

IN THE MATTER OF

***GENERAL PERMIT FOR THE
DISCHARGE OF STORMWATER
FROM SMALL MUNICIPAL
SEPARATE STORM SEWER SYSTEMS***

:

SEPTEMBER 9, 2014

***PREHEARING DIRECTIVE AND NOTICE OF STATUS CONFERENCE
AND RULING ON NOTICE OF INTERVENTION***

Notice of Status Conference and Introductory Information

A hearing has been requested in the above-noted matter.¹ General Statutes § 22a-430b(b) Accordingly, the pre-hearing process will begin with a status conference on ***September 24 at 10:00 AM*** in the ***Russell Room***, [79 Elm Street](http://www.ct.gov/deep), 3rd floor, Hartford.

These proceedings will be conducted according to the DEEP Rules of Practice, Regs., Conn. State Agencies [§§22a-3a-2 through 22a-3a-6](#); and applicable provisions of the Uniform Administrative Procedures Act. General Statutes [§§4-166 through 4-189](#). The Office of Adjudications provides written guidance on the hearing process on its website (<http://www.ct.gov/deep/adjudications>). Questions on these hearing procedures may be raised at the status conference.

Notice of this meeting will be posted on the DEEP Calendar of Events. This calendar will have the most up to date information on the schedule for this status conference and any other meeting or hearing dates. It is the official source of information on meeting and hearing dates for this matter. The calendar can be accessed at <http://www.ct.gov/deep/calendar>.

The status conference is a public meeting; however, it is not for the purpose of receiving general public comment for the record. Photo identification may be necessary for admittance into the building.

Pre-Status Conference Directives to the Parties, Petitioners and Interested Persons

Counsel or other lead representatives of each party are required to attend this conference in order to discuss the scope of the hearing, including the issues for adjudication and the prehearing procedures. A schedule will be established for the prehearing exchange of information, the prehearing conference, a site visit, and the specific hearing date and location. Therefore, all parties must be prepared to discuss their availability and the availability of any planned witnesses or attendees.

¹ Petitions for hearing were filed by the Connecticut Fund for the Environment (CFE) and the Connecticut Conference of Municipalities (CCM). A request for hearing was filed by the Connecticut Council of Small Towns (COST). A request for hearing is not sufficient to initiate a hearing in this matter; a petition for hearing is required. General Statutes § 22a-430b(b). COST has been sent a copy of this notice, and may participate in the hearing process initiated as a result of the petitions filed by CFE and CCM.

Documents related to DEEP's Notice of Tentative Determination regarding the General Permit can be made available to interested parties or the petitioner for review prior to the status conference. Anyone interested in reviewing these materials may contact Christopher Stone or Nisha Patel at (860) 424-3025. In the alternative DEEP staff may place these application materials in the DEEP File Room for review. Typical photocopying costs may apply to any copies requested during a review of these documents.

On the date of the status conference, the parties and other attendees should be prepared to discuss the issues relevant to and within the scope of the hearing, including any specific issues that led to the filing of the petitions for hearing. In accordance with Public Act 10-158, there will be an opportunity for the parties and the petitioner or other interested persons to participate in a settlement conference to be monitored by a third party referee or mediator. This settlement conference may be used to resolve or clarify issues prior to the hearing, aid in evidentiary, factual, or legal stipulations, or provide a framework for further settlement discussion. The parties may also elect to participate in settlement discussion on their own or with this office's assistance at any time during the proceeding.

At this meeting, the prehearing and hearing schedule will be established, including the date and time for the hearing. Individuals that need to be present for prehearing meetings or the hearing should be present at the status conference or accessible by phone in order to confirm the established schedule with all participants.

Ruling of Notice of Intervention Filed By CCM

On August 11, 2014, CCM filed a Notice of Intervention seeking party status in this matter. On August 22, 2014, DEEP Staff indicated they did not object to the request. Status as an intervening party is appropriate when the entity seeking party status can demonstrate that "(i) [its] legal rights, duties or privileges will or may reasonably be expected to be affected by the decision in the proceeding, (ii) [it] will or may reasonably be expected to be significantly affected by the decision in the proceeding, or (iii) [its] participation is necessary to the proper disposition of the proceeding." Regs., Conn. State Agencies § 22a-3a-6(k)(1)(B). While it is true that the legal rights, duties or obligations of some CCM member towns will be impacted by the decision, CCM itself will not be impacted. For this reason, I decline to grant CCM status as an intervening party in this matter. Instead, I grant CCM status as an intervenor because CCM's participation is in the interests of justice and will not impair the orderly conduct of this proceeding." § 22a-3a-6(k)(2). As an intervenor, CCM will be allowed to call witnesses and file comments, memoranda and other documents during this hearing process.²

Future Service of Documents

This notice has been sent by e-mail. A copy of the [Office of Adjudications E-mail Filing and Service of Documents Policy](#) can be obtained by following this link. By signing this document, the hearing participants recognize that documents may be filed with this office and served on

² The practical difference between status as an intervening party and an intervenor is quite limited and can be discussed further during the status conference.

others via e-mail. All hearing participants must review this policy and be prepared to sign it at the status conference if there is collective agreement that e-mail is the preferred means of communication for all participants.

/s/Brendan Schain

Brendan Schain, Hearing Officer

cc: Nisha Patel, DEEP
Christopher Stone, DEEP
Roger Reynolds, CFE
M. Randall Collins, CCM
Elizabeth Gara, COST