

COUNCIL ON ENVIRONMENTAL QUALITY



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Karl J. Wagener
Executive Director

December 28, 2012

Mr. Richard Miller
Director
Office of Environmental Policy
University of Connecticut
31 LeDoyt Road, U-3055
Storrs, CT 06269

Dear Rich:

I am writing on behalf of the Council to recommend an improvement in implementation of the Connecticut Environmental Policy Act (CEPA), one the Council hopes could be adopted by all agencies as well as the University of Connecticut.

The recommendation is to post on the sponsoring agency's website all public comments regarding an Environmental Impact Evaluation (EIE) as they are received during the public comment period.

This recommendation is the product of a discussion the Council had at its December 19 meeting. A Council member reported that she had been asked if and when comments on an EIE are available to the public. I informed the Council of our earlier conversation, during which you said that it is the preference of your office to make the comments available after the comment period ends. You mentioned that you wished to avoid back-and-forth submissions by interested parties. Following considerable discussion, the Council concluded that 1) the comments surely are public records as soon as they are received and must be made available for inspection, 2) all comments should be posted on the sponsoring agency's website as soon as possible after their receipt, and 3) comments by interested parties on other parties' comments usually are beneficial.

One purpose of CEPA is to generate accurate information on which to base a decision, and it would be beneficial if someone corrected inaccuracies submitted by another party. Where the facts might be in dispute, the sponsoring agency remains in position to determine the facts and make the decision.

Numerous agencies (DEEP, PURA, Siting Council, etc.) post comments on applications, draft regulations, and plans as they are received, well before a comment period

ends. Because the comments are public documents, this is a simple and cost-effective way for the agency to make them available for public inspection. This is a major improvement to the public review process that was not possible prior to recent advances in electronic communication.

Most comments are received by email. Any paper documents received can, of course, be scanned. The Council envisions simply uploading the comment documents and having a link, or a series of links, on the page where the EIE is posted.

I am sending a copy of this letter to David LeVasseur, Under Secretary of the Office of Policy and Management, to let him know that the Council would like to urge adoption of this recommendation by all agencies unless something prohibits such adoption.

Thank you for your consideration of this recommendation. As always, please do not hesitate to contact me if you or your staff have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Karl J. Wagener". The signature is written in black ink and has a long, sweeping underline that extends to the right.

Karl J. Wagener
Executive Director

CC: W. David LeVasseur, OPM