

Connecticut Public Acts

SB 2069

PA 562

1973

Senate: P. 3259-3264, 4112-4114 (9)

House: P. 7182-7189

(8)

Environment: P. 426, 473-483, 488, 602
674, 846-848, 914-915,
1031-1032

(2)

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GEN ASSEMBLY
SENATE

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1973

VOL. 16
PART 7
2994-3472

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Under the proposed bill, the total cost for the increased support amount would be \$78,120 in this fiscal year, \$85,000 in the next fiscal year and I move that it be placed on the Consent Calendar.

THE CHAIR:

Will you remark further? If not and there is no objection, the matter will be placed on the Consent Calendar.

THE CLERK:

Cal. 832, File 801. Sub. for S.B. 2069. AN ACT CONCERNING THE ADOPTION OF A CONNECTICUT ENVIRONMENTAL POLICY ACT. Favorable report of the Committee on The Environment.

THE CHAIR:

Senator Costello.

SENATOR COSTELLO: (33rd)

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark.

SENATOR COSTELLO:

Yes, Mr. President, members of the circle, as the Senate Chairman of The Environment Committee, I believe that this is one of the most important pieces of environmental legislation that will come before us during the session. It comes back to us in an effort to provide on the statutes of this state, a requirement that state agencies conduct an evaluation of the environmental impact of their major projects significantly affecting the environment. Prior session or last session of the General Assembly,

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in a bi-partisan effort, an Environmental Policy Act was adopted overwhelmingly by both Houses and unfortunately it was vetoed by the Governor for reasons which he set forth in his veto message to which I will allude shortly. But the Environmental Policy Act basically is designed to give the public protection against actions of state agencies which sometimes in their zeal to carry out their mandates of construction projects and other major projects overlook the impact on the environment which is so precious to us all. The Federal Government, the Congress, has adopted a National Environmental Policy Act which is presently in force and which has been a great an effective mechanism for protecting the environment from degradation by Federal Government agencies. Twelve states and the Commonwealth of Puerto Rico have adopted broad requirements for environmental impact statements on state actions analogous to the statements required on Federal actions by the National Environmental Policy Act. In eight of these states and in Puerto Rico impact states are statutory requirements. Broad environmental impact statements have been under consideration in 21 other states and the District of Columbia. And eight states have implemented environmental impact procedures for certain types of proposals including those for projects such as power plants, coastal zone development, waste water treatment plants and highway construction. The Governor vetoed our bill last year because he felt it required too much of a burden. It was a very broad bill and he felt that the expense and duties imposed upon our state agencies would be too onerous. However, in his veto message, he

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sta-ted and I quote "I do support and share the philosophy of the sponsors of this legislation that the state government must improve the means for coordinating state plans, functions and programs as they relate to the various effects on our environment. In large measure, he stated, this bill and its requirements overlap numerous existing requirements under both federal and state legislation. In our bill this year, we have required or provided that where federal impact statements exist such as in federally-funded projects, it will not be necessary for the agencies of Connecticut State Government to provide overlapping environmental impact statements.

The bill which we bring to you today is a bill which has the support of many environmentalists around the state but I am sure that it is weaker than many would wish. And I think from the testimony at our hearings and from the mail that I received that most, who are actively involved in the protection of the environment, would seek a stronger act. However, the Governor in his veto message indicated that he would undertake to issue an executive order which would carry out the spirit of the law which he vetoed. And he wanted to emphasize that he would issue such an order to achieve the essential purposes of the legislation. So what we are presenting to you today is basically the Governor's Executive Order as it was drafted by the Executive Branch of this Government and we ask you to make it a law on the statute books of this State, so that it will have some legal status because it is our opinion, based upon legal advice, that an Executive Order

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is unenforceable and there is no way that we can truly know that our state agencies will carry out the important responsibility of evaluating the environmental impact of their projects. We have added to this bill one additional provision which is not in the Executive Order and that is the provision for public access to and the ability to comment on the various proposals of state agencies and their environmental impact evaluations. Without the public knowledge about the state agencies and what they are up to, there is no way that there can be an effective watchdog situation over the actions of our state agencies. But this is an extremely mild environmental policy act. It is not as strong as I personally would wish but I think it is essential that we have a statement of environmental policy on our statute books. Section 1 of the Act provides such a statement pointing out the importance of a balance between environmental interests and the business life of our State in the future. The Act provides that each state agency must give a written evaluation of its proposed actions which would have a significant impact upon the environment and it provides evaluations to be in accordance with regulations to be established by the Department of Environmental Protection. It is my understanding that regulations or guidelines have just about been completed by the Executive Branch of government which should make it very easy to proceed under this law, if it is passed, to promulgate regulations very quickly and put this law into effect. This is a new concept of environmental protection which I think will eventually be adopted by all 50

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states of our Nation. It is an extremely important bill and I ask your support for it. roc

Mr. President, I also move that when the vote be taken, it be taken by roll call.

THE CHAIR:

Is there objection? All in favor of a roll call vote, indicate by saying Aye. Opposed Nay. The ayes have it and there will be a roll call vote.

Senator Murphy.

SENATOR MURPHY: (19th)

Mr. President, I had a number of questions which I was going to address through you to Senator Costello in an effort to demonstrate that at least in my opinion, that this is quite a weak bill. I rise to support it but I am quite disappointed in it. I was pleased to see the Environmental Committee Chairman indicate that in his own opinion this is a weak bill and perhaps does not go far enough. I recognize the problems that the committee has had and in pointing out that this is in fact a weak bill, I am certainly not criticizing you as the Chairman nor the Committee for the end result here. Personally I think the bill that was passed two years ago, in the previous General Assembly, was a much better bill, a more superior bill but we all know what fate it met after it went through overwhelmingly in both Houses of the General Assembly. I think that the reason it did not become law is the reason that the Committee had to come out with a bill that is so weak. It reads well in the purposes and what it is attempting

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to do. Hopefully it is a right step and we can shore it up from time to time hereafter.

THE CHAIR:

Will you remark further? Will the Clerk please make the announcement for the roll call vote and then proceed with the call of the roll. Please proceed.

THE CLERK:

Senator Fauliso	Yes	Senator Murphy	Yes
Senator Wilbur Smith	Yes	Senator Cashman	Yes
Senator Burke	Abs.	Senator Gunther	Yes
Senator Odegard	Yes	Senator Scalo	Yes
Senator Lenge	Yes	Senator Caldwell	Yes
Senator Zisk	Yes	Senator Petroni	Yes
Senator Alfano	Yes	Senator Lyons	Yes
Senator Rome	Yes	Senator Guidera	Yes
Senator Truex	Yes	Senator Strada	Abs.
Senator Lieberman	Yes	Senator Gormley	Yes
Senator Ciarlone	Yes	Senator Berry	Yes
Senator Page	Yes	Senator Power	Yes
Senator Zajac	Yes	Senator Dinielli	Yes
Senator Winthrop Smith	Yes	Senator Bozzuto	Yes
Senator Cutillo	Yes	Senator Costello	Yes
Senator Sullivan	Yes	Senator DeNardis	Yes
Senator Powanda	Yes	Senator Carruthers	Yes
Senator Hellier	Yes	Senator Finney	Yes

THE CHAIR:

Results of the Roll Call Vote on Sub. S.B. 2069:

Whole Number Voting	34
Necessary for Passage	18
Those Voting Yes	34
Those Voting No	0
Those Absent and Not Voting	2

THE BILL IS PASSED.

THE CLERK:

Cal. 861, File 564. Sub. for H.B. 8397. AN ACT CONCERNING LIMITATION OF DEPOSITS OF PUBLIC MONEY WITH SAVINGS AND LOAN ASSOCIATION. Favorable report - Committee on Banks and

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C.G.C.

SENATOR ROME:

Mr. President, we've had suspension of the rules for consideration of all of these matters. I move acceptance of the Joint Committee's favorable report and passage of the bill in accordance with the House amendment.

THE CHAIR:

Will you remark?

SENATOR ROME:

I think it is self-explanatory.

THE CHAIR:

Is there objection? Hearing none, so ordered.

THE CLERK:

The Clerk has Substitute Senate Bill 2069 returned from the House with a disagreeing action. An act concerning the adoption of a Connecticut Environmental Policy Act.

SENATOR ROME:

Mr. President.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I urge acceptance of the Joint Committee's favorable report and passage of the bill in accordance--in concurrence with House.

THE CHAIR:

Is there objection? Motion to Consent Calendar?

SENATOR MURPHY:

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Mr. President.

THE CHAIR:

Senator Murphy.

SENATOR MURPHY:

I'd just like the record to indicate that when this bill came up it received the unanimous support and it was indicated at that time that the bill was considered to be a weak one and I think this amendment even weakens it further but as far as I'm concerned, at least there's no objection to it going on the Consent Calendar.

