

Legislative History for Connecticut Act

HB 6002	PA 374	1983
House ✓	3351, 3352, 3832, 5796-5802	(10)
Senate	915, 3059-3062, 3191-3192	(7)
Environment	422, 481, 511-513, 515, 527, 536-537	(9)
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1983

VOL. 26  
PART 9  
3006-3520

House of Representatives      Wednesday, May 4, 1983

ON THE DETERMINATION OR COMPUTATION OF THE STATE  
SUCCESSION TAX. Favorable Report of the Committee on  
Judiciary, File 450.

Right beneath that, Calendar 475, Senate Bill  
583, AN ACT VALIDATING CERTAIN ACTIONS OF THE TOWN OF  
CLINTON. Favorable Report of the Committee on Planning  
and Development, File 453.

Page 19, Calendar 482, Substitute for House Bill  
6002, AN ACT CONCERNING LIABILITY FOR THE REMOVAL OF  
HAZARDOUS WASTE. Favorable Report of the Committee on  
Judiciary, File 589.

Calendar 483, Substitute for House Bill 7276,  
AN ACT CONCERNING IMMUNITY OF PERSONS WHO DONATE FOOD.  
Favorable Report of the Committee on Judiciary, File 588.

Page 20, Calendar 485, Substitute for House Bill  
6443, AN ACT CONCERNING IMPROVED AERONAUTICAL SAFETY.  
Favorable Report of the Committee on Transportation,  
File 586.

Calendar 486, Substitute for House Bill 7038,  
AN ACT CONCERNING TAXICAB SERVICE AT BRADLEY INTERNATIONAL  
AIRPORT. Favorable Report of the Committee on Transportation,  
File 587.

Calendar 489, Substitute for Senate Joint  
Resolution 40, RESOLUTION MEMORIALIZING CONGRESS AND

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THE PRESIDENT TO SUPPORT THE UNITED NATIONS LAW OF THE SEA TREATY. Favorable Report of the Committee on Government Administration and Elections, File 472.

On the top of Page 21, Calendar 491, Senate Bill 927, AN ACT CONCERNING CERTIFICATES OF ORIGIN FOR NEW MOTOR VEHICLES. Favorable Report of the Committee on Transportation, File 469.

Calendar 492, Senate Bill 558, AN ACT CONCERNING DENTAL INSURANCE BILLING PRACTICES. Favorable Report of the Committee on Public Health, File 497.

Calendar 494, Substitute for Senate Bill 262, AN ACT REPEALING THE STATUTE CONCERNING EDUCATIONALLY RETARDED CHILDREN. Favorable Report of the Committee on Education, File 491.

Mr. Speaker, I move those items be placed on the Consent Calendar for action tomorrow.

SPEAKER STOLBERG:

Is there objection to any of the items indicated being placed on the Consent Calendar at this time for action tomorrow? Is there any objection? Seeing no objection, those items are placed on the Consent Calendar.

REP. FUSSCAS: (55th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Fusscas.

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House of Representatives

Thursday, May 5, 1983

those items on today's Consent Calendar on pages 1-4.

DEPUTY SPEAKER FRANKEL:

The motion is for acceptance and passage of those items on today's Consent Calendar. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed, nay. The ayes have it. The bills are passed. S.J.R. 50, H.B. 6151, H.B. 5367, H.B. 6744, H.B. 5864, H.B. 7225, H.B. 7155, S.B. 742, S.B. 424, S.B. 1021, S.B. 931, REP. GROPPA: (63rd) S.B. 463, S.B. 583, H.B. 6002, H.B. 7276, H.B. 6443, H.B. 7038, S.B. 927, S.B. 558, S.B. 262

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Groppo.

REP. GROPPA: (63rd)

Mr. Speaker, I move that all double starred items not called by the Clerk be passed, retaining their place on the Calendar.

DEPUTY SPEAKER FRANKEL:

You've heard the motion. Is there objection?

Hearing none, it is so ordered.

Is there further business on the Clerk's desk?

