

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-433		399	2	10	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Environment</i> 443 • <i>Environment</i> 426 				<u>House Pages:</u> <ul style="list-style-type: none"> • 2011-2016 <i>h</i> • 3945-3948 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 1220 • 2362

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 5
1968-2502**

Monday, May 3, 1971

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provisions concerning accident and health insurance policies by changing the incontestable clause that may be used on these policies. This particular bill will make a two-year incontestable clause similar to that used in life insurance policies. It allows the company ample opportunity during the first two years of the contract's life to investigate each applicant and determine whether or not the policy was issued correctly. There have been many abuses in the past concerning this subject and it is felt that the adoption of this act will create, will operate very definitely in the public interest.

THE SPEAKER:

Further remarks on the bill. If not, all those in favor indicate by saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Cal. 612, Sub. for S.B. 399. AN ACT CONCERNING OIL POLLUTION.

THE SPEAKER:

The Chair recognizes the Chairman of the Committee on The Environment, Rep. Ciampi from the 89th.

MR. CIAMPI: (89th)

Mr. Speaker, I move the acceptance of the Joint Committee's favorable report and passage of the bill. I think there is an amendment, Mr. Speaker.

THE SPEAKER:

Question is on acceptance and passage. The Clerk thinks

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there is amendment there too. Will he call House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A" offered by Mr. Sarasin of the 95th and Mr. Ciampi of the 89th. In line 29, delete the word "wilfully" and insert in lieu thereof the word "negligently". In line 30, delete the word "shall" and insert in lieu thereof the following: "May, at the discretion of the court,".

THE SPEAKER:

Question is on adoption of House Amendment Schedule "A". Will you remark.

MR. CIAMPI: (89th)

Mr. Speaker, the amendment gives this particular bill more teeth as far as polluting of our waterways. I move the adoption of the resolution, Mr. Speaker.

THE SPEAKER:

Further remarks on the amendment. If not, all those in favor indicate by saying AYE. Opposed. Amendment "A" is ADOPTED. It's ruled technical. Will you remark further on the bill as amended.

MR. CIAMPI: (89th)

I move the acceptance of the bill as amended.

THE SPEAKER:

Will you remark.

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MR. CIAMPI: (89th)

Mr. Speaker, since the passage of the Air Pollution Amendment Law, P.A. 765 in 1969, Connecticut has had an oil spill on the average of one every five days. In this period, of a little over one and one-half years, two million gallons of oil have been spilled into our State waters. Of some 100 spills, we have accurate costs of damage of 35 of these spills. The cost was \$95,295. Mind you, these costs do not include the massive spill that occurred last year in Bridgeport Harbor where a reputed 660 thousand gallons were spilled and New Haven with 410 thousand gallons. If these costs were included, I am certain that the figure of damage we know of would be up in the millions of dollars. Very few of these incidents, Mr. Speaker, if any were intentionally caused and the costs were only those intangibles. We have no idea of exactly how much damage to ecology was accomplished and what the long range effect will be. All these costs are usually handled by insurance that these oil companies have covering themselves. This hardly acts as a deterrent to the companies; it is not really a penalty. S.B. 399 would impose a penalty of double the cost of the damage and in this way the company would have a penalty imposed on them that would not be covered by insurance and would cause them to be more careful in their handling of their product. Senate Bill 399 also adds to the oil pollution abatement law of oil spills on land. This is an area that the original bill had neglected but in a

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constant source of oil pollution we had many incidents in the past few years where unscrupulous waste oil dealers would collect used oil from gas stations and industrialists to go to the nearest solid waste dump and dispose of them. These dumps often are located near streams and bodies of water and the oil finds its way into our waters. Under the present law, the polluter would not be prosecuted but S.B. 399 ties up this deficiency. Mr. Speaker, I urge the passage of this most needed bill.

THE SPEAKER:

Further remarks on the bill as amended.

Rep. Prete from the 114th.

MR. PRETE: (114th)

Mr. Speaker, I am rising on behalf of the bill and on behalf of our side of the House. I would like to add my comments to the passage of what I consider to be excellent legislation in the interests of the people of the State. I feel that the provisions which give the Water Resources Commission the power to rectify the discharge or spillage of oil, petroleum or other chemical liquids on any land as well as water is in the best interests of the State of Connecticut. If the Commission were forced to wait while those responsible for spillage decide what means they want to use to clean up the mess then there is a good chance that many valuable parcels of land will be damaged, if not completely lost. The inclusion of the provision providing for triple damages in the event of the pollution or contaminant

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was wilfully caused would serve as a warning to those who have been polluting or might be inclined to pollute the lands that they must change their procedures or be prepared to pay the consequences. We have a duty as citizens of Connecticut to protect not only the lands but also natural resources. This bill is a definite step in that direction and it should pass. I might also add that this matter was a Democratic platform item and we are pleased to carry out this promise of further environment protection for the people of the State of Connecticut.