THE CHAIR:

Senator Costello.

SENATOR COSTELLO:

I agree with Senator Murphy, but I would say, Mr. President, that we examined the mortality tables on this bill and its life expectancy is much better with this amendment than without it.

SENATOR ROME:

I move the transfer to the Consent Calendar.

THE CHAIR:

Is there objection? Hearing none, so ordered.

SENATOR ROME:

I urge adoption of the matters on the Consent Calendar transferred thus far.

THE CHAIR:

Is there objection? Hearing none...

SENATOR ROME:

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Mr. President. Bills passed on the Consent Calendar SB-2104, SB-2244,
SB-2260, SB-1816, SB-2040, SB-2069, SB-2002 and SB-2104.

THE CHAIR:

...the Consent Calendar is adopted.

SENATOR ROME:

I urge--I renew my motion on the--under disagreeing actions, Calendar No. 375. Substitute for Senate Bill No. 1565. An act concerning maternity leave. My motion is to continue to the 1974 General Assembly. I move--I urge that we take a vote by a standing vote, Sir. The maternity bill that we just discussed. I urge we take a vote by a standing vote. I urge adoption of the motion to transfer to the 197--continue to the 1974 General Assembly.

THE CHAIR:

Standing--Senator Wilbur Smith.

SENATOR WILBUR SMITH:

Mr. President, I believe that I would then--my rights to speak on this bill before we do take the vote.

THE CHAIR:

We pass retained...

SENATOR ROME:

Mr. President, we will pass retain and we will take it up tomorrow. I have assured the Minority Leader that we will leave at quarter to eight. We will leave at quarter to eight.

THE CHAIR:

The bill will be pass retained.

SENATOR ROME:

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MR. SPEAKER:

The Joint Committee's Favorable Report is accepted and the bill is passed in concurrence with the Senate.

THE CLERK:

On page 99, Calendar #953, Substitute S.B. No. 2069, your file #801. AN ACT CONCERNING THE ADOPTION OF A CONNECTICUT ENVIRONMENTAL POLICY ACT. Favorable Report of the Committee on the Environment.

REP. HARLOW (66th):

Thank You Mr. Speaker, I would move acceptance of the Joint Committee's Favorable Report and passage of the bill.

MR. SPEAKER:

The question is on acceptance and passage in concurrence with the Senate. Will you remark?

REP. HARLOW (66th):

Yes Mr. Speaker. What this bill does is directed to the fullest extent possible each state department institution and agency be responsible for providing an environmental impact statement in terms of any activity on behalf of the state of Connecticut. This bill brings to complete circle the need for private industry, the public and state government to provide impact statements in terms of significant activity with regard to our environment. This is a significant piece of legislation in that it puts our state government and its agencies on the same footing in responsibility as our public and private industries. I sincerely urge its adoption and before moving for adoption I would like to

call forth House Amendment "A" which I believe is in possession of the Clerk.

MR. SPEAKER:

The Clerk will please read the amendment.

THE CLERK:

House Amendment "A" offered by Rep. Ciampi and Harlow.

After line 115, insert a new section 8 which reads as follows:

Sec. 8. This act shall take effect February 1, 1975,"

MR. SPEAKER:

Question is on adoption of the amendment. Will you remark?

REP. HARLOW (66th):

Thank You Mr. Speaker. What this amendment does is simply change the effective date until February 1, 1975 and I point out the reason for so doing is that there would be some time interval involved in terms of the various state agencies gearing up for implementation to getting the necessary expertise in line that would be necessary to put this plan into effect. We have consulted with the Office of Research and Monitoring of the U.S. Environmental Protection Agency which has provided a report to the committee which indicated two things. One, that twelve states plus the Commonwealth of Puerto Rico have adopted similar legislation and two, that the two more serious problems in terms of getting environmental impact statements on line has been the cost problem and the staffing problem that is necessary because you have to work this through the entire structure of state government. Consequently, we want to guarantee that the state of Connecticut has

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adequate time to review the impact of this new statute. I urge adoption of the amendment.

MR. SPEAKER:

Question is on the adoption of the amendment. Any further remarks? If not all those in favor indicate by saying Aye. Opposed. The amendment is adopted. The gentleman from the 66th.

REP. HARLOW (66th):

I think we have had adequately discussed the thrust of this bill. We had a bill like this in the legislature last session. It did not become statute and I think we are finally getting back to the point where we can provide a very necessary and meaningful piece of environmental legislation for the state of Connecticut. I urge it's adoption.

REP. CIAMPI (76th):

Mr. Speaker, I rise in reluctant support of this bill as amended. This bill in our files is a weak version of the environmental policy act vetoed by the Governor last year. But we do need a law on the books which will show that the state is committed to saving the environment. There are a number of areas in this bill which are much weaker than the vetoed act. Public Act 153 called for detailed statements called for by the state agencies. This bill says that the agencies must submit written evaluations which could be a two sentenced memo from the agency. Public Act 153 provided that the state agencies utilize a systematic approach in preparing their evaluation. This bill does not mention how the evaluations are to be prepared. Public Act 153 provided

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that the council of environmental quality should review the agencies statement and make recommendations to the Governor. This bill provided that the CEQ, Department of Environmental Protection and other appropriate agencies review and comment on the statement and then submit them to the State Planning Council who in turn submits it's recommendations to the Governor. The CEQ should be the agency that makes the recommendation to the other reviewing agencies. This bill is contrary to the action we took on the PFEC bill. We reduced the number of steps for review of power facility permits but we increased the number of steps for environmental equality statements. Mr. Speaker, this is a weak bill but is the only bill we will be deliberating on this subject. The amendment putting off the effective date of this act until 1975 is the only way we can put on the books any kind of environmental policy act without a threat of a veto. Although this bill cannot be compared to Public Act 153 passed in the 1972 session it will at least put a law on the books that can be strengthened in the future session. I reluctantly support this bill.

REP. RATCHFORD (109th):

Mr. Speaker, a question through you to the chairman of the committee on environment. Having heard from the gentleman from Waterbury. The distinction between Public Act 153 which was vetoed and the proposed bill before us today. Can the gentleman indicate whether or not he knows the bill before us today if passed will be signed into law?

REP. HARLOW (66th):

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Through You, Mr. Speaker to the distinguished Representative from Danbury. I can't specifically say whether the Governor will sign the bill or not but I have every optimistic hope that he will attach his signature to it in this form. I think it is a step in the right direction and it does place, as Rep. Ciampi said, the state of Connecticut on an equal footing with private industry and the public and I urge it's passage in it's present form.

REP. RATCHFORD (109th):

Mr. Speaker, having heard that half assurance, I too will support the legislation because I think it's certainly better than the current circumstances which leaves Connecticut with an executive order directed to the agencies mandating them to consider the environmental impact and of course there are flaws in that order. One of the most significant ones being , that the public is shut out as far as any opportunity to have input in the proceedings. I think it is significant in this day and age when the state is involved in virtually every area of our life whether it be mass transportation, whether it be the building of court houses, whether it be the building of jails, college campuses, that in each of these instances as we proceed we think not exclusively in terms of mass transportation or higher education or justice but at all times we think in terms of what this action will mean as far as the future youths of our environment is concerned. If we are to pass on to future generations the Connecticut which drew so many people to it not only because of its people but because of its beautiful confines. We need to affirmatively, as a government, act to preserve our

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environment and this at least is a mandate to the state agencies saying that as you proceed, proceed with an eye towards what your action will mean as far as the future impact on the environment is concerned. I do support this legislation.

REP. PEARSON (121st):

Mr. Speaker, I rise to support this bill. I would also believe that this is a weak bill. Unfortunately, the Connecticut Conference of Mayors in the 1972 session worked behind the scenes to defeat this bill. They felt that the bill in the last session was clear that it would stop many worthwhile activities and projects and that they felt it would tie up local state governments with alot of red tape and that they were in opposition to the bill. I think they had a lot to do with the fact that we do not have this bill currently as part of our law. The executive order that the Governor made, mandating the state agencies to consider the environmental impact, I assumed, was of an immediate nature and that these state agencies would be under this executive order as soon as he gave it. But with this bill that we are adopting today which I am going to support, but this new amendment that has just been tacked on that the act takes effect February 1, 1975. Now, the executive order was immediate, I don't know if that has anything to do with the pushing back of what is expected in the bill. The previous bill, we had in the last session, I think was drafted alot better. I hope that through this bill that the public will be provided with information on state projects and will provide an avenue for the public to have an opportunity to beve

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more informed, to have more knowlege and to be more aware of some of the different things that are planned for their communities by these various state agencies. I do not like the amendment which was just adopted and I am sorry I didn't speak on it when it was presented but I would like to make that comment right now. I would like to ask the chairman of this committee, if I may if he does believe that the amendment which we just adopted making the bill take effect in 1975. What conflict he sees with the executive order? That i

REP. HARLOW (66th):

Through You, Mr. Speaker. There would be no conflict in terms of the executive order of the Governor. I would point out that executive order was put into effect but was not implemented from the point of view of having appropriated guide lines. Those guide lines were not promulgated by the Governor's office and consequently this bill in effect will supplant that executive order and will consequently give us the guidelines that are necessary which are based on the Department and the National Environmental Policy act guidelines on the federal level.