CLERK:

Yes, Mr. Speaker. Reports of the Joint Standing

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Tuesday, May 24, 1983

generated by a resources recovery facility, as defined in section 22a-260 of the general statutes, owned by or operated by or for the benefit of a municipality or municipalities, shall, for not less than twenty years from the date the facility begins generating electricity, compensate the municipality or municipalities for such electricity by providing a kilowatt-hour credit on the municipality's or municipalities' electric bills directly corresponding to the number of kilowatt-hours purchased by the electric company from the municipality or municipalities. The electric company shall compensate the municipality or municipalities for any unused kilowatt-hour credits remaining at the end of each municipal fiscal year at a rate determined in accordance with the provisions of section 16-243a."

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REP. GROPPA: (63rd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Groppo.

REP. GROPPA: (63rd)

Mr. Speaker, with the passage of this amendment, may this item be passed temporarily, please.

DEPUTY SPEAKER FRANKEL:

The motion is to pass temporarily the bill as amended. Is there objection? Hearing none, it is so ordered.

CLERK:

Calendar Page 33, Calendar No. 482, File No. 589, Substitute for House Bill No. 6002, AN ACT CONCERNING LIABILITY FOR THE REMOVAL OF HAZARDOUS WASTE, as amended

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Tuesday, May 24, 1983

by Senate Amendment Schedules "A" and "B", Favorable  
Report of the Committee on Judiciary.

REP. BERTINUSON: (57th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, I move acceptance of the Joint  
Committee's Favorable Report and passage of the bill  
in concurrence with the Senate.

DEPUTY SPEAKER FRANKEL:

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

REP. BERTINUSON: (57th)

Yes, Mr. Speaker. This is a bill that passed the  
Senate and the House. The Senate has sent it back with  
two amendments. And, I would ask that the Clerk would  
call LCO No. 6182 and I be allowed to summarize.

DEPUTY SPEAKER FRANKEL:

The Clerk has LCO No. 6182, previously designated  
as Senate Amendment Schedule "A". Would the Clerk please  
call this amendment?

CLERK:

LCO No. 6182, previously designated Senate

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House of Representatives

Tuesday, May 24, 1983

Amendment Schedule "A", offered by Sen. Owens of the 22nd District.

DEPUTY SPEAKER FRANKEL:

Is there objection to summarization? Hearing none, you may proceed, Rep. Bertinuson.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. This amendment makes some technical changes. It adds a couple of liquids that are not covered by the definition of hazardous and also spells out certain exemptions from the immunity from liability that the bill would grant.

I would urge adoption of the amendment.

DEPUTY SPEAKER FRANKEL:

Will you remark further on Senate "A"? Will you remark further? If not, all those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed, nay. The ayes have it. Senate "A" is adopted and it is ruled technical. Will you remark further on this bill?

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker.

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DEPUTY SPEAKER FRANKEL:

Rep. Bertinuson.

REP. BERTINUSON: (57th)

There is another amendment, LCO No. 6568. I would ask the Clerk to call and I be allowed to summarize.

DEPUTY SPEAKER FRANKEL:

The Clerk has LCO No. 6568, previously designated as Senate "B". Would the Clerk please call the amendment?

CLERK:

LCO No. 6568, previously designated Senate Amendment Schedule "B", offered by Sen. Owens of the 22nd District.

DEPUTY SPEAKER FRANKEL:

Is there objection to summarization? Hearing none, you may proceed, Rep. Bertinuson.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. Anyone who may have looked very closely at these two amendments, will have noticed that they are very nearly identical. And, in fact, the adoption of Senate "B" would cancel out Senate "A". It is identical, except it adds one further technical correction. Rather than send it back to the Senate, it seems appropriate to let "B" override "A". So I would now move the adoption of Senate "B".

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DEPUTY SPEAKER FRANKEL:

The motion is on the adoption of Senate "B". Will you remark on its adoption? Will you remark further on the adoption of Senate "B"? If not, all those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed, nay. The ayes have it. Senate "B" is adopted and it is ruled technical. Will you remark further on this bill as amended by Senate "A" and "B"?

REP. BERTINUSON: (57th)

Mr. Speaker, this bill originally passed the House on consent. The amendment really makes technical changes and I now would urge its repassage.

