

Legislative History for Connecticut Act

SB 737	<PA 568>	<del>1985</del> 1985
House	11,967-11,972	scan (6)
Senate	1800-1805, 1903-1904	(8)
Environment	1079-1080, 1100-1101	(4)
		18

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1985

VOL. 28

PART 33

11919-12252

House of Representatives

Tuesday, June 4, 1985

REP. HAUSER: (97th)

In the affirmative.

DEPUTY SPEAKER BELDEN:

Rep. Hauser of the 97th in the affirmative.

The Clerk please announce the tally.

CLERK:

House Bill 7678 as amended by Senate "A" and  
Senate "B".

Total number voting	151
Necessary for passage	76
Those voting yea	151
Those voting nay	0
Those absent and not voting	0

DEPUTY SPEAKER BELDEN:

The bill as amended is passed in concurrence with  
the Senate.

CLERK:

Page 2, Calendar No. 562, Senate Bill 737, File  
No. 209, AN ACT CONCERNING THE DISPOSAL OF RECYCLED  
HAZARDOUS WASTE RESIDUE, as amended by Senate Amendment  
Schedule "A". Favorable Report of the Committee on  
Environment.

SPEAKER VAN NORSTRAND:

Rep. John J. Tiffany.

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REP. TIFFANY: (36th)

Thank you, Mr. Speaker. I move acceptance and passage in concurrence.

SPEAKER VAN NORSTRAND:

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

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. Yes, to call your attention to this bill that's been lingering on our Calendar for quite a long time. We've had other problems with other bills, which have been resolved, I believe. This particular bill was involved in a war that we had on super lien, but I think now that those battles are over, we can move forward on this particular bill.

It's a fairly innocuous bill, but it has a zinger of a Senate Amendment on it. The purpose of this bill, originally, Mr. Speaker, as you can see in line 2, we have bracketed out instate operations. EPA in Washington had problems with this. It created what they considered to be a constitutional problem, and there was unanimous agreement in the Environment Committee that this bill have a Joint Favorable out of committee, and it did and went through the Senate.

However, in the Senate, the Senate attached an amendment which I would now call. It's LCO 6534. I would ask that it be called and that I be given leave to summarize.

SPEAKER VAN NORSTRAND:

The Clerk please call LCO No. 6534, previously designated Senate Amendment Schedule "A".

CLERK:

Senate Amendment Schedule "A", LCO 6534, offered by Sen. O'Leary, Sen. Mustone, Sen. Benson.

SPEAKER VAN NORSTRAND:

The gentleman seeks leave to summarize. Is there objection? Seeing none, please proceed, sir.

REP. TIFFANY: (36th)

Mr. Speaker, this amendment is much more important obviously than the file copy of the bill. It sets up for a procedure whereby when a business that deals in potentially hazardous waste, they must get a clean bill of health before the establishment can be closed or transferred.

It was worked on -- we had a somewhat similar bill in the Environment Committee. It just never got out of it. It was somewhat more strict than this, plant closing

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bill it was then known as and it died in committee. However, Sen. O'Leary and Sen. Benson took it upon themselves to work with several members of the industry in drafting this amendment and while it's not a compromise as such, most people have signed off on the amendment, and believe that it is a reasonable position to take, and I would urge its adoption at this point.

SPEAKER VAN NORSTRAND:

The question is on adoption of Senate "A". Will you remark?

REP. JOYCE: (25th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Raymond Joyce.

REP. JOYCE: (25th)

Thank you, Mr. Speaker. I too would recommend the adoption of this amendment. It gives one more procedure for protecting the groundwater. I think it's an important amendment and would urge its adoption. Thank you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Thank you, sir. Will you remark further on the adoption of Senate "A"? If not, all in favor indicate

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by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay. The ayes have it. Senate "A" is adopted.

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, as I said, I would now move passage of the bill as amended. I believe with the exception of the Committee on Conference, this is the last piece of major legislation from the Environment Committee. I urge its acceptance.

SPEAKER VAN NORSTRAND:

The question is on passage of the bill as amended. Will you remark? Will you remark? If not, staff and guests please come to the well of the House. The machine will be opened. The Clerk please announce the pendency of a vote for the benefit of the members not presently in the Chamber.

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CLERK:

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

SPEAKER VAN NORSTRAND:

Have all the members voted and are your votes properly recorded? If so, the machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

Senate Bill 737, as amended by Senate "A".

Total number voting	150
Necessary for passage	76
Those voting yea	150
Those voting nay	0
Those absent and not voting	1

SPEAKER VAN NORSTRAND:

The bill is passed in concurrence with the Senate.

CLERK:

Page 9, Calendar No. 953, Substitute Senate Bill No. 68, File No. 1160, AN ACT CONCERNING THE CHILDREN'S TRUST FUND, as amended by Senate Amendment Schedule "A".