REP. PEARSON (121st):

It is unfortunate that those guidelines were not adopted so I would feel that this will help that come about. This is a very important bill. The major thing is with this bill is that it is going to provide the public with this information that is desperately needed and I urge passage.

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The Chair will rule the amendment is technical. Will all members please take their seats, the aisles be cleared. The Clerk will announce a roll call vote outside the chamber. The machine will be opened. The machine will be locked and the Clerk will please take the tally.

THE CLERK:

Total Number Voting.....137

Necessary for Passage..... 69

Those Voting Yea.....137

Those Voting Nay..... 0

Those Absent and Not Voting... 14

MR. SPEAKER:

The Joint Committee's Favorable report is accepted and the bill is passed as amended by House Amendment Schedule "A".

THE SPEAKER IN THE CHAIR

MR. SPEAKER:

The gentleman from the 78th.

REP. VICINO (78th):

Mr. Speaker, I move acceptance of the committees reports and passage of the following two starred items on today's Consent Calendar.

MR. SPEAKER:

Please call the items.

REP. VICINO (78th):

On page 1, Calendar #978. S.B. No. 1740. File #901. On page 1, Calendar #986, Substitute for S.B. No. 2005, File #848. On

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
426-737**

1973

SENATORS: Costello, Zajac, Winthrop Smith, Berry,
DeNardis, Gunther, Murphy, Jr., Burke, Zisk,
Alfano

REPRESENTATIVES: Harlow, Tiffany, Siladi, Vaill, Locke,
Wagner, McGill, Stober, Osler, Hofmeister,
Osiecki, Apthorp, DeMerrell, Sayre, Brunski,
Post, Yacavone, Mercier, Scully, LaRosa,
Griswold, Grande, Mahoney, Truglia, Auger,
Gosselin, Groppo

SENATOR PHILIP COSTELLO, JR.: Inviting Legislators who wish to be heard to
come forward and address themselves on the Bills on today's agenda.
Representative Clark?

REPRESENTATIVE RUTH CLARK: Thank you Senator Costello, members of the Environment
Committee, I would like to speak in favor of two of your bills today.
The first one is Committee Bill #8863. AN ACT CONCERNING ENVIRONMENTAL
IMPACT STATEMENT BY PUBLIC SERVICE COMPANIES.

This Bill would require Water Companies to file impact statements before
they may sell any watershed land. I think this is very important that
public service companies file impact statements when they plan to change
the use of the land. They have been enabled in some cases to obtain land
through eminent domains and certainly until the State plan has been adopted,
the plan of development has been adopted and there are very effective ways
to protect watershed lands, this would be a very useful requirement to
have in the Statutes.

The second Bill is Committee Bill 2069 AN ACT CONCERNING THE ADOPTION OF
AN ENVIRONMENTAL POLICY ACT. I am totally in favor of having all of the
new sections added to the existing statutes and I feel that all of the
agencies of the State Government should be guided by the activities that
are, and should consider the inter-relations of all of the components of
the environment, particularly the profound influence of population growth,
high density urbanization, industrial expansion, resource exploitation and
new and expanding technological advances. I hope that you will give those
two bills a favorable.

I would also like to speak in opposition to two of your Committee Bills.
The first one is Committee Bill 2040 AN ACT CONCERNING HEARINGS ON WET-
LAND PERMITS. The new section here is that except whenever in the judge-
ment of the Commissioner, the regulated activity for which a permit is
sought, is not likely to have a significant impact on the wetlands. In
such cases the Commissioner may waive the requirement for a public hearing.
I realize that this passage of this might save the Department of Environ-
mental protection some money and effort that goes into public hearings, but
I think the definition of significant, should be more clearly spelled out
because what is a significant impact for some people is an insignificant
impact to others and vice versa and I would think that until that is more
clearly specified, that I would likely to oppose the passage of that bill.

Also Committee Bill 2044. AN ACT CONCERNING THE ISSUANCE OF THE REGULATED
ACTIVITY PERMIT UNDER THE TITLE WETLANDS ACT. Now, this would provide that

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It's my understanding that there are several funds available presently in Federal monies, the BOR Funds some of which may well be lost to the state. The statutes in existence have allowed the acquisition of property with Federal Grants for quite some time but restricted municipalities from development.

Speaking for my own city, we have acquired some major property. We are now looking to develop this land. Hopefully, you can see your way through to provide for this development in the light that the Federal Funds are provided. Thank you.

REPRESENTATIVE HARLOW: Any questions of the committee? May I ask your name again sir.

ANDREW RUEDEL: My name is Andrew Ruedel.

REPRESENTATIVE HARLOW: Thank you sir. Anyone else present who would like to testify on any of the bills that we've heard this morning? If not we will proceed with SB 2069, AN ACT CONCERNING ADOPTION OF THE CONNECTICUT ENVIRONMENTAL POLICY ACT. We ask any legislators present or commissioners to appear before the committee initially and give testimony and then anyone from the public. Mrs. Boulby, if you will?

RITA BOULBY: My name is Rita Boulby, I'm representing Commissioner Lufkin of the Department of Environmental Protection.

The department heartily endorses the intent and the goal of a Connecticut Environmental Policy Act. However, we feel that at this time we already have implemented in Executive Order #16 the mechanism and the procedure by which we would achieve these goals. Executive order #16 requires state agencies to review policy programs with the inclusion of environmental effects and it also requires agencies in state institutions

REPRESENTATIVE HARLOW: Mrs. Bowlby, may I interrupt you just a minute. We are having some difficulty transcribing your testimony due to the commotion in the room and I'd like to ask those in the back of the room out of deference of the committee and the public to perhaps conduct themselves in a manner which will enable us to hear testimony. Thank you. Please continue Mrs. Bowlby:

RITA BOWLBY: Thank you. Executive order #16 also requires that all projects directly undertaken by state departments and agencies be reviewed and an impact statement written on them. We believe that this approach is an adequate approach and the guide lines are being formulated now and they are in their last stages. They've been reviewed by the agencies, they've been reviewed by the Department of Environmental Protection and as requested are being drawn up in the Governors office. I think this approach allows the flexibility needed in such a complicated procedure to really achieve the goal of better decision making rather than delayed decision making and we do support the executive order approach and we feel that introducing a bill at this time would be premature. We haven't let the executive order work. We'd like to see the executive order and the guide lines develop further before a statute is introduced. Thank you.

SENATOR COSTELLO: The proposed bill is quite different from the Environmental Policy Act that was passed by this General Assembly and vetoed last year, in that the proposal here attempts to reflect the limitations on impact

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statements which were built into the Governors Executive Order #16 and the concept being that it might be desirable and I'm sure many people think it is desirable in view of the passage of the act last year, that there be a statement of environmental purpose on the statute books of the state indicating that the General Assembly has in mind the high priority of environmental protection and of the protection of the beauty and qualities of our state which does appear here and there in terms of the opening sections of many of our environmental statutes, but does not appear insofar as an official statement of policy.

In order to approach this from perhaps some manner of compromise, the bill that we offer for this hearing attempts to limit the degree of paper work necessary and the number of environmental impact statements necessary by the same strictures as are contained in the Executive Order. There are legal questions as to whether an executive order is enforceable by the citizens of the state or whether if it is ignored by a state agency whether anyone in fact can call them on the carpet for refusing to comply. This bill would of course make the impact statements mandatory within the definition of the act. I would like to ask you whether or why the department feels that a stronger mandate within the same strictures as executive order 16, but nevertheless putting legal teeth in it, why that wouldn't be acceptable at this time?

RITA BOWLBY: I think we have to approach it as not being unacceptable, but in light of last years bill was unworkable in our opinion and vetoed and then of the agencies and the Governors office set to work to set up guidelines to implement the executive order. I think our position is that we let these work themselves out. It's a complicated process, as you know the Federal ANIBAS is having trouble. I think the approach, the executive order approach with the guidelines seems to be a reasonable approach if there are problems, then you can iron them out. It's easier to change guidelines then it is to change the statute and then although we don't disagree with the valuable intent of having on the statutes of Connecticut an Environmental Policy, we do ask that we wait and see what happens, how we can implement, how best best we can implement the guidelines and the executive order it will give us some background to introduce a good law in the book next time.

SENATOR COSTELLO: How soon do you expect that it will be possible to evaluate the effect of the executive order?