DEPUTY SPEAKER FRANKEL:

Thank you, madam. Will you remark further? If not, would the staff and guests please come to the well of the House. The members please take their seats. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would

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the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? Is your vote properly cast? If so, the machine will be locked. The Clerk will please take a tally.

REP. GIONFRIDDO: (33rd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Gionfriddo.

REP. GIONFRIDDO: (33rd)

I'm told that since I am in the Chamber I must vote despite the controversy attached to this bill. In the affirmative, please.

DEPUTY SPEAKER FRANKEL:

Would the Clerk please note that Rep. Gionfriddo casts his vote in the affirmative? Would the Clerk please announce the tally?

CLERK:

House Bill No. 6002, as amended by Senate Amendment Schedules "A" and "B".

Total number Voting	140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Those absent and not Voting	11

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DEPUTY SPEAKER FRANKEL:

The bill as amended is passed.

CLERK:

Calendar No. 497, File No. 611, House Bill No. 5562,  
AN ACT CONCERNING LIABILITY OF LOCAL FIRE MARSHALS, DEPUTY  
FIRE MARSHALS, AND FIRE INSPECTORS, as amended by Senate  
Amendment Schedule "A", Favorable Report of the Committee  
on Judiciary.

REP. GIBSON: (40th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Betsy Gibson.

REP. GIBSON: (40th)

Yes, Mr. Speaker. I move acceptance of the Joint  
Committee's Favorable Report and passage of the bill in  
concurrence with the Senate.

DEPUTY SPEAKER FRANKEL:

The question is on acceptance and passage. Will  
you remark, madam?

REP. GIBSON: (40th)

Yes, Mr. Speaker. The Clerk has Senate Amendment  
LCO No. 6542. Would he please call and may I be permitted  
to summarize?

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THE CLERK:

Environment. Substitute House Bill 6002. An Act Concerning  
Liability for the Removal of Hazardous Waste.

THE CHAIR:

Refer to Judiciary.

THE CLERK:

The Clerk has Senate Bill Favorably Reported With A Change  
of Reference. General Law. Senate Bill 511. An Act Concerning Dis-  
closure of Automobile Allocation to Dealers.

THE CHAIR:

Refer to Transportation.

SENATOR SCHNELLER:

Mr. President, as part of today's calendar, I would move  
for suspension of the rules on Item 2 on page 1 of the Agenda, Senate  
Joint Resolution 28 Approving A Collective Bargaining Agreement Be-  
tween the State of Connecticut and the Pension Coordinating Committee.

THE CHAIR:

Motion has been made to suspend the rules. Without objec-  
tion, so ordered.

SENATOR SCHNELLER:

Mr. President.

THE CHAIR:

Senator Schneller.

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SENATOR SKOWRONSKI:

As the current Senator representing Woodbridge, I'd also like to add my welcome to the class and hope they enjoy their day here. Thank you.

THE CHAIR:

Thank you, Senator. Clerk will call the next item.

THE CLERK:

On page 4, Calendar 568, File Nos. 402 and 805, Substitute for House Bill 7085. An Act Concerning the Sale Or Exchange Of State-Owned Real Property. (As amended by House Amendment Schedules "A" and "B"). Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Pass that temporarily. Senator Daniels does not seem to be in the Chamber or thereabouts.

THE CLERK:

Proceeding to Calendar No. 570, 568 has been passed temporarily, Calendar 570, File 589, Substitute for House Bill No. 6002. An Act Concerning Liability For The Removal Of Hazardous Waste. Favorable Report of the Committee on Judiciary. The Clerk has amendments.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Move acceptance of the joint committee's favorable report and

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passage of the bill.

THE CHAIR:

Clerk will call the first amendment.

THE CLERK:

Clerk has Senate Amendment Schedule "A", LCO No. 6182.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Yes. Move its adoption and waive its reading, Mr. President.

THE CHAIR:

Is there any objection to waiving the reading? Hearing none,  
proceed to remark, Senator.