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PROCEEDINGS  
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VOL. 23  
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1771-2143

1985 GENERAL ASSEMBLY

SENATE

WEDNESDAY  
MAY 1, 1985

1800 30  
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THE CHAIR:

Will you remark further? The motion has been made to refer to the Consent Calendar. Hearing no objection, so ordered.

SENATOR BENSON:

Thank you Mr. President.

THE CLERK:

Page 2, Calendar 167, Senate Bill 737, File 209, AN ACT CONCERNING THE DISPOSAL OF RECYCLED HAZARDOUS WASTE RESIDUE, Favorable Report of the Committee on Environment.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I move acceptance of the Committee's Joint Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark?

THE CLERK:

Clerk has an Amendment.

THE CHAIR:

Clerk please read the Amendment.

THE CLERK:

Senate Amendment, Schedule A, introduced by Senator O'Leary and Senator Benson.

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SENATE

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SENATOR BENSON:

Thank you Mr. President. I move adoption of the Amendment and waive the reading and beg leave of the chamber to summarize.

THE CHAIR:

We're referring to Amendment, Schedule A, LCO 6534. Without objection, you may proceed to summarize.

SENATOR BENSON:

Thank you Mr. President. This is a long story. Initially when the Environment Committee was fed its legislative proposals from the Department of Environmental Protection we had many issues which to address. However, being a B Committee and only allowed to meet on Tuesdays and Thursdays, having some 500 bills and having business and industry as well as the Department of Environmental Protection polarized on a particular issue, namely the transfer of properties that are involved in hazardous waste, this issue was never addressed within the Environment Committee.

However, Senator O'Leary and myself were able to get together with the business and industry and address their concerns about this particular issue and today we have before us a major piece of legislation in the form of an Amendment which is germane to Senate Bill 737. This Bill now will

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protect individuals who are planning to purchase a piece of property that has been used for hazardous waste treatment or storage. What it does is it provides in the transfer, a requirement that if you are to be selling a piece of property you are to provide to the buyer, a negative declaration. You are in fact saying that this property is clean of any spillage, seepage or pollution.

If a negative declaration cannot be given, then the transferor or the transferee must certify to both--to either the buyer or the seller and to the Department of Environmental Protection, that someone will assume responsibility for a clean-up, if the Department of Environmental Protection determines that a clean-up is necessary.

The negative declaration will have to be filed within 15 days after the transfer has taken place. Also, this imposes, for anyone who willingly violates any article of this legislation, with a \$100,000 fine. Initially, which is interesting, we were interested in only a \$25,000 fine. However, industry felt as though that was too little and felt that they should be imposed with a \$100,000 fine which I think is admirable for industry to take that position. So I would move adoption of this Amendment.

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THE CHAIR:

Do you wish to remark further on the Amendment?

Senator O'Leary.

SENATOR O'LEARY:

Thank you Mr. President. I commend Senator Benson for his hard work and cooperation on this Bill and also for the Department of Environmental Protection and the members of the business community which came together to help Connecticut to make a major step forward in an area where that step was sorely needed. Within the past two years we have examples of the closure, sale or transfer of 24 establishments where hazardous wastes had been abandoned.

The State of New Jersey has passed a piece of legislation far, far stricter, far more harsh than that which Connecticut has or is in the process of passing here. Initially a Bill similar to that which is law in New Jersey was before the Environment Committee and as Senator Benson points out, there was great concern with it. There had not been time, with a full agenda of items before that Committee, to deal with all of the issues in that Bill and so following the deadline, we worked up an altogether different proposal which takes us down the road we think we want to go, not nearly as drastic as New Jersey has gone, but I think in the

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right direction. And I think that this Amendment which Senator Benson is proposing today is a major advance, a major environmental piece of legislation and I think the way in which it was worked out, the compromise, the willingness on the part of all parties to cooperate, is really commendable and from that, good legislation flows and I wholeheartedly support this Amendment.

THE CHAIR:

Will you remark further? Senator Mustone.

SENATOR MUSTONE:

Mr. President, the Democratic Ranking Member of the Environment Committee, I too want to congratulate and to commend Senator Eric Benson for his cooperation in creating this Amendment. There were some of us on the Environment Committee who did try to raise such legislation on the day of the deadline. There was not enough support but Senator Benson was cooperative enough to come forward and work with the minority party in bringing forth this Amendment today and I thank him personally.

THE CHAIR:

Will you remark further? All those in favor of the Amendment signify by saying aye. Those opposed nay. The ayes have it. The Amendment is adopted. Further Amendments? We're now on the Bill as amended. Senator Benson.

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SENATOR BENSON:

Thank you Mr. President. I move passage of the Bill as amended.