THE SPEAKER:

Rep. Povinelli of the 120th.

MR. POVINELLI: (120th)

Thank you, Mr. Speaker. I, too, rise in support of the legislation before us. I think it is long overdue and much needed but if I may through you, Mr. Speaker, direct a question at the gentleman reporting out the bill. If I may, on the amendment where you have taken the word "shall" and instituted the word "may", would this be watering down the bill, or the legislation as proposed, leaving it to the discretion of the court.

THE SPEAKER:

Does the gentleman from the 89th or anyone else care to respond.

Rep. Sarasin of the 95th.

MR. SARASIN: (95th)

Mr. Speaker, as one of the proponents of the amendment,

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the answer to Mr. Povinelli would be no. It is not watering down the bill, it is strengthening the bill. The amendment in addition to changing "shall" to "may" also changes the word wilfully to negligently which hopefully would bring in more instances of this type of injury^{to}/land than water. If the court finds and in its discretion if it finds the negligence is what might amount to gross negligence, we don't use such a term in Connecticut, if they found this, they would be able to attach up to treble damages. It's a much stronger bill, it hits more people who would scar the landscape with this contamination. I think it is a much better bill this way.

THE SPEAKER:

Further remarks on the bill as amended or explained. If not, all those in favor indicate by saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Cal. 616, Senate Bill 1647. AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS. File 442.

THE SPEAKER:

Rep. Lavine of the 73rd.

MR. LAVINE: (73rd)

I move the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance of the Joint Committee's favorable

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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3878-4343**

Thursday, May 27, 1971

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Senate Resolution 102 - Congratulating Philip Sunderland on His 100th Birthday, introduced by Mr. Esposito of the 168th, Mr. Ratchford of the 167th.

MR. SPEAKER:

Is there objection to suspension of the rules for immediate consideration. Hearing none, the rules are suspended. The Clerk please read the resolution.

CLERK:

RESOLVED by this Assembly, WHEREAS, Philip Nicholas Sunderland of Danbury was born on June June 1, 1871.

WHEREAS, June 1, 1971 he will live in the town of his birth 100 years.

WHEREAS, his life has been marked most of all by gentility and compassion for other.

BE IT FURTHER RESOLVED, that the Clerks of the House and Senate cause a copy to be sent to him.

MR. SPEAKER:

Question on adoption of the resolution. All those in favor indicate by saying Aye. Opposed. The resolution is adopted.

CLERK:

Page 21, Disagreeing Action, Calendar 612, Substitute for Senate Bill 0399 - An Act Concerning Oil Pollution (as amended by House Amendment Schedule A and Senate Amendment Schedule A).

MR. SPEAKER:

For the benefit of the members, this item is being called now because the Committee on Environment is about to go into

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executive session. There is leadership agreement to take it up at this time. Representative Lavine.

REPRESENTATIVE LAVINE:

The amendment that was passed in the Senate is found on line 29 and the change the language from provided such pollution or contamination was caused by negligence to "provided such pollution or contamination was caused by gross negligence" and it goes on to say that "at the discretion of the court this will be liable for triple damages". This is an act that we have talked about before in terms of pollution by oil on water or land and the change in the Senate was to add the word "gross". I move that we accept the Senate Amendment Schedule A.

MR. SPEAKER:

Representative Collins.

REPRESENTATIVE COLLINS:

A question to Representative Lavine. The original bill in our file before the House Amendment referred to, I believe, oil spills caused by wilful neglect. Does the gentleman know if there is any distinguishing characteristics between the term wilful neglect and gross negligence.

MR. SPEAKER:

Does the gentleman from the 73rd care to respond.

REPRESENTATIVE LAVINE:

Once again, this is a lawyer's question and I am going to have to pass on that fine distinction to my attorney. I do believe that gross negligence would meet the environmental side of what

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happens and I think probably the recent oil spillage cases that we have had have been related to gross negligence such as (inaudible) in the New Haven case. ad

REPRESENTATIVE COLLINS:

An additional question. Is it the opinion of the members of the Environment Committee that the Senate Amendment language is acceptable.

REPRESENTATIVE LAVINE:

Yes, it is.

REPRESENTATIVE COLLINS:

I would not object to the Senate Amendment as long as the Environment Committee is satisfied with the language, but it does seem to me that by changing it from negligence which was the amendment that we added here in the House to gross negligence, we are certainly watering it down, the effect of this bill in an area in which I think in the future may become extremely important.

REPRESENTATIVE LAVINE:

Like many of the environmental bills that we have considered and adopted, we have taken language which obviously indicates the interaction of the Senate and the House, the interaction of different ideas.

MR. SPEAKER:

Representative Simons.