SENATOR OWENS:

This provides that the immunity provided shall not apply to  
persons, firma or corporations responsible for the discharge or any agency  
or instrumentality firm or corporation or negligence in the operation of  
a motor vehicle and makes two other technical changes. Move its adoption.

THE CHAIR:

Will you remark further on Senate "A"? If not, all those in  
favor of adopting Senate Amendment Schedule "A" signify by saying aye.  
Those opposed, nay. The ayes have it. The amendment's adopted. Clerk  
will call the next amendment.

THE CLERK:

Senate Amendment Schedule "B", LCO No. 6568.

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THE CHAIR:

Senator Owens.

SENATOR OWENS:

Move its adoption and waive its reading.

THE CHAIR:

Is there any objection to waiving the reading of Senate Amendment Schedule "B"? If not, proceed, Senator.

SENATOR OWENS:

Yes. It defines and includes after "LIQUIDS" "OR SOLID, LIQUID OR GASEOUS PRODUCTS" and more clearly defines what we're trying to do with this particular piece of legislation and it also defines what the specific immunity and who it doesn't apply to. Move its adoption.

THE CHAIR:

Will you remark further on Senate "B"? If not, the issue is adoption of Senate Amendment Schedule "B". All those in favor will signify by saying aye. Those opposed, nay. The ayes have. The amendment's adopted.

SENATOR OWENS:

On the bill itself, Mr. President ...

THE CHAIR:

Proceed, Senator.

SENATOR OWENS:

Current law insulates from civil liability any person gratuitously rendered assistance at the request of an officer authorized by

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the Commissioner of Environmental Protection in containing, removing or otherwise mitigating the effects of the discharge. This bill would insulate from liability persons whose assistance is not gratuitous so long as compensation does not exceed actual expenses. It also expands the allowable activities of such persons to rendering it advice in dealing with threatened waste discharges. I would ask, if there is no objection, that this bill as amended by Senate Amendment "A" and Senate Amendment "B" be placed on the consent calendar.

THE CHAIR:

Will you remark further? The motion is to place on consent. Is there any objection to placing on consent? Hearing no objection, the bill as amended by Senate "A" and "B" will be placed on the consent calendar.

THE CLERK:

Going back up one to Calendar 568, File Nos. 402 and 805, Substitute for House Bill No. 7085. An Act Concerning The Sale or Exchange Of State-Owned Real Property. (As amended by House Amendment Schedules "A" and "B"). Favorable Report of the Committee on Government and Elections.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Mr. President, I move for passage of the bill, adoption of the bill in concurrence with House Amendments "A" and "B".

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THE CHAIR:

Calendar No. 631 was removed from the consent calendar and because of that it has to be voted separately and the question before the Chamber is motion to adopt 631, Calendar 631, House Bill No. 7059, File No. 320. The machine is open. Please record your vote. Has everyone voted? Machine is closed. Clerk please tally the vote. Result of the vote, 24 yea, 12 nay. The bill is adopted. Will you please give your attention to the Clerk who will announce all those items that were placed on the consent calendar.

THE CLERK:

On page 2, Calendar No. 289. Page 3, Calendar 525. Excuse me. Last item I called was page 3, Calendar 525. Page 4, Calendar 568 and 570. Page 5, Calendar 585. Page 6, Calendars 588 and 609. Page 7, Calendar 610 and 615. Page 8, Calendar 626, 627, 628. Page 9, Calendar 630, 632, 633. Page 10, Calendar 634, 636 and 639. Page 11, 640, 641, 642, 643 and 644. Page 12, 645, 646, 647, 648. Page 13, Calendar 652, 653, 654, 655. Page 14, Calendar 659. Page 15, Calendar 662 and 663. That completes the list of items on today's consent calendar.

SB123, SB413,  
HB7085, HB6002,  
SB884, SB999,  
HB6494, HB6841,  
HB5792, SB401,  
SB902, SB906,  
HB7010, HB7096,  
HB5695, HB6393,  
HB6913, HB7068,  
HB7261, HB7266,  
HB5402, HB5531,  
HB6690, HB7111,  
HB7250, HB7257,  
HB7259, HB5210,  
HB6791, HB5763,  
HB5659, HB7071,  
HB7173, HB7044

THE CHAIR:

Any changes, any omissions, corrections. Clerk, please make an announcement for roll call.