RITA BOWLBY: The guidelines are in the final process now, I think. We've reviewed them, I think other agencies have reviewed them adequately. It just depends on how fast we get the guidelines and how quickly the agencies can get started on this. I really can't answer that time question for you.

SENATOR COSTELLO: Do you have an opinion as to whether this act would require more paper work than the Governors Executive Order?

RITA BOWLBY: I think that basically, this act pretty well follows the Executive Order and I don't think that the paper work would increase or decrease according to the statutes. I think the procedures that are established in the guidelines would probably dictate the amount of paper work, but I think the final intent of a policy act is to educate the agencies and to require them to introduce early in their planning stages in environmental impact and I think in order to achieve that goal realistically, you've got

to work out a reasonable approach. I think the guidelines will offer this reasonable approach. If it doesn't we can change it.

SENATOR COSTELLO: I don't mean to continue to challenge you, but I would like one further opinion. It's my recollection as the department supported the citizen suit legislation passed by the General Assembly permitting the public to bring suit in an effort to protect the environment, this concept being to permit input from the public rather than only from state agencies such as the Attorney Generals office or your department, but your approach, your apparent philosophy about this proposal is to the contrary that the executive order approach does not permit any citizen action, whereas the environmental policy act would create a law on the books which would be subject to injunctive enforcement on the petition of any aggrieved citizens. Does this mark a change in departmental policy?

RITA BOWLBY: No. I think the policy of the department remains the same in terms of public participation and public disclosure. The guidelines will, this will be an important aspect of the guidelines and it's probably the most difficult issue and probably the crux of the whole executive order and the guide lines. I think we strongly support concept of public participation at the earliest possible reasonable step in the planning process. I don't think our position has changed at all in that.

REPRESENTATIVE CIAMPI: Rita, sorry I came in late but, I overheard you say that so the agencies have an education more or less how to go about implementing the different environmental policy act. Don't they already do that for the federal government? Don't they already fill these out so they should be educated already?

RITA BOWLBY: Well, I think maybe I didn't make my point clear. What I tried to explain was that the real intent and the goal of the policy act is to require, encourage and require agencies and institutions to develop within their planning process at a very early stage, environmental considerations. That was my intent to discuss that issue. Right now, we review environmental impact statements fromWe've already, there are some departments that introduce into their planning stages at an early stage environmental consideration, some that don't. A state policy act or an executive order would mandate that all of them do.

REPRESENTATIVE HARLOW: Any further questions? Thank you very much.

MARTY ROGUL: Mr. Chairman, members of the committee, my name is Marty Rogul and I'm here on behalf of the Connecticut Citizen Action Group.

Proposed Committee Bill #2069, provides at best an illusion of action. We have waited since May of 1972 for an Environmental Policy Act. We have seen an executive order issued five months after the veto. We have waited an additional five months for regulations to come about. We have seen no action by state agencies to comply. We feel that this bill does nothing to improve on the executive order. There is no built-in citizen process. The bill states the same way that the impact statements shall be reviewed by the specific agencies with no built in mechanism.

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The Governor had expressed last year in his veto message that anything other than what the executive order is, will not meet with his approval. We feel that therefore the committee is wasting its time on useless business. That the environmental policy act other than what the Governor specifically desires in his executive order will not pass and if it does pass will be vetoed. Therefore we would suggest that the committee box this bill. Thank you.

REPRESENTATIVE HARLOW: Is there any comentary from the committee? If not we thank you sir.

YUVONNE KOCHI: Good morning, my name is Yuvonne Kochi, I am President of the Ecology League and I appear today in opposition to Bill #2069. The Ecology League Board of Directors met last Thursday evening to consider this bill and other bills that will be coming up in future hearings. I was not at that time able to bring with me copies of this bill or future bills. The Board of Directors was very disturbed about this and passed the following motion:

The Ecology League has become greatly concerned over the new procedures adopted by the Connecticut State Legislature. Under these procedures, the legislative committees have been holding hearings on bills that have been available for study and consideration by the public and public interest groups who are expected to comment on these bills at the hearings.

Because we feel that good government is not well served by flying blind, the Ecology League hereby, opposes on principal all proposed legislation brought to a legislative hearing before the bills have been publicly distributed with enough lead time to permit careful study and rational consideration.

This is in no way intended to be a criticism of this committee or of its members. Those of us who have taken advantage of the open committee meetings have seen the work, the time that this committee has put in in trying to arrive at reasonable, environmental legislation. But, like you, we have constituencies and our constituencies expect us to do our job and reporting to them on environmental legislation. We also fail to do our job for you as an early warning system. If we are unable to report back to you, what a significant portion of your constituents, he feels on any particular environmental legislation. Therefore we feel that under the present procedures we are not able to do our job either for our constituents or for the committee.

Connecticut needs an environmental policy act. We passed a very fine bill last year that had the support of both the house and the senate. It also had the broad support of environmental groups across the state. The only criticism that the Governor had of the bill was that it was going to be to expensive to the state to implement and it would be too much paper work. He in no way was critical of the policies contained in that act. In the 24 hours that I have had this bill it is my impression that this present bill is a poor bill. That it fails to provide an environmental policy of any substance for the state. I cannot tell you in this length of time whether or not with a great deal of work it could possibly be made an adequate bill. My feeling is at best, it could not be more than an adequate bill. Thank you.

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REPRESENTATIVE HARLOW: Yvonne, is it your basic feeling that this bill in co-ordinating itself with executive order #16 is in essence not addressing itself to the problem.

YVONNE KOCHI: As I said, I really only had a short time to look at it and no real time to compare it with last year. I feel that it's so inadequate in terms of really stating a good environmental policy in Connecticut. I just don't think it's there and I think that to codify an executive order, that does not do the job to the state would be a disservice to the people of the state.

REPRESENTATIVE HARLOW: So in effect you are opposing it on that basis and also on the basis of principle, according to you that you haven't had adequate time to evaluate it it's input and report back to.....

YVONNE KOCHI: Right. As I said, without time to really look at it and to see whether or not we feel that with changes it could be an adequate bill, I feel that we really are not able to give you any substantial input.

REPRESENTATIVE HARLOW: Do you think your people of the League could take it upon themselves on a voluntary basis to recommend though I realize we are talking about time and man hourship, to take it upon yourselves to outline a substitute bill that the committee might consider some future date in the event that we don't gain passage with this one? Or do you think we are getting into a realm of activity and work that surpasses the resources that you have available?

YVONNE KOCHI: Well, speaking just for myself at this time, I feel that with the amount of time and work that went into the bill last year and of course I am familiar with that bill, and I know what we were attempting to do and I feel that we really did put together a workable bill. I think that if there were problems with some of the departments some of the implementations could have been worked out, but as far as really establishing a sound policy for the state that we could say was state environmental policy, I'd feel that that was the proper direction to go and this seems to me to be a completely different direction and I just don't feel it does.

REPRESENTATIVE HARLOW: Thank you. Senator Costello.

SENATOR COSTELLO: I'd like to comment briefly and then ask you a question and on my comment I'm dissappointed not only in your testimony here but also in that of the preceding speaker who admittedly recognized that this is a reflection of the Governors Executive Order #16, the committee is well aware of this. The purpose of reporting or having this bill drafted for a public hearing is to obtain suggestions from the public but the content is certainly no mystery. In other words the environmental policy act which was passed and vetoed, plus the Governors Executive Order have both been public knowledge for a long time and there is nothing in this proposed bill which is new because it is in effect the Governors Executive Order tapped on to a statement of policy which was adopted by this General Assembly a year ago, so there is no real legitimate argument that I can see that you can't analyze it on a short period of time. Now the committee as we've discussed before at our hearings has had difficulty getting bills printed and offset far in advance of our hearings but this is only the first hearing on this bill and it will come for a hearing at five regional hearings throughout the state, so it's not the only opportunity you people will have to coment on a concept of an environmental policy act.

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Our committee felt that there is sufficient interest in this to have a public hearing on the subject matter. We knew that the Governor had vetoed the bill which we had last year and it seems impractical to come out with the identical same bill. So we have come out with something for public discussion and input and if people have suggestions for improvements, the committee welcomes them. But, we really do a disservice I think, if people merely come in and say that they never agreed with the Governors executive order, therefore they don't want to talk about an environmental policy act, and I sincerely hope that it won't be the result of these hearings on this concept and I also would suggest that there is considerable difference legally between an executive order which has no legal basis or very likely has none for enforcement. There is a difference between that and the same order attached to an environmental policy act that make the laws of the state. I think there is quite a substantial legal difference and that is the difference of enforcability on the part of the public.

