiscal Year 2011, DEP proposes to establish on-site assistance for the water quality discharge, stormwater and air quality programs [similar to RCRA COMPASS Audit Program]
- Highest priority will be given to requests from small businesses, new or expanding businesses, permit transfers or businesses with new managers
- Offer a central point of contact within DEP to request assistance either on-line or by phone

Additional Compliance Assistance Program Improvements

- Enhance DEP Web site – improve accessibility and content of compliance assistance and sustainability information
- Continue to offer pre-permit application meeting opportunities and have staff available to answer permitting and compliance questions by phone
- Increase E- Government opportunities - On –Line Hazardous Waste Training course
- Develop business and municipal newsletters – improve outreach and education

Questions or comments?

Nicole Lugli, Director
Compliance Assurance, Office of
Planning & Program Development

nicole.lugli@ct.gov

(860) 424-3611