THE CLERK:

Immediate roll call has been called for in the Senate. Will all Senators please take their seats. An immediate roll call has been

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called for in the Senate. Will all Senators please be seated.

THE CHAIR:

Question before the Chamber is the motion to adopt all these items as read by the Clerk. Machine is open. Please record your vote. Has everyone voted? Machine is closed. Clerk, please tally the vote. Result of the vote, 36 yea, zero nay, the consent calendar is adopted.

SENATOR MURPHY:

Mr. President.

THE CHAIR:

Senator Murphy.

SENATOR MURPHY:

Mr. President, in reference to House Bill 5118 which is File No. 496, 789, Calendar 402, a Committee on Conference is necessary and the Committee on Conference members on the Senate side will be Senators Owens, Skelley and Streeter.

THE CHAIR:

The record will so note. Senator Schneller, we have another Senate Agenda, page 2.

THE CLERK:

Clerk has Senate Agenda ...

SENATOR SCHNELLER:

Mr. President, before we call the Agenda, before too many people get away, I do want to make a couple of announcements about our schedule. In view of the diligent work that we've done yesterday and today in cleaning

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- MR. HITCHCOCK: (continued) time is getting kind of late, I think what I'll do is just kind of do this in a rather cursory fashion and my more detailed remarks will be (inaudible). Both House Bill 5250, An Act Concerning the Creation of --
- SEN. SKOWRONSKI: Steve, do you have copies for everyone.
- MR. HITCHCOCK: Yes.
- REP. SKOWRONSKI: Why don't you pass out those.
- MR. HITCHCOCK: An Act Concerning the Creation of a Safe Hazardous Waste Management Authority. There has been no application for a site, a hazardous waste site and there is none in view yet. This kind of represents another approach and in a wishy washy way we're in favor of whatever does work. What we do feel is that a close look is really needed for the whole situation. And perhaps should include financial or legal incentives degree of hazard and types of facilities. The next one to comment on is Proposed House Bill 5532, An Act Restricting Hazardous Waste Disposal to Contaminated Areas.

The DEP opposes this bill. We feel it's repetitious of the water quality standards. It places prime consideration on present contamination rev in the hydrogeology. In some cases contaminated areas -- we're trying to upgrade those and this we feel would actually hold it back. In other cases the hydrogeology might dictate that it might even, although people don't like to think of this, require abandonment of a small water shed to a facility if that is hydrogeologically best. So we feel unduly restricted.

Proposed House Bill 6002, the subject of this bill is already covered in statute and the numbers are there. Proposed House Bill 6435, An Act Concerning Standards for the Siting of Hazardous Waste Disposal Facilities, we favor this in principal, but the federal law does not have degree of hazard although they're working on that. This will probably mainly apply to metal hydroxide sludges and it may well be if we can apply and get it listed we could regulate that under state law with our present laws.

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REP. BERTINUSON: (continued)  
of metal hydroxides. In my understanding, as long as they're still listed by RECRA, they are as far as I know the only technology we're looking at is land fill, and most of their more stringent regulations are for land fill.

It seems to me that we have heard at least twice tonight that we do not have the option unless they have been delisted to treat them any differently.

MR. SCHNEIDERMEYER: I would like to comment. I have testimony in detail on that under 6435 on degree of hazard.

SEN. SKOWRONSKI: Why don't you get the highlights of your remaining comments?

MR. SCHEIDERMEYER: On Bill 5532, restricting hazardous waste disposal to contaminated sites, we oppose this bill as unnecessary since there are the ground water quality standards, the GC area you heard about earlier.

Bill 6002, liability for removal of hazardous waste. We support this type of environmental emergency, good samaritan legislation and would you ask also to include hazardous substances as well as hazardous waste.

Bill 6435 comments on the degree of hazard. That's the bill that's entitled "Standards for Siting of Hazardous Waste Disposal Facilities".

We strongly support the concept of 6435 which would require the siting council and DEP to adopt regulations that are based upon on inherent degree of hazard of various types of waste. Metal hydroxide sludge is an excellent example of the applicability of this proposed approach.