YVONNE KOCHI: I did know prior to today that this was the direction that we expected the bill to take. I mentioned this to my board of directors, I had no bills in hand, they refused to consider it without bills in hand. I had a very interesting board of directors. Many of them are involved in other conservation organizations. Mrs. Gary Fusey who is head of the environmental policy center in Washington, D.C., John Anderson who is the Director of Sanctuaries for National Audobon, these are people who are not willing to make snap decisions on bills. They are not willing to support bills until they've had.....to review them and to see whether or not they feel they really will do the job they should do and I did not feel that I could reasonably expect them or demand that they take action on these substitute bills without having them in hand. This was their decision. I completely support it and will continue to support it unless we can have bills with some time for some for input and a chance for them to really go over, that I think you will find that they will give you whatever support you need as a committee on legislation that we feel that will serve the best interest of the state of Connecticut.

SENATOR COSTELLO: Thank you. Are there any further questions from the Committee? If not thank you again.

ALEXANDRA WOODS: My name is Alexandra Woods. I am a legislative assistant to Rep. George J. Ritter of the 6th district, and I am speaking on his behalf this afternoon.

I am not here to ask that the state be given the powers to abolish Burger Kings, Colonel Sanders, Bowleramas or Mr. Frosties. I am here to suggest that the state, in conjunction with local governments, have the power to determine where these institutions be built.

The bill before us will give the state powers in regard to state funded projects. However, it gives the state no power to implement a wise land use policy in the vast no-man's land of hamburger stands, car dealerships and gas stations on half-acre lots which surround every city in the state.

In the last session of the General Assembly, Rep. Ritter supported the Environmental Policy bill which was later vetoed by the Governor. This

he introduced a bill which would require that environmental impact statements be filed for all multi-unit dwellings and for commercial developments. The bill was boxed. However, on the basis of research relating to Rep. Ritter's bill, I wish to discuss the Environmental Policy bill before us today point by point, and to make suggestions for its improvement.

First, sections 2 through 7 of SB 2069 pertain only to "each State department, institution or agency responsible for the primary recommendation or initiation or actions which may significantly affect the environment."

First of all I'd like to process that by saying that I have only had one day to work on this and therefore some of these comments are off the top of my head.

Though section 1 of this bill announces that it is the continuing responsibility of the state government to use all practicable means...to improve and coordinate state plans, functions, programs and resources to the end that the state may fulfill the responsibility of each generation as trustee of the environment of succeeding generations", no mention is made in section 2 of "coordinated plans" or "a systematic interdisciplinary approach" as in NEPA. Under the bill, as it reads now, only one agency involved in an interagency project of significant environmental impact need be responsible for the drafting of the so-called "written evaluation."

It appears to me that this provision is in violation of a fundamental principle strongly emphasised in NEPA, a principle which must be the basis of all effective environmental legislation--environmental protection is not the responsibility of one agency or department or group of citizens. It must be the product of a coordinated, interdisciplinary effort in which resources from every agency and group are pooled. The governor explained his veto of the Environmental Policy bill last year. In his letter, he stated, and I am paraphrasing here, that the interagency approach to the drafting of impact statements would be cumbersome and confusing. I submit that in view of the effective example set by NEPA, his statement is meaningless and that this bill should be changed accordingly.

Second, why is the phrase "written evaluation" in line 64 preferable to the NEPA phrase "detailed Statement? Because the bill was available only yesterday, I have not had the chance to get legal advice on the significance of the phrase "written evaluations." However, I suspect that unless the Department of Environmental Protection provides specific, rigorous criteria as to what a written evaluation must contain, the phrase will allow the agency in question a dangerous latitude in the quality of document it presents. There is nothing to say that a two page memo is not a "written evaluation."

My most fundamental objection to this bill lies in its total failure to provide for any citizen input into the evaluation procedure whatsoever. According to this bill, the only information available to the public during the whole procedure is the Governor's final decision on the agency project.

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In spite of the fact that the environment of the citizens of Connecticut is potentially at stake in each of these cases, and in spite of the fact that many private citizens have strong opinions and stores of expertise which should be brought to bear in these cases, under this bill, their opinions are never once solicited. Unless this bill is amended to allow for meaningful citizen participation, I feel that the bill as a whole has no value.

I understand that SB 2069 was drafted hastily and that it may well be reworked. When it is, I would suggest to the members of the committee that they focus on several points:

(1) a careful definition of the phrase "significant environmental impact". Litigation following the enactment of NEPA and conversations I have had with other states' environmental protection departments have indicated to me that this is a weak point in the Federal law. I understand that DEP is in the process of developing a set of such criteria on a technical basis.

The social implications of the phrase, "significant environmental impact" must be recognized. Various groups have opposed environmental legislation on the grounds that it is elitist and discriminatory. If the definitions on which such a bill as this is based are vague, then the dangers are indeed great. However, I believe that if the bill is carefully and wisely thought out, it can be used to curtail discrimination. For example, a large office which relocates in the suburbs and fails to build adequate housing for those employees who cannot afford to commute may be guilty of discriminatory practice. Because the project will also be of significant environmental impact, as it puts new pressures on the transportation system of the region, for one thing, the problem of inadequate housing can be attacked through an adequate environmental policy law. This concept is developed in Sen. Jackson's federal land use bill, SB 268.

(2) The committee must address itself to the question of timing. The Bailey Hill development by the navy in Groton is a vivid example of NEPA's failure to adequately define the timing of the impact statement in relation to the beginning of construction. In Groton, by the time the inhabitants got a case to court to require the navy to file a statement, the housing development was already constructed.

(3) The committee must ensure that the bill is adequately funded. The costs of developing statewide data necessary for evaluation impact statements are substantial as are the costs of processing impact statements, and so on.

I wish now to address myself to the need to extend the jurisdiction of this bill to private developers.

Connecticut now has a proposed Plan of Conservation and Development; but at present, Connecticut has only limited means for implementing these policies. Connecticut has strong laws regarding air pollution abatement; it has the Inland Wetlands Act, and in the Public Health Codes are laws regarding the disposal of sewage. These last are, I gather, inadequately enforced and, in some cases, environmentally unsound. We also have zoning regulations,

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However, the proliferation of spot zoning, among other things, makes this a weak stick to lean on.

The state has no means of controlling private projects which cause erosion, or which affect sedimentation, and it has done little to set standards for aesthetic design.

The urgent need to do something about such inadequacies is being realized at the Federal level. Within the last two years, stringent directives have been proposed requiring the states to accept their responsibilities in the area of private development. For example, SB 268, sponsored by Sen. Jackson and co-sponsored by Sen. Ribicoff, among others, states that:

decisions of local concern will continue to be made by local governments. However, for land-use decisions which would have significant environmental impact beyond the jurisdiction of the local decision-makers, the act provides for wider public participation and review by the state, as representative of the wider constituency affected by those decisions.

An article from the Wall Street Journal of Thursday, March 8 emphasized this trend; as a result of a January 31 Federal Court decision on a suit by the Natural Resources Defense Council, the EPA stated that;

it would propose land-use regulations that could restrict the construction of shopping centers, sports complexes and other traffic generating projects..

Members of Congress have said all along that the 1970 Clean Air Act, which is the basis for the Government's wide ranging attack on air pollution fundamentally is a land-use law. But the pending proposals apparently would create development controls far more powerful than any previously established restraints.

Members of the legislature and the public in general must recognize the example set by the Federal Government in this area if we are to avert the fairly imminent prospect of a totally unplanned megalopolis covering a major portion of the state. Further, it appears that if they do not act, the Federal Government soon will. The uncontrolled spread of private developers all over the state can no longer be condoned or ignored as it is in this bill. It is the responsibility of the General Assembly to take action. I question, and ask the members of this committee to consider seriously whether a weak bill like this is any better than no bill at all. Thank you.

SENATOR COSTELLO: Are there any questions? Thank you very much.

LOUISE HALL: I am Louise Hall, from the American Association of University Women, Connecticut Division.

The State Executive Board of AAUW has directed me as State Chairman for our Environment Study-Action groups under the topic, "This Beleaguered Earth; Can Man Survive?" to state their strong support for a Connecticut Environmental Policy Act.

We are grateful for the sensitivity of the present State Administration, both executive and legislative, and for the skill and dedication of the Commissioner and the personnel in our first Department of Environmental Protection.

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This bill, however, expresses our past and present concern that we insure as far as possible that continuing attention be given by leaders in succeeding generations as stated in this bill, "to the profound impact of man's activity on the interrelations of all components of the natural environment".

No general legislation should be enacted that in anyway dictates detailed steps of procedure or ties the hands of those given responsibility for carrying out the overall intent of such an agency. But we cannot relax in gratification over beginning accomplishments. Vigilance by government and individuals will always be required. From now on decisions involving all the myriad steps promoting "progress", must continue to consider their full impact on all the natural resources still remaining in the world around us. These must include actions in our daily lives as individuals and in all our economic and community endeavors large and small.