REPRESENTATIVE SIMONS:

If a gross added to the damages that were experienced in the

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Bridgeport area, I think gross belongs where it is.

MR. SPEAKER:

Further remarks on Amendment Schedule A. If not, all those in favor indicate by saying Aye. Opposed. Senate A is adopted and ruled technical. The question now is on adoption as amended by House Amendment Schedule A and Senate Amendment Schedule A. All those in favor indicate by saying Aye. Opposed. It is passed.

CLERK:

Page 10, Calendar 1124, Substitute for Senate Bill 1349 - An Act Concerning Housing Site Development Projects (as amended by Senate Amendment Schedule A). The bill as amended is in file 1205.

MR. SPEAKER:

The Chair has been asked this item be passed temporarily.

CLERK:

Page 10, Calendar 1127, which has 1 star. Substitute for House Bill 8392 - An Act Concerning Vehicles Formerly Used as Ambulances or Hearses.

MR. SPEAKER:

Gentleman from the 171st.

REPRESENTATIVE REINHOLD:

I move for suspension of the rules so the bill may be acted upon at this time.

MR. SPEAKER:

Is there objection to suspension of the rules. Hearing

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THE CHAIR:

Further remarks? The question is on passage of the bill. Those in favor indicate by saying aye. Opposed? The ayes have it. The bill is passed.

THE CLERK:

Second item from the bottom Cal. No. 336, File 464. Favorable Substitute report of the Committee on the Environment. Substitute S.B.399. An Act Concerning Oil Pollution.

THE CHAIR:

Senator Pac.

SENATOR PAC:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill. ~~Will you remark~~

THE CHAIR:

Will you remark?

SENATOR PAC:

This bill would extend the liability for containing and removing any oil spills. And it would extend this liability to turbo the damages if found to have been willfully caused. It would also include in this pollution any land oil pollution. There have been many instances of individuals who have disposed of oil waste through injection into the ground.

THE CHAIR:

Further remarks? Question is on passage of the bill. Those in favor indicate by saying aye. Opposed? The ayes have it. The bill is passed.

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THE CHAIR:

the colloquy. The clerk felt that since we passed the Senate Amendment that we had to rescind it. It is my opinion, since it went down to the House with a Senate Amendment and the Senate Amendment was removed it is back to us as the original bill without the Senate Amendment on it. That is the Chair's ruling.

SENATOR JACKSON:

File 192 is the bill we are acting upon without any Senate Amendment. Mr. President, I move passage of the bill as it was originally drafted and originally submitted by the Committee.

THE CHAIR:

The question is on passage of the bill. Again, will you remark. If not, all those in favor of passage, signify by saying aye. Opposed nay. The ayes have it. The bill is passed.

THE CLERK:

Calendar no. 336. File No. 758. Favorable Report of Joint Standing Committee on The Environment. Sub. Senate Bill 399. An Act Concerning Oil Pollution.

SENATOR PAC:

Mr. President. I move acceptance of the Joint Committee's Favorable Report and passage of the bill as amended by House Amendment Schedule A, and the Clerk has an amendment.

THE CLERK:

Senate Amendment A offered by Senator Pac.

**JOINT
STANDING
COMMITTEE
HEARINGS**

ENVIRONMENT

**PART 2
339-691**

1971

FRIDAY

THE ENVIRONMENT

MARCH 12, 1971

Chairman Ciampi presiding;
Sens: Pac, Gunther, Cashman
Reps: Grab, Della Vecchia, Ciampi, Yacavone,
Hogan, Clark, Platt, Iwanicki, Matthews, Ryan,
Lavine, Miller, Tiffany, Costello, Locke,
Stroffolino, Carragher, McNellis

Rep: Ciampi: We will open the meeting now. I'm Rep. Frank Ciampi, the house chairman, and this is Stanley Pac, the Senator, Chairman of the Senate. We will hear all legislators who want to make a statement.

Sen. Gunther: Mr. Chairman, I'm Sen. Gunther from the 21st Senatorial District, and I'm Deputy Minority Leader, speaking for the administration for their position on S.B. 399. AN ACT CONCERNING OIL POLLUTION, S.B. 403. AN ACT CONCERNING POLLUTION CONTROL DEVICES FOR BOATS, and S.B. 407. AN ACT CONCERNING AIR POLLUTION CONTROL DEVICES AND NOISE CONTROL DEVICES FOR ALL AIRPLANES. S.B. 399, S.B. 403 and S.B. 407 are part of the Governor's Environmental Package, and are also recommendations of the Governor's Environmental Policy Commission. One of the great threats to our state's marine ecology are the numerous incidents of oil pollution that have, and continue to occur. Since the passage of the Oil Pollution Abatement Law, P.A. 765, in 1969, Connecticut has had an oil spill incident on the average of one every five days. In this period of a little over one and one-half years, two million gallons of oil have been spilled into our state's waters. Of some 101 spills, we have accurate costs for damages of 35 of these spills. The cost was \$95,295.00. Mind you, these costs did not include the massive spills that occurred last year in Bridgeport Harbor where a reputed 660,000 gallons were spilled, and New Haven with 410,000 gallons. If these costs were included, I am certain that the figure of damages, that we know of, would be up in the millions of dollars.