In addition to my previous remarks regarding bill 5250, I would like to offer some further comments.

In July 1976, DEP issued guidelines for land disposal of metal hydroxide sludges which provided four optional methods of land-filling in a municipal or private disposal area. About 10 landfills in Connecticut have in the past managed local metal hydroxide sludges according to these guidelines without causing environmental problems.

MS. LOALBO: (continued)

It is time I think to actively and cooperatively pursue a true solution to the hazardous waste problem in Connecticut. The state can no longer afford environmentally and economically to wait on the issue. And so with that in mind I would support 5250 and also for the reasons mentioned by Dave McQuade and some of the other spokesmen support 6435 which requires the Connecticut Siting Council to develop criteria for siting various types of waste. And I think specifically the metal hydroxide sludge stream in Connecticut which makes up, we think, 70% of the stream of Connecticut, and that's really what we are talking about here. I would also agree with Mr. Wagner that we probably need one facility in Connecticut to site metal hydroxide sludges if it were the right amount of land and the facility were operated properly.

The other bills that I wanted to address, 6768 and 6868 basically require on site inspectors at each hazardous waste facility to monitor the facility at no cost to the state. I just said that the Governor has made as part of his budget practice an appropriation for more DEP inspectors which we would support as an association and also that the Attorney General has committed a portion of his staff to further investigate any environmental problems as well.

And with regard to House Bill 6868, that proposal requires clear identification of the contents of vehicles transporting hazardous waste. I know that federal regulations require transportors to have certain -- a certain number of markings and placards and identification numbers. I don't know whether or not if the State of Connecticut has specific requirements for a truck that is passing from Massachusetts through to another state if there would be any problem with the commerce clause in making the State of Connecticut have certain requirements and no other state having those requirements. And so I would just caution the committee in passing additional symbols on trucks when federal regulations are already in place.

And my last comment is on House Bill 6002, which we call the good samaritan legislation in Connecticut. And while Steve Hitchcock mentioned there is something on the books

- MS. LOALBO: (continued)  
in Connecticut and there is, that that legislation which deals with people volunteering to help up with hazardous waste bills in Connecticut only deals with hazardous waste and not hazardous materials in general. And I think what we are looking for is to expand that that bill to cover more than those substances that are just described as hazardous waste to help out. I just want to thank the committee for their time. I hope everyone gets to bed early.
- SEN. SKOWRONSKI: Anita would you put -- pass over a few of those copies of your prepared testimony and put the other in the basket, great. Thank you. And I believe there are some questions.
- REP. BERTINUSON: On the -- the question that you raised about a company treating its -- recycling within the town, was that examined in the light of the siting law, it does make an exemption for a process that is developed as part of the manufacturing process, I think aimed at the -- it sounds like the kind of process that you're talking about.
- MS. LOALBO: I'm not sure that they examined that clearly. I think what they were intending to do was also be able to take not only their own waste from their own production, but others as well. And that would have been the reason -- and in that respect I think wouldn't fall under that category.
- REP. BERTINUSON: No, and of course the reason for that is that then you do have -- you're equivalent of a new facility and then the town would say we need the same protection that another town would get. But that was specifically written in to encourage that kind of a creative approach.
- MS. LOALBO: Yes that's right. I'm not so sure that right now that the cost of building a facility for a company the size of for example Risdon Manufacturing would be worth it for them economically to put something in for themselves only. And that might have been part of the problem.

REP. BERTINUSON: The other thing is that we are looking and did raise a bill today, that would look at trying the streamline for instance the time line but the council at least doesn't see -- and what you're talking about are court test and in a court you know we have no control over that we're just

MS. LOALBO: I think that's right, you are limited. I talked to the chief executive officer at Risdon Manufacturing today and when he said to me five years, I questioned that as well, and I think that that was the outside limit with everything built in with all their safeguards, this based on the information that he was getting from his attorneys.