I feel sure there are countless numbers of "ordinary citizens", like myself, ready and willing to carry out the necessary changes in our living habits in support of such measures if given the knowledge and understanding to effect such changes.

I would ask if it would be beneficial, or not in Section 2-a to designate a reasonable time limit for the department reviews there referred to? Otherwise, this bill seems to provide for public watchfulness and I hope it will be favorably reported by the Environment Committee and receive final support for acceptance. Thank you.

SENATOR COSTELLO: Thank you mam. Any questions?

HUNTINGTON WILLIAMS: I am Huntington Williams, Executive Director for the Connecticut Council on Environmental Quality.

Senator Costello, committee members, the Council on Environmental Quality has not seen this bill and consequently is at a disadvantage. It has been in general agreement with Executive Order 16, but with certain reservations and exceptions, in that the bill appears to parallel this executive order quite closely, I feel that the Councils stand on the proposed bill 2069 would be the same. The council is very desirous of responding to the bill and will make arrangements to do so to your committee. Are there any questions?

SENATOR COSTELLO: I might state that we would welcome a further testimony at our future regional public hearings. We would also welcome you to send a written statement to our committee if that's possible.

HUNTINGTON WILLIAMS: It will be, thank you.

SENATOR COSTELLO: Thank you. Are there any questions? May I ask you one question. There was a complaint voiced earlier by Mr. Rgugel that the proposal, the proposed bill precludes or forclodes citizen participation in a review process. It's always been my understanding that the purpose of the council which you represent, the Council on Environmental Quality is to be a citizens review group to view what the Department of Environmental Protection does, to make comments to the Governor and other state agencies concerning what is going on and the environment in this state. Do you view the role of that council in that fashion?

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HUNTINGTON WILLIAMS: Yes, exactly. I think you've outlined it accurately. The council is charged with basically three responsibilities. One being an annual report on the state of the environment to the Governor. The second being responsibilities for, lets say, environmental supervision of all state projects and this is involving the department of transportation, public works, but not confined to those agencies. It is wide spread. Thirdly just as you've outlined, it is a matter of handling citizens complaints and this perhaps is not widely enough known by the citizens of the state, it is something the council is endeavoring to make more familiar to the public. The process involves initially getting the person, issuing the complaint in contact with the proper persons of the Department of Environmental Protection, if this would solve the subject problem and beyond that the Commissioner of Environmental Protection, Commissioner Lufkin is empowered and for that matter directed I believe, to hold a public hearing on the question. I feel that this should in every occasion without exception, take care of this particular responsibility to the public. We are yet to see a significant complaint being registered.

SENATOR COSTELLO: Could you refresh my recollection as to the makeup of the membership of the council?

HUNTINGTON WILLIAMS: Yes, the council is made up of nine lay members. The bill which I can't quote you verbatim at this time, provides for the appointment of these nine members. They are from varied walks of life and various areas of expertise and it is described as a nine member body of concerned citizens and there is a parallel, but no connection and I emphasize, no connection, with the department of environmental protection. This serves in my way of thinking as a, well there are two bodies reacting to environmental concern, much of the two bodies of government react on any individual issue.

SENATOR COSTELLO: Thank you Mr. Williams. Are there any questions?

ANNE SAYIGH: Mr. Chairman, members of the environment committee, I am Anne Sayigh of North Haven, speaking for the League of Women Voters of Connecticut.

The League strongly urges adoption of a Connecticut Environmental Policy Act. League members have long realized the importance of comprehensive, long range planning for natural resource use. The Policies and procedures included in Committee Bill # 2069 would be of great value in restoring and maintaining the environmental quality of the state.

We endorse the requirement for environmental impact statements on all proposed state projects. We hope that these statements will be made available to the public.

The League of Women Voters of Connecticut urges you to report favorably on this bill.

I might add that we would like to see these requirements statutory rather than regular time.

SENATOR COSTELLO: Thank you. Are there any questions? Thank you very much. Is there further testimony on raised committee bill on #2069? If not, we will proceed then to HB 8863 CONCERNING ENVIRONMENTAL IMPACT STATEMENTS BY A PUBLIC SERVICE COMPANY.

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If we do that it is possible to conceive that one individual can spend 2 or 3 hours testifying on all bills and other people will not get an opportunity in terms of the limited time that we have of a chance to address the Committee so we will take each bill as it comes, pro and con, and then allow a period after this is completed for testimony on general subject matter.

The first bill, 9049, creating a horseman's advisory council and establishing Connecticut horseman's week.

The Second bill, 9041, registration of snow mobiles. The third bill, 2233, the size of lettering on the license plates for snow mobiles; fourth bill, 8658, use and operations of snow mobiles and all terrain vehicles. Next bill, 8714, snow mobiling at Sucker Brook and Mad River Dry Dams then 8474, acquisition of Still Water Pond in Torrington by the State. 8475, making appropriation for Barber's Pond in Bloomfield and Windsor, 8479, development of a Mad River Dam Site as Recreation Area. 8480, Establishment of Recreation Area in Mattatuck State Forest in Waterbury; 8481, Appropriating funds for recreation Facilities at Hop Brook Dam Site, 9078. Amendments to the Inland-Wetlands Act, 8849, Establishment of a Conn. Solid Waste Authority and there will be a public hearing on Friday devoted almost exclusively to that subject matter. 1929, Reusable Beverage Containers, 1810. Pesticide Control; 2069, Adoption Of Conn. Environmental Policy Act and the last, 1973, The Enforcement Authority of the Commissioner of Environmental Protection.

At this point, I would like to ask if there are any questions from the audience, in general, in terms of procedure or would you like to clarify a point before we begin?

If not, we will begin with bill 9049, CREATING A CONNECTICUT HORSEMAN'S ADVISORY COUNCIL IN ESTABLISHING CONNECTICUT HORSEMAN'S WEEK. We just ask you to step forward and to address yourself and for the benefit of the transcript that you mention the bill and both your name so we know who is addressing us and the particular subject matter.

Noone wants to testify on 9049? Noone? We will move on to 9041, THE REGISTRATION OF SNOWMOBILES.

SENATOR COSTELLO: Is there further testimony on the Pesticides Bill?
If not, we'll proceed to #2069 THE CONNECTICUT ENVIRONMENTAL POLICY ACT.
Does anyone wish to testify on this bill?

DAVID ANDERSON: David Anderson from the Preston Conservation Commission. We would like to very heartily support this bill. We supported the bill last year, of course, it didn't succeed completely. We feel that the Executive fiat on this is not very sufficient. We feel that the federal laws concerning the public disclosure in terms of environmental impact statement. This is the path that we should go until this sort of approach in the state of Connecticut. It is certainly very timely. Thank you.

SENATOR COSTELLO: Any further testimony on the Environmental Policy Act? Bill #1973 Concern the Enforcement Authority of the Commissioner of Environmental Protection. Does anyone wish to be heard on that bill?

DAVID ANDERSON: We have...the Preston Conservation Commission again...right...David Anderson. We definitely feel that the amendment that would give effective powers to the Department of Environmental Protection that are included here are very necessary in point of view that has been apparent that it is possible now through Courts of Appeal and through other delays to avoid the fines and this sort of thing and that would make it much tighter.

SENATOR COSTELLO: Thank you. That concludes the list of bills which we have advertised for tonight's hearing. As we indicated earlier however, we would welcome any questions or statements concerning any other environmental legislation pending before our Committee which may be of interest or concern to any of you here tonight. Does anyone wish to be heard? Yes.... Mr. Goldstein.... Do you mean that you would like to speak on a bill heard earlier this evening? Certainly Sir.....

ERWIN GOLDSTEIN: My name is Erwin Goldstein and I am a chairman of the town of Griswold Conservation Commission. and earlier in the evening I was discussing the bill for Canoe Route on Pachaug River. and I'd like to point out one thing more right about this bill....There was a Gentleman from Voluntown who spoke against it because the route went through part of his land. First of all I would like to thank this Gentlemen because for many years this particular land was in his hands and in the hands of the people who own the property before him. They were nice enough to allow people portage through their land. But I would also like to point out that this entire portage that he was talking about that represents approximately 10 to 15 yards. We are talking about 10 to 15 yards in a route of approximately 18 miles. And I would like to ask the members of the Committee to consider that even though this is private property, that we are talking about a matter of yards of portage in an 18 mile route. Thank you.

SENATOR COSTELLO: Would like to re-butt?

PAUL LEVASSEUR: + Don't know how to answer that, but except to say that a bullet makes an awfully small hole in a person....Paul LeVasseur...how he defines the yardage I don't know. I do know on diagram that I showed you in order for the people to go from Beach Pond to the River or the Stream, they would have to get out of the Lake and walk along a section of road...from there they would

First of all, it has come to my attention just this past week that there is a bill before your committee concerning

I'm sorry--losing my notes here, concerning I think it's Bill No. 2069, which is an addition to Section 22a-15 of the General Statutes concerning environmental impact statements. And our statement that has been previously submitted to you has stated that we feel that such a statement is desirable.