Very few of these incidents, if any, were intentionally caused, and the costs were only of those tangibles. We have no idea of exactly how much damage to the ecology was accomplished, and what the long range effect will be. All these costs are usually handled by the insurance that these oil companies have covering themselves. This hardly acts as a deterrent to the companies as it is not really a penalty. S.B. 399 would impose a penalty of treble the costs of the damage. In this way, the company would have a penalty imposed on them that would not be covered by insurance and would cause them to be more careful in their handling of their products.

S.B. 399 also adds to the Oil Pollution Abatement Law oil spills on land. This is an area that the original bill had neglected, but is a constant source of oil pollution. We have had many incidents in the past few years where unscrupulous waste oil dealers will collect used oil from gas stations and industrialists to go to the nearest solid waste dump and dispose of the oil. These dumps are invariably located near streams or bodies of water, and the oil ultimately finds its way into our waters. Under the present law, this polluter could not be prosecuted, but S.B. 399 tightens up this deficiency.

S.B. 403 is a bill to implement a cleaning up of pollution from our commercial and recreational boating on both non-tidal and tidal waters. We have had similar bills before us for years, and they have usually been

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THE ENVIRONMENT

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committee of the Commission that this exemption procedure be deleted from the law, it did not pass through the entire Commission.

Mrs. Cooper: I am Mrs. William Cooper of Avon, representing the League of Women Voters of Connecticut, speaking on S.B. 399, H.B. 7089, AN ACT CONCERNING ESTABLISHING A FUND FOR CLEANING WATER AND LAND AREAS POLLUTED BY OIL, PETROLEUM, OR CHEMICAL LIQUIDS OR PRODUCTS, and H.B. 7389, AN ACT CONCERNING OIL POLLUTION, and S.B. 674, which has recently had a change of reference from the Judiciary Committee to the Committee on Environment.

I speak to the importance of having funds available to the Water Resources Commission to undertake immediate cleanup of oil spills. There are currently no state funds available to pay for cleanup operations. This means that responsibility for a spill and thereby liability for the cleanup costs must first be established before cleanup can begin. This often results in harmful delay. The League endorses the idea of punitive damages to be paid into a cleanup fund. We would, however, go one step further, and recommend that an appropriation be made in the current budget to cover cleanup costs until some damage payments have been made into the fund.

Mr. O'Brien: Mr. Chairman, I have a couple of Props that I would like to bring with me. My name is John F. O'Brien, Executive Director of the Connecticut Petroleum Council, and I'm here on the matter of four bills. I'm pleased to announce that I'm in favor of one of Sen. Gunther's bills, which is S.B. 294, that's to remove the sales tax from the purchase of material like this, if I'm not mistaken. However, I'm against S.B. 369, H.B. 7537, AN ACT CONCERNING REGULATIONS TO CONTROL THE POLLUTION OF STATE WATERS BY OIL, PETROLEUM AND CHEMICALS, and H.B. 7738. On the matter of S.B. 369, I don't think we need \$1.00 a gallon fine for spills, accidental spills. Our companies have been very responsible in this area. We have had some major spills which have gotten quite a bit of publicity, they were kind of tough to take for the industry, but we did what we thought was right, we got them cleaned up as quickly as possible, and we satisfied the people who claimed damages. We are amply protected in most places with these cooperative arrangements, such as were mentioned by Mr. Phillips of Texaco. I cite New Haven Harbor, Bridgeport, East Hartford, Wethersfield, Portland-Middletown, which is now being formed as of today, one in Greenwich-Byram, and partially one in the Thames River area. These are the cooperative arrangements between the companies and fire departments to contain spills as quickly as possible.

On the matter of surrounding the product at every loading point, this is why I brought these props up here. These things are known as booms, just feel how heavy that is. This is one foot along, and sometimes you need a thousand feet of these. They're pretty heavy and we think they are really for emergencies only. We have them stored on dockside, and if a spill does occur, they can be deployed quite quickly with a motor boat and just two or three workmen. And we don't think they ought to be in the water every time you load. One of the reasons is they're kind of fragile, even though they feel a little heavy. They're plastic and styrofoam, this type, this is a pretty standard type that's in use. It floats in this manner, this is the floating material, and this is the weight that keeps it tied, you know, under control as much as possible. So, if you realize that a thousand of these things is quite a large bulky item and quite heavy, so we don't think it ought to be put out every time you're loading product.