REP. BERTINUSON: You have a proposal to try to streamline that time line a little bit. We also raised a bill today to provide another -- some way of funding that \$95,000 in the cost of regulations, so if they are including that as they would have to under the way the law is written now that would be -- account for some of that money. Those figures might not really be valid if we write the changes.

MS. LOALBO: Right.

SEN. SKOWRONSKI: Okay the next speaker is Tommy Dorsey. I don't know if he has his trumpet. We could use a little Tommy Dorsey right about now.

MR. TOMMY DORSEY: Sen. Skowronski, Rep. Bertinuson, Rep. Tiffany, Rep. Beckett-Rinker it is a pleasure to appear before you. I want to thank you for staying to listen to me. My statement will be very brief. My name is Tom Dorsey and I'm here representing my employer, Dow Chemical, , Connecticut.

We support the bill that you have raised, HB 6002, An Act Concerning Liability for the Removal of Hazardous Waste, or as we refer to it in the chemical industry as good samaritan legislation. We would request that you seriously consider adding to this legislation emergency spills or releases of hazardous materials so that when, you know, hazardous materials travel over the highway they could be more of a clean up problem

MR. MOLETT: (continued)

to happen. And looking at the DEP's track and also the EPA's track record, we don't feel that it has been to good. I mean Ann Gorset, she got married just to change her name so nobody would find here, right?

But we support Dick Foley's bill 5532 and we urge all of you representatives to take a good hard look at it and get your facts straight, talk to chemists, the people in the industry and not, don't just listen to one side of the coin. Check your facts and make some good sound decisions because the decision is in your hands and it is not only for our own benefit but our childrens as well. Thank you.

SEN. SKOWRONSKI: Thank you Ray. Are there any questions? Okay, thank you. And next is Kim Davies. Okay and next speaker is Don Kiley from Monsanto.

MR. DON KILEY: I've been one upped by my friend and competitor from Dow Chemical, Sen. Rep. Bertinuson.

SEN. SKOWRONSKI: You can't be briefer than he was Don.

MR. KILEY: I was trying. Basically I mean to speak to the same bill and I'm Don Kiley from the Monsanto Company, Bloomfield, Connecticut. And just very, very briefly to House Bill 6002. I endorse Mr. Dorsey's statements, we would like to see it passed and expanded to all materials so that we could provide possibly the expertise to the state or to a spill, but still not have the horrendous liability.

We would like to contribute our expertise. To the other two bills 5250, and 6435, you've heard all the testimony necessary and I thank you.

SEN. SKOWRONSKI: You want to be associated with those remarks and have them incorporated by reference into your own.

MR. KILEY: We do support the concept, we haven't seen fully drafted bills, but we support the concept of moving forward in this area.

SEN. SKOWRONSKI: Thank you. Next speaker is Peter Heitman from the Preservation of the Housatonic Basis, formerly of Derby and now of Southbury.

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MR. COPELAND: (continued)

In 1982 Uniroyal Chemical spent over \$300,000, precisely \$372,000 plus some change. About 20 to 40% of those costs were transportation. The cost element is not what worries me as much as my biggest fear, and that is that phone call I'm going to get at 2:00 a.m. and they say to me, your truck that was hauling your waste got in an accident and your waste is now all over the New Jersey Turnpike. And that is a real risk. We transport our materials to New Jersey, New York and Louisiana. There's a lot of miles between here and Louisiana.

We do need a site in the State of Connecticut. That's a fact. We need it now. We don't need it tomorrow. We should have had it yesterday.

A couple of other things I'd like to talk about and I'm going to be very brief. And that's House Bill 6868. This is the bill that talks about placarding of trailers. I love to give show and tell. This is the DOT regulation that requires the placarding of hazardous shipments. It's two volumes, I only brought one. In this middle section here, it details several thousand chemicals that require placarding. Proper shipping news, what you could ship it in, what volume and by which means. It's adopted by every state in the nation because it has to be. This is the one Connecticut uses. I really don't think this bill serves the interest of Connecticut since there already is a system in the State of Connecticut.