The bill that is before you that amends the environmental impact statement section of the Statutes would provide a procedure through which these environmental impact statements could be processed through the Office of State Planning. I would urge, however, that the last section of that bill which is Section 7, be amended to propose that all environmental --that all proposed state projects that are subject to environmental impact statements be approved by the State Planning Council rather than the Office of State Planning as it is stated there.

REP. HOFMEISTER: Mr. Campbell, are you speaking on 8849 or. . .

LEONARD CAMPBELL: Yes, I'm merely saying that this would assist in carrying out our proposed amendment to the bill under consideration to you now. Since this process would be intimately interlinked. And so, if that were amended so that the process where approval of these environmental impact statements before the facility could be built, then there would be the checks and balances necessary in the system that everyone here has been talking about. And it would provide that environmental impact check and balance.

The other suggestion I would make too, is that we have proposed that there be a representative from each of the fifteen regional areas in the state. I do believe that I think your committee is aware of the fact that there might be some problem as it concerns population weighting. I do believe, however, that if you get into providing representation by people, and numbers and weight them according to population, your numbers will get too large and you'll have a body that exceeds 25 in number. So, therefore, I would suggest to you that you give weighted votes rather than numbers and that you take, you have representation from each of the 15 regional planning agency areas but then that you weight those votes according to population as they represent in some manner. And that could be worked out since the regions break down with seven with population roughly from 20,000 people to about just short of 100,000. There's one region with slightly less, slightly more than 100,000, and then the remaining of the fifteen start at 200,000 populations and go

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MR. ODELL (Con't) like to support the bill and make a comment. Two years ago, three years ago, the Codfish Commission in Westbrook started a recycling center for bottles in Westbrook. About a year after that, we had been taking them to Coca Cola for recycling in New Haven. About a year after that the Bottling Association of Connecticut, I'm not sure that's exactly the way it's put out, but the name is approximately that, advertised, I'm not sure you'd call it advertising, in many of the newspapers, at least in our local area, that there would be regional recycling areas (tape ends and the next tape doesn't pick up on this sentence) and we still truck our glass to Dayville. That is the only place.

Now if they're all that concerned about the environment and the recycling of bottles, I'd like to see some effort put into it outside the public hearings. Thank you

SEN. COSTELLO: Thank you.

MS. USHER: I'm Carol Usher of Guilford, Connecticut. I'd like to support the bottle bill, whether it's failed or succeeded in Oregon. I'd like to try it in Connecticut. Thank you.

MS. ANGEL: I'm Eleanor Angel of Guilford and I'd like to say I have never requested returnable bottles or plastic coated ones either. I can't help it but my husband faithfully and my son faithfully go to the recycling center. It's bad enough having to take care of those messy bottles without coming across plastic coated ones. that have to be peeled off and since our channel for recycling is also Dayville and we have understood that they will not accept these bottles, I 'm just asking the bottling companies, what do we do? And not only that, we do pay more in hidden costs of filling up our sanitary land fill area.

I would rather pay a direct cost with the returnable bottle bill.

SEN. COSTELLO: Thank you.

MS. GARY: Lois Gary, Groton Conservation Commission. I promised my commission that I would be here to support the bill. The Groton Conservation Commission would like to go on record as supporting this bill.

SEN. COSTELLO: Any further testimony on bottles and cans? If not, we'll proceed to SENATE BILL NO. 1810, AN ACT CONCERNING PESTICIDE CONTROL. Thank you for your indulgence on that one. Next bill is SENATE BILL NO. 2069 AN ACT CONCERNING ADOPTION OF A CONNECTICUT ENVIRONMENTAL POLICY ACT. If I may briefly summarize the concept. A year ago an Environmental Policy Act modeled after the national Environmental Policy Act was adopted by the Connecticut General Assembly and it was subsequently vetoed on the basis that it would require too much paper work and expense on the part of the state agencies to implement the impact statement required by that

- SEN. COSTELLO (Con't): particular extensive provision. Subsequently, the governor issued an executive order, No. 16, which he had promised to do in his veto message which partially implemented the concept of impact statements from state agencies for their on-going construction projects. The bill that's before us tonight is an attempt to resurrect the Environmental Policy Act by re-enacting the environmental prayer which was the first section of the act setting forth the desire of the State of Connecticut to preserve the environment and provide a healthy environment for its citizens and then it basically transposes the governor's executive order, which is a more limited impact statement requirement into the law, the concept being that executive orders are not enforceable. They don't have the force of law. They can't be enforced by the public. This bill, although it would be less in scope, than the original act, it would provide an enforceable environmental policy act for the state and yet it might be sufficiently palatable to survive a possible veto. So we're having public hearings on the bill in this form.
- MS. GARY: Lois Gary, Groton Conservation Commission. I would urge the adoption of Bill No. 2069, the Connecticut Environmental Policy Act. Though the executive order covers parts of this problem, it seems to me the best interests of the state to have legislative action in this area to provide a policy which is permanent and equitable. So that the citizens in the state may have full access to this information, I suggest some addition to insure the public the facts such publication of the list of statements being prepared or a list of those submitted to the office of state planning or a legislative directory to the state departments, agencies and institutions to consult with the affected municipalities.
- SEN. COSTELLO: Thank you. Is there further testimony on the Environmental Policy Act.
- MS. BOWERS: Ruth Bowers, Sierra Club. The Sierra Club urges that an important environmental policy act like that which was passed by the General Assembly last year be brought out of Committee. The Governor did follow up his veto with the Executive Order 16. We feel that this order has many weaknesses in it. For example, one I might just use for illustration, how does one measure the cost and benefits of scenic, historic and recreational value. I think things of this sort can be a problem. We feel that work is needed essentially in Connecticut, is something similar in form and substance to the National Environmental Policy Act so that we can be consistent in our thinking and our working in this field. An act passed by the Legislature will provide the stability of law that cannot be easily withdrawn or modified.

It would include direction and intent in its statement of purpose, which is most useful as a guideline which court interpretation must be had. The standard set by an act of the Legislature becomes equally applicable to all and not subject to variation of interpretation and thus the

MS. BOWERS (Con't): citizenry can expect stability and equality in environmental protection. Provisions should be included to provide public review. As we mentioned in our testimony for the passage of the enforcement procedures, Committee Bill 1973. The Sierra Club strongly supports the philosophy of requiring public hearings as a necessary step in all significant proposals. It is urged that the directives incorporated in last year's bill be reviewed for incorporation into this bill, not just simply an augmentation of executive order 16.

The Sierra Club is aware of the administrative burden this act will place upon the Department of Environmental Protection but we feel that for such an important area of environmental policy, the people of Connecticut deserve the concrete definition of a legislative act in full strength.

SEN. COSTELLO: Thank you. Anything further. Now we'll proceed to SENATE BILL 1973. AN ACT CONCERNING THE ENFORCEMENT AUTHORITY OF THE COMMISSIONER OF ENVIRONMENTAL PROTECTION. Yes, the enforcement bill, so called, creates a system of administrative fines and penalties which may be imposed by the Commissioner whenever he discovers a violation of the pollution laws of the state relating to air or water. It superimposes this upon the criminal penalties which are presently authorized in most of our anti-pollution legislation. It puts the imposition of the fine or penalty at the beginning of the process so that the violator, the polluter is immediately notified of the prospective fine or penalty that the Commissioner proposes to impose upon him. He is still entitled to his due process of law, his public hearings and his appeals to the court as under present law but during this process, he will be aware of the prospective penalty should he fail to prevail in his defense. Under existing laws, the Commissioner is forced to request the Attorney General's office to bring injunctive proceedings and there are just too many violations in existence at the present time for this system to work efficiently so that the Department is virtually helpless under the present system of penal laws to carry out its mandate from the General Assembly. It's our hope that this will provide a more efficient method and a quicker method for polluters to be dealt with by the Department while still preserving their due process of law, their right to a full defense if they feel they are aggrieved.

Hearing no one to testify on that bill, then we indicated earlier that we welcome testimony or inquiry concerning other legislation before us. I'm aware that this group of gentlemen to my right has very patiently sat through many hours of testimony and they're here tonight in the belief that they could testify on a particular bill that was not scheduled for hearing here on primitive weapons and I would like to recognize them at this time.

MR. HAINES: Marcus Haines,Connecticut. We're here I think we have a bill, Senate Bill or House Bill, HOUSE BILL 8859 on a muzzle loading deer hunt season in the State of Connecticut. I'm just here to offer some testimony to the fact that there are several states in the United

and I'd like to make another remark as far as DDT is concerned. Although I am not for DDT, DDT has saved numbers of human lives, there is nothing on record where DDT has killed human beings, although we do have chemicals on the market that anybody in this room or anywhere can go out and buy such phosphates with their, very readily, and (inaudible) could kill X number of people, and I would say approximately eleven in the last couple of years. Those are the chemicals that I say should be removed from the market.

