

SMALL BUSINESS IMPACT

Prior to adopting a new section or amendment, section 4-168a of the Connecticut General Statutes (CGS) requires that each state agency consider the effect of such action on small businesses as defined in CGS section 4-168a. When such regulatory action may have an adverse effect on small businesses, CGS section 4-168a directs the agency to consider regulatory requirements that will minimize the adverse impacts on small businesses if the addition of such requirements (1) will not interfere with the intended objectives of the regulatory action and (2) will allow the new section or amendment to remain consistent with public health, safety and welfare.

State Agency Submitting Proposed Amendment: Energy & Environmental Protection (DEEP)

Subject of Regulation: Codifying Connecticut's Water Quality Standards into Regulations; RCSA Sections 22a-426-1 through 22a-426-9

Date: March 1, 2013

In accordance with CGS section 4-168a, staff analyzed the effect on small businesses of the proposed regulations and determined the following:

Check all appropriate boxes:

- The regulatory action will not have an effect on small businesses. (**See Explanation**)
- The regulatory action will have an effect on small businesses, but will not have an adverse effect on such small businesses.
- The regulatory action may have an adverse effect on small businesses, and no alternative considered would be both as effective in achieving the purpose of the action and less burdensome to small businesses potentially impacted. Alternatives considered include the following:
- (1) The establishment of less stringent compliance or reporting requirements for small businesses;
 - (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
 - (3) The consolidation or simplification of compliance or reporting requirements for small businesses;
 - (4) The establishment of performance standards for small businesses to replace design or operational standards required in the new section or amendment; and
 - (5) The exemption of small businesses from all or any part of the requirements contained in the new section or amendment.
- The regulatory action will have an adverse effect on small businesses that cannot be minimized in a manner that is consistent with public health, safety and welfare.

Explanation:

Connecticut's Water Quality Standards have been in existence since 1967 pursuant to C.G.S. Section 22a-426. These Standards set the overall policy for management of surface water and ground water quality in accordance with the state and federal clean water programs. They designate use goals, define allowable discharges, and identify measures necessary to maintain the chemical, physical, and biological integrity of Connecticut's waters, where attainable, provide for the protection and propagation of fish, shellfish, and wildlife, for recreation in and on the water, and to protect public and private drinking water supplies. The Surface Water Quality Standards are required by and consistent with Section 303 of the federal Clean Water Act.

The established Water Quality Standards were adopted in accordance with state statute and federal law, which include a public review process. The most recent revision of the Water Quality Standards was finalized February 25, 2011.

These regulations are being proposed under the authority of section 22a-426 of the Connecticut General Statutes. This section was recently amended to require the adoption of the state's Water Quality Standards as regulations. The proposed regulations codify the existing Standards into a regulatory format in fulfillment of the statute's requirements. There are no substantive changes to the existing Water Quality Standards proposed as part of this rulemaking exercise. Any potential impacts of the Water Quality Standards to small business are already in place. Given that this is a translation of existing standards into regulation, adoption of these regulations will not require businesses to take additional actions or incur additional costs.