THE CHAIR:

Do you wish to move it to the Consent Calendar?

Is there any objection?

SENATOR BENSON:

Without any objection I would move that it be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

SENATOR BENSON:

Thank you Mr. President.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I'd like to have a Point of Personal Privilege if I could.

THE CHAIR:

You may proceed.

SENATOR O'LEARY:

Thank you very much. In the gallery today we're very pleased that a group of scouts from the town of Somers, Pac 83, Cub Scouts, are here today with their Den Mother Jan Martin

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return to the chamber.

THE CHAIR:

Will everyone please give their attention to the Senate Clerk who will call those items that have been referred to the Consent Calendar?

THE CLERK:

Page 2, Calendar 167--I'm sorry, page 2, Calendar 154  
SB 737 SB 609 HB 5712 HB 5603  
and 167. Page 3, 273; page 4, Calendar 286. Page 5,  
HB 7269 HB 6134 SB 892 SB 214  
Calendar 296 and 324; page 6, Calendar 335, 341. Page 7,  
SB 819 SB 619 SB 154 SB 174 SB 848  
Calendar 342. Page 8, Calendar 355, 358, 359 and 360.  
HB 6438 HB 7784 HB 5562  
Page 10, Calendar 373, 377, 381. Page 11, Calendar  
HB 7435 HB 7651 HB 7725  
385, 386. Page 12, Calendar 395.

THE CHAIR:

Are there any changes, any omissions? Senator Kevin Johnston.

SENATOR KEVIN JOHNSTON:

Mr. President, on page 4, at the bottom of the page,  
HB 5712  
Calendar 286, I don't want to debate it, but I would like a separate vote on that please.

THE CHAIR:

Calendar 286 is being taken--is deleted from the Consent Calendar and it will be taken up as an individual Bill. Any other changes or omissions? We're now taking up



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the Consent Calendar with that exception. The machine is open. Please record your vote. Senator, this is the Consent Calendar. Has everyone voted? Senator Larson, Senator Scott, Senator Schoolcraft, Senator Scott, Senator Schoolcraft. The machine is closed. Clerk please tally the vote.

The result of the vote:

34 YEA

0 NAY

The Consent Calendar is adopted. Senator Schoolcraft do you wish to be recorded?

SENATOR SCHOOLCRAFT:

I missed the vote. I would like to be recorded in the affirmative please.

THE CHAIR:

The record will so note that Senator Schoolcraft is being--wants to be recorded in the affirmative on the Consent Calendar. Will you please remain in your seats. We have another item that we're going to take up individually that Senator Kevin Johnston wishes to have a vote cast on an individual basis. You may proceed. Senator Larson.

SENATOR LARSON:

Thank you Mr. President. On a Point of Personal Privilege and information for our colleagues in the Circle,

JOINT  
STANDING  
COMMITTEE  
HEARINGS

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PART 4

1001-1374

1985

REP. JOYCE: Rep. Joyce from the 21st District. Stanley, we have another bill that's going to be on the books this year, presumably this year, in which towns would be able to get together and dispose of household hazardous waste. And I think the person, somebody has to be responsible, in must be the generator who is responsible for preparing the manifest. Would it be your thinking that possibly there would be a school on something like this (inaudible) penalties?

COMM. PAC: We will work out the disposal of household hazardous waste. We will hold the centers, the center will be at various plant (inaudible). Is that what you're talking about?

REP. JOYCE: No, I'm referring to the one like at Ridgefield, I believe it was, in which the people in the town themselves were bringing --.

COMM. PAC: They've got a contract for somebody to haul it away. They come under the definition of this law. They apparently are in the business of disposing of waste. If they're not, they should be aware of it.

REP. JOYCE: So they should make the hauler the generator, rather than someone in the town.

COMM. PAC: Oh, yes.

SEN. BENSON: Any further questions of the committee? You may proceed, Commissioner.

COMM. PAC: Next is 737, An Act Concerning the Disposal of recycled Hazardous Waste. We support this bill. Section 22a 464 of the General Statutes prohibits the landfilling of hazardous waste. There are some exceptions in it and one that the EPA is concerned with and which must be amended exempts hazardous waste or sludge from an instate operation. Let me give you an example. We have three funds in a state, two-thirds in Bristol, Hamilton and EWR in Waterbury. They take the waste from the companies involved. They recycle it and send back the virgin product to the company. They sell it back, etc. And if some were to be left over, under the law as it is right now, the can dispose of that residue instate. But they're also getting materials from out of state. Now how

COMM. PAC: (continued)

do they dispose of that. The EPA is saying you cannot have this kind of an unconstitutional section in your statute. Simply and under (inaudible) it's prohibited. If we do retain it, they will put us off from all of our grants under the hazardous waste statutes. Right now we're getting about \$825,000. As I indicated to you previously, they'll be increased to about \$920,000 in the coming fiscal year. So it's just an order from the EPA and it's right in line, there is a famous landmark decision in which Justice Stewart rendered a decision, it was Philadelphia versus New Jersey that addressed that question very well.