Now, as far as carbohydrates, hydro oxide on (inadible) hydrates (inaudible) from the cars on the highways and it is blamed on a lot of insecticides. And I wish that you folks when you do take into consideration on your selection of chemicals, that you would consult one of the professionals, and especially the entomologist. Thank you.

REP. HARLOW: Thank you. Next bill. Senate Bill 2069. AN ACT CONCERNING THE ADOPTION OF A CONNECTICUT ENVIRONMENT POLICY ACT. This is the next to last bill on the agenda.

MRS. HAAVIND: Mrs. Robert Haavind, Secretary for Citizens for Balanced Environment and Transportation, Incorporated and I'm the President of the organization. I hope I'm not the only person who is going to speak in favor of this bill, it looks like nobody is going to get up here. I think there is a state environmental protectionist.

There is an awfully good example right here now with Route 7. There have been reports from the Danbury News-Times that the state wants to build Route 7 north of Danbury and mostly without an environmental impact study, and the results of this would be flooding and destruction of a very picturesque rural section (inaudible) and spell development of commercial and business enterprises. This would involve a waste of land fewer resources. Now if this doesn't, you know, considered, and other projects of this type aren't considered by the state, when they intend to build with state funds, I think Connecticut will be sorry. Now, as far as this section was, in Danbury goes, I think that if the state doesn't try to build, they will probably end up in court, because I don't think they can really (inaudible) one federal road, but it's an example of their attempt not to make proper environmental considerations, (inaudible) we can't just go on pleasing local economic interests without consideration for the total environment.

In New York, the metropolitan area is too congested. It is the highway program that has caused the swell of development in moving citizens out of the center of city areas and into the suburbs. The use of the railroad prevents, fosters, is what I want to say, a more clustered city development and having the executive headquarters or whatever in the cities instead of out in some suburban campus environment, which is a waste of people and land and other resources. I think that has to be considered. I think there are many state projects that would benefit from the environmental studies that would be required by this act.

I'd just like to make one suggestion for an amendment. And that is that the study be conducted by independent agencies. It says here that there is going to be conducted by the state departments that are going to build the projects, or whatever, and I think that the state department that is going to do it, would have an interest in doing it whereas the study should be done by objective people who would consider it not just in fact that it is to be used, but also the other effects of it. That's about all I have to say.

I think that, I would like to make just one comment about who I am representing. I forgot to say that, but I think that they misrepresented in Danbury small groups. Now, it took us about two weeks to get two hundred families in Wilton to contribute money to file suit to get an injunction on the road, so the membership is two hundred families who put the money together. But I think we have lost their support and I don't think that we should be classified as a small group. One of our honorary trustees is Stewart Udall, and another is Lewis Mumford. These people agree with our objectives and we don't think that we are just representing the objectives of a small minority of property holders (inaudible). So I would like to clear it up, and (inaudible).

REP. HARLOW: Thank you. The last bill for us this evening is Senate Bill #1973 AN ACT CONCERNING THE ENFORCEMENT AUTHORITY OF THE COMMISSIONER OF ENVIRONMENTAL PROTECTION. If there are no testifiers, we will provide a few minutes for anyone here that is present who would like to speak on, or address themselves an item that they think is of concern to the committee which is not listed. You have great courage, mam.

MS. LAWSON: Well, as the last speaker, or probably the last speaker this evening, I would like to take the liberty of recommending that each speaker is limited to at the most

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SENATOR COSTELLO: Thank you. Is there further testimony on bill #1929?

BARBARA TUCKER: Mr. Chairman and members of the Committee, I am Barbara Tucker representing also Glass Constructors, Incorporated of Newington. (inaudible) We strongly feel that public education is one of the answers to the litter problem. At this time, we would like to read into the record, with the consent of the United States Boys' Association, the following editorial appearing in the Hartford Courant to illustrate the educational benefits derived from such public education programs.

SENATOR COSTELLO: May I ask if it is a lengthy editorial.

BARBARA TUCKER: Would you rather than I just handed it in?

SENATOR COSTELLO: Well, we would be happy to receive it as an exhibit.

BARBARA TUCKER: All right, why don't I just hand it in.

SENATOR COSTELLO: All right. Thank you very much. Thank you for willing to be brief. Is there further testimony on beverage containers? If not, then we'll proceed to Committee Bill #1810, CONCERNING PESTICIDE CONTROL. Is there testimony on that bill?

If not, we'll go to Senate Bill #2069. AN ACT CONCERNING THE ADOPTION OF CONNECTICUT ENVIRONMENTAL POLICY ACT. Does anyone wish to comment on this bill? I might briefly comment on the bill myself. The Pesticide Control Act is mandated by federal law and the federal pesticide control law of 1972 has been implemented through the work of our Department of Environmental Protection in drafting our law to conform substantially to the federal mandate. As the original draft of the bill which we have before us today went somewhat beyond that, there has been considerable discussion about it going too far. I can report too that our sub-committee chairman, Representative Ken Stober, has met at great length with representatives of agriculture and from the applying industry, the pesticide, pest control industry and various interest groups involved. They have evolved a substitute bill which comes closer to the federal mandate and does not go quite as far and we believe that will be acceptable broadly throughout the state, both agriculture and commercial interests. So the bill that our committee will report out will be somewhat modified from the copy that you might have.

The Environmental Policy Act is a bill that was vetoed a year ago. Passed both houses and set forth a broad statement of the value the legislature feels that the environment of our state has and then required impact statements by state agencies whenever they engaged in projects which might have a substantial impact on the environment. The bill was modelled after the national environmental policy act which I'm sure you're all aware of which requires impact statements by federal agencies. And that bill has created a lot of controversy and litigation. The veto message in our state indicated that too much paper work was required of state agencies to comply with the broad concept of the original bill. The governor in his veto message did promise that he would enter, issue an executive order requiring impact statements from state agencies for significant state projects and that he hoped that this would accomplish substantially the purpose of the act but not quite so much paperwork and redtape. So he did that in executive order #16. Many people, however, felt that executive orders are not enforceable by the public,

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they do not have the status of law and they are not recognized really in the courts of the state as being enforceable. So what we've done for public hearing purpose is to take the original statement of environmental policy, combine it substantially with the terms of the executive order so that we have a mini-environmental policy act if you might call it that which would have more teeth in it than the executive order but hopefully would not require such an avalanche ^{of} paperwork or litigation as to seriously set back the operation of state government as was originally feared. And that has been the bill we've had for public hearing.

We'll proceed then to Senate Bill #1973, AN ACT CONCERNING THE ENFORCEMENT AUTHORITY OF THE COMMISSIONER OF ENVIRONMENTAL PROTECTION which is the last printed bill on our agenda for the evening. This is a bill that will give the Department of Environmental Protection the power to levy administrative penalties and fines at the out-set of pollution violations and other violations of our environmental laws. Under present procedures which are mostly criminal in nature, the department must go to the Attorney General's office and ask them to institute suit. It's a very time consuming enforcement procedure and they are just unable to handle all the known cases of air pollution and water pollution that are existing in the state. So we're hoping to speed up the penalty aspects of environmental violations so that the fine will become apparent to the violator at the outset by receiving notice from the department of the prospective fine which will be established by public hearing; a schedule of fines that are appropriate for individual violations. This has some pretty good teeth in it but still provides for all of the protections of due process, public hearings and appeals to the courts that any good lawyer would want for his client but it provides it at the end rather than at the beginning so that the violator is thinking all the time about what the penalty is and the fact that it is ticking away on the meter while he delays in his decisions to correct the violation. We hope that this will greatly aid the state in enforcing the good environmental legislation that we have on the books. Is there any testimony on this bill? If not, we'll invite comments on any legislation that you might be interested in before our committee.

EUGENE CEDAR: May I just ask a question? Eugene Cedar, North Haven. Is there any consideration in it for civil action where a criminal violation does not occur?

SENATOR COSTELLO: Well, the department already has the right to bring injunctive action in the court to restrain anyone from polluting the environment. And also the department has the right to bring criminal proceedings under many sections of our environmental laws. This whole concept is a civil penalty provision. It's not criminal in nature. It removes the criminality from the violation but it permits the commissioner to impose the fine and then you go through the hearing and procedure process to determine whether or not there is a defense to the alleged violation.

EUGENE CEDAR: You can take one example. There's the Wharton State Park which is on border of North Haven and Wallingford, which has to be closed this year because a developer upstream has developed in such a way that fine silt washed into the pond and it could not be opened for swimming. Would the bill cover that or enforce any penalty upon that man?