

NOTICE OF INTENT TO AMEND AND ADOPT REGULATIONS AND TO HOLD A PUBLIC HEARING

The Commissioner of the Department of Energy and Environmental Protection hereby gives notice of his intent to adopt regulations and hold a public hearing as part of a rulemaking process. Pursuant to sections 4-168 and 22a-6 of the Connecticut General Statutes and section 22a-3a-3 of Regulations of Connecticut State Agencies ("RCSA"), the Commissioner hereby gives notice of his intention to amend RCSA sections 22a-409-1 and 22a-409-2 and adopt § 22a-409-3. These amendments and additions are being proposed under the authority of § 22a-409 of the Connecticut General Statutes, in accordance with 2013 Public Act No. 13-197.

These changes to the department's dam safety regulations are required to implement recent statutory changes regarding dam safety mandated by Public Act 13-197. The statutory changes shifted responsibility for inspections to dam owners to ensure more frequent and consistent inspections in the interest of protecting human health and public safety. The statutory changes also require dam owners to submit Emergency Action Plans.

Sections 1 and 2 - Amendments to RCSA §§ 22a-409-1 and 22a-409-2

These amendments implement recent statutory changes regarding the registration, inspection, and classification of dams on private property. Public Act 13-197 transferred responsibility for the inspection of dams in the state from DEEP to the owners of the dams. As a result, the existing regulations require amendments to establish procedures and requirements for dam owners to complete registration of a dam and comply with an inspection schedule for their dams by retaining the services of a professional engineer licensed in the State of Connecticut. Under certain circumstances and in the event owners do not comply with the inspection requirements, DEEP retains authority to conduct its own inspection. The proposed regulatory amendments also establish inspection fees required by statute to allow DEEP to recover the actual cost of any required inspection it conducts.

Section 3 – Addition of RCSA § 22a-409-3

Public Act 13-197 also required dam owners to submit emergency action plans for high hazard and significant hazard dams. These Emergency Action Plans require dam owners to: monitor their dams during periods of heavy rainfall and runoff or when other conditions develop that warrant close monitoring of the dam; communicate with the appropriate emergency management authorities regarding the status of the dam; and provide warning about potential or imminent dam failure, including recommendations to implement evacuation plans for residents or businesses in downstream areas potentially affected by a dam failure.

This notice has been published on the Secretary of the State's website, www.sots.ct.gov/sots, in accordance with Connecticut General Statutes § 4-168. The proposed regulations, fiscal analysis, and small business impact statement are available for inspection on that website or during normal business hours at the Department of Energy and Environmental Protection's Bureau of Water Protection and Land Reuse, Inland Water Resources Division, 3rd Floor, 79 Elm Street, Hartford, CT. A link to this notice, proposed regulations, and supporting materials is also available on the Department's web site at

<http://www.ct.gov/deep/publicnotices>. After reaching this site, select "Proposed Actions and Decisions" to see a chronological listing of proposed regulations. These documents can also be obtained by contacting Stephanie Battles at the above address, or by phone at (860) 424-3020.

Public Hearing and Comments –

The Department of Energy and Environmental Protection will also hold a public hearing described below to collect oral comment on the record after a brief summary of the proposal is presented by DEEP staff.

Date, Time and Location of the Hearing:

April 7, 2015

9:30 a.m.

(The hearing will adjourn after the last person present and signed in to speak has provided comment.)

Department of Energy and Environmental Protection

Gina McCarthy Auditorium

79 Elm Street, 5th Floor

Hartford, Connecticut

Speakers are requested, although not required, to submit a written copy of their comments. Written comments may also be submitted at the hearing by any member of the public that attends the hearing but does not choose to provide oral comment.

Written comments on the proposed regulations may be submitted to Elizabeth Napier, Department of Energy and Environmental Protection, Bureau of Water Protection and Land Reuse, Inland Water Resources Division, 79 Elm Street, Hartford, Connecticut, 06106-5127. Comments may be submitted by personal delivery, by mail, by electronic mail to Elizabeth.Napier@ct.gov, or by facsimile to (860) 424-4075. The deadline for public comments is 4:30 p.m. on April 10, 2015. All comments must be received by the comment deadline. DEEP is under no obligation to review comments received after the deadline.

The department has significant background information, including a webinar regarding changes to the dam safety program posted on its website for public viewing at www.ct.gov/deep/dams

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at (860) 418-5910 or deep.accommodations@ct.gov if you: have a disability and need a communication aid or service; have limited proficiency in English and may need information in another language; or if you wish to file an ADA or Title VI discrimination complaint. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

Robert J. Klee
Commissioner