And lastly, to talk about something I feel very positive, and that is 6002, I believe, that is the Good Samaritan bill. As you've heard from several other industrial speakers, we would enjoy getting our expertise through the DEP in cleaning up of a hazardous waste bill that takes place on Route 8 or any other highway and only wish to see it expanded to include all hazardous materials, whether they be raw materials or finished goods, or hazardous wastes. And I thank you.

REP. BERTINUSON: I just have one question or comment. I think, HB 5250  
have you approached the Siting Council to ask at least HB 6435  
their initial opinion as to whether it's --

MR. COPELAND: I believe we probably will.

REP. BERTINUSON: I think that would be a wise suggestion. It depends on how long the storage is, of course, whether it's covered and they have already done one administrative review

REP. BERTINUSON: (continued)

requirements on land fills, but the legislation also would apply to any other kind of a treatment facility whether it be an incinerator or neutralizing process or any process that would be considered hazardous waste disposal. So it isn't limited to land fills by any means.

MS. MOULTON: Also, the state will run into a definite problem against any town that it proposes the land fill in as we all know what happened in Enfield. I was a member of the CASE, and I'm a member of CASE now and I feel that they just aren't safe. I don't want to live near one. I don't think any of you do either. They just aren't, there's just no guarantee that they'll be safe. We can't guarantee it and I'll close with that. Good night.

SEN. SKOWRONSKI: The next speaker is Fidelia Lane, also from the United Church of Christ.

MS. FIDELIA LANE: Fidelia Lane, and I've sat through the Environment Committee and I will simply say I want to speak in support of 6444 thinking that it's useful to have the bonding ahead of time because we have, I am aware of communities where companies have not been responsible, and it seems to me this would help in that problem.

I don't think I've heard anybody speak in favor of 5995, which would enable the police to have some authority in the enforcement of pollution problems, and I think this is an important thing that I am aware of at least three communities in my role which have felt that they were not adequately served by the Department of Environmental Protection and I think anything we could do to help in the enforcement would be helpful. And that's all I'll say.

SEN. SKOWRONSKI: The next speaker is Dana Wright from the Sierra Club.

MR. DANA WRIGHT: I'm going to keep it brief because it's nice being this late, because everyone's said everything I wanted to say. We do support Bill 6002 which relieves the liability of parties volunteering to participate in cleanups of hazardous waste. Simply put, it's the first aid as in the case of injuries, it's the first aid that usually makes a difference. There are examples for instance in oil spill for volunteers have made a major difference in terms of just saving wildlife.

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MR. WRIGHT: (continued)

And where I'm excited about something like this, being a director of an organization with 5,000 members, it is knowing that those members can be alerted so to speak as in terms of community to respond to the kinds of challenges knowing there are no liabilities.

And it's encouraging to hear industry and environment agree on this whole particular point. We don't support 5532 which would allow for hazardous waste to be disposed in already contaminated areas. We should be cleaning up these areas, and I think the perspective that says they're already contaminated, so let's keep dumping there is not progressive. It's not positive. If anything, we should be trying even though the experts have said it's virtually impossible to reverse the process once you've contaminated ground water. The best we could do is stop them. I don't think it's a solution and I think there are more viable solutions to dumping in clean groundwater areas.

On 5250, we do think there's an alternative to what the state's proposing in terms of this bill. And Carl said it all, so that you know, it's nice to just say we support the Connecticut Audubon's recommendation and ask that you give it serious consideration.

And finally, Bill 6444. I wrote some notes here, because I just forget my testimony, but the DEP needs teeth if you expect it to bite somebody and this bill in essence allows the DEP to be in a better position to enforce the law. It's not the majority of businesses who are sited that are going to abuse it, but those few who will through litigation and appeals and everything else, take advantage of the legal system to continue polluting and breaking the law, there should be a mechanism in place to deal with that, and this sounds like it potentially is the best way to do it.

As far as the concerns of those companies who are good and doing their job, I don't think they have anything they should be concerned about. The fact of the matter is if their intent and appealing is legitimate, they don't lose anything. And I do support it, and I can't think of the bill number, I didn't write it down, but the bill that would allow the DEP to delegate some of its authority to local authorities. That's a simple staffing problem and an issue of quick response. DEP cannot respond quick enough where the local authorities once they're