SEN. BENSON: Any members have any questions? You may proceed, Commissioner.

COMM. PAC: The next is Senate Bill 428, An Act Concerning a Radioactive Waste Storage Plan. We support this bill. Radioactive waste are classified as high level or low level waste. The high level waste is that material that comes into direct contact with a fission process including (inaudible). We have no control over this portion of the problem. The federal government is the only entity that can resolve the problem of ultimate disposal and finally hit it in that direction. Meanwhile Northeast Utilities fuel are stored in pools of water on trucks. That takes care of the high level. The Governor's office through Marilyn Hart has actively pursued a solution to deal with low level waste disposal. We have a problem there. We're talking about medical supplies or radioactive waste and educational radioactive waste.

A compact involving all the New England states, including Maryland, Delaware and Pennsylvania fell apart when Pennsylvania sued and apparently won Delaware and Maryland. So now we're in the position where we have no compact. By January 1, 1986, unless we are in a compact, we'll be cut off from the two present sites in South Carolina and Washington. We have some reason to believe they'll extend that time, but this bill is right in line. I think we have to do something to exempt provisions for temporary storage of this material. It may be an above ground storage facility, etc., but I think we're heading in the right direction with this bill.

SEN. BENSON: Any further questions of the committee? Rep. Tiffany.

REP. TIFFANY: Maybe you guys know something that I don't, but I have a proposed bill. Is there a drafted bill? Do you have language?

MR. DROPICK: I understood that it was submitted -- a draft. No, I thought it was just prior to the commencement today that was adopted by Commissioner Pac. I know the bill is a proposed bill, however, a specific bill with wording, which I have a copy if you care to see it.

REP. TIFFANY: No, I'm just wondering because of the criminal penalty, a slap on the wrist, hanging by the neck?

SEN. BENSON: Any further questions by the committee.

MR. DROPICK: I addressed the wording, I assumed you had a copy.

SEN. BENSON: Thank you very much. That concludes the legislative portion of the public hearing today. We'll now proceed with the public speaker's list and Rick Broome apparently knows that he's to testify first.

MR. RICK BROOME: Good afternoon, my name is Richard Broome and a staff attorney for the Connecticut Business and Industry Association and I'm going to comment on a number of bills on today's agenda. First, Senate Bill 537 and I'm reading section 22a 131a of the statute and they do use the word knowingly so I think that if you just add the word prepare to that statute, that would just cover the problem. And I think it's important that that word knowingly be used in this context because we have hazardous waste facilities where people are filling out about 50 manifests a month and you know, out of 600 or so a year it's conceivable that they could miss one somewhere along the line. I don't think we want to be popping people into jail for failure to miss one out of 600.

So I think that prepared is certainly a better word than it was. The next bill is Sen. Bill 737 concerning disposal of recycled of hazardous waste residuals and we agree with the Department. I think that using that word instate really constitutes a violation of federal inter-

MR. BROOME: (continued)

state commerce clause and I think it would have to be deleted. And I understand that they have been hauled up short by the Environmental Protection Agency for making that distinction. So that change should be made. The next bill is House Bill 5034 which concerns the Hazardous Waste Management Service and through no fault of their own the Service members were appointed a number of months after the bill was passed and it made it virtually impossible for them to meet their specs for deadlines and I think that the proposed changes in 5034 will -- are pretty realistic and will enable them to meet their goals.

The next is House Bill 5708 concerning excessive hazardous waste facilities and in conjunction with 6766. Out of the two 5708 is one that we could live with basically grandfathering in all of the existing facilities and requiring assessments on modified facilities.

The next is 6053 which concerns bonds for the collection, treatment and storage of hazardous -- solid waste. Commissioner Pac opposes the bill. I would just note that there are bond provisions in Sen. Bill 738 and I would just think that's another reason to kill a bad bill. Moving on from there, House bill 6054, this concerns hazardous or solid waste that would allow the commission to deny a permit or applicant or a permittee who violated any provision of any state's environmental law regulation or permit. I think the intent of this law is very well founded. I'm just concerned about some of the very technical violations and regulations that you can conceivably make.

I don't know what other states have for certain regulations, but I think that you ought to be careful to make sure that we're covering the kind of laws that we really are concerned about. If somebody missing a filing deadline by one day, I don't think we want to go pulling hazardous waste permits. I'm sure that's not the intention, but I think that this language can certainly be read very broad and I would be willing to work with anybody who wants to modify that language to really get involved in trying to attract.

SEN. BENSON: Do you have any particular recommendations at this point?