

Legislative History for Connecticut Act

AB 6100	PA 170	SEARCH History & Bill File	1991
House	2307, 4384-4390		(8)
Senate	1874, 1899-1901		(4)
Environment	882		(1)
Planning and Development	269-271, 290-292, 293, 305-306, 342, 348, 349-350, 370-371, 373, 381-382, 399, 405 (15)		288

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

Connecticut State Library  
Compiled 2015

PA91-170

Joint Standing Committee hearings, Planning & Development. 1991:pt.2

Joint Standing Committee hearings, Environment. 1991:pt.2

Proceedings / Connecticut General Assembly, House. 1991 v.34:pt. 6,  
p.2307

Proceedings / Connecticut General Assembly, House. 1991 v.34:pt.12,  
p.4384-4390

Proceedings / Connecticut General Assembly, Senate. 1991 v.34:pt.5

be -- you'd be up to testify, don't hesitate to check with Ellen or -- check with Ellen Roman, our Clerk.

A couple of other quick announcements. One, we're going to be fairly draconian in the time limits and the rules of presentation. We have a lot of bills. We have a lot of speakers. We will have a strict three-minute time limit and whereas you will be, of course, permitted to finish a sentence or finish a though. We're going to be very strict about implementing that.

John, as our loyal timekeeper over there with an egg timer and this is just in your interest and to be fair.

The second thing we're going to ask if you have brought written testimony that it doesn't do any good to read us the written testimony. We can do that ourselves and we would vastly prefer and actually will require oral summation of testimony rather than have you read it directly, do if you find me or Jerry or Marty, when he comes, interrupting you for reading from a script, it's because we're perfectly capable of reading it ourselves and in fact can read it a lot faster silently than anybody can read it out loud.

With that, I think we'll move ahead and the first speaker will be Steve Dargan from West Haven. Steve.

REP. DARGAN: Good afternoon, Senator. Thank you for the opportunity to speak before your committee. I wish to address HB6094, HB6100, both of which I feel will have a positive impact on the Long Island Sound cleanup.

As a Representative from West Haven, a town which borders the Sound, I have a strong interest in legislation which is intended to bring about the change in the way we protect the Sound from further damage. I feel, as does my town planner, that HB6094 and HB6100 will give local officials some kind of control so that the damage to the Sound through land development does not take place.

Of course, these two bills will not solve all of our problems, but solutions to these problems, like the level of pollution protecting Long Island Sound be the first step. These bills are a good first step. There has to be some type of authority given to local Planning & Zoning Commission to ensure that when they approve a project they not only approve where the building goes, how tall it is, but they have to be ensured that once the development is there, contractors are not doing anything that would have an adverse effect on the environment.

Right now local commissions do not have that power. If controls are left in the hands of local authorities, you may have ten different interpretations and all may not be effective state statutes which are now so broad that they interpretations leave the window of opportunity to continue damaging the Sound by land developers.

I think the Sound would get cleaner quicker if controls were put into to state law and passed down to local authorities. I would also like to add that the bill is giving no fiscal responsibility on the state and will work to better the relationship between state officials and those on a local level. So I would urge the committee to act favorably on HB6094 and HB6100 and I thank you for the opportunity to speak before you. Thank you.

REP. LOONEY: Thank you, Steve. Next will be Representative Alex Knopp followed by Senator William Nickerson.

REP. KNOPP: Thank you, Mr. Chairman. I'm Alex Knopp from the 139th District here to testify in support of HB6100 and HB6094 which I was proud to sponsor. These bills are designed to implement a strategy of pollution prevention for Long Island Sound by requiring that local land use regulations and regional plans of development be revised to produce the major problems of Long Island pollution which include hypoxia or low dissolved oxygen, pathogens, toxic contaminants and floatable debris.

In the past, local land use was a part of the problem. Now we have to make zoning part of the solution. I think it's interesting that in fact probably not that many substantial environmental bills come before this committee and most Long Island Sound legislation will go before the Environment Committee, but I believe that to have a strategy of prevention and to deal with the impact of land use on the Sound, the Planning & Development Committee will need to take a major leadership role in this kind of effort and I'm pleased to have the opportunity to support this bill before you today.

Local land use has to become a major player because of the pending policy of the DEP which is to implement a policy of no net increase in rich nitrogen discharges into Long Island Sound. These enriched discharges are largely responsible for the hypoxia problem and in addition to treating the exist sewage treatment plants to remove all or most of the enriched nitrogen, we have also to prevent the discharge of additional sewage from land use development and from non-point source development directly into the sound. And that's the purpose of these bills, to set a goal for municipalities, but to preserve enough of home rule to let them decide how best to implement it. This is also the least costly way to deal with pollution which is to prevent it rather than to treat it.

And I want to express my appreciation today for the number of people who will be testifying on this, including Adrian Freund, the Chief of the Water Resources Bureau with DEP, Dick Carpenter, the Director of the Southwest Regional Planning Agency, Karl Wagener of the Council of Environmental Quality and other individuals who have come to support this.

Thank you and I have submitted written testimony on both bills.

REP. LOONEY: Thank you, Alex. Questions from members of the committee. Thank you very much. Senator William Nickerson.

REP. GILL: You mean kind of publishing requirement, but what I'm saying is how do you specifically define publishing? Did you define publishing producing 20 copies or putting it in the newspaper?

COLLEEN MURPHY: I don't think that that's what we wanted to find because I don't think we want to get involved in what the publishing aspect is.

REP. LOONEY: Representative Lockton.

REP. LOCKTON: There are certain cases that the minutes of a meeting would be quite extensive because they'd be part of a legal record in the future and I can see that the ten-day time may be necessary, especially with some new bills that have passed.

So I think it may be a good thing and somehow we can work it out with the seven-day criteria, you know, have seven and a ten-day.

REP. LOONEY: Thank you. Other members of the committee? If not, thank you very much.

COLLEEN MURPHY: Thank you.

REP. LOONEY: Next is Adrian Freund of the Department of Environmental Protection.

ADRIAN FREUND: Good afternoon, Chairman and Committee Members. I'm Adrian Freund. I'm Chief of the Bureau of Water Management at DEP. I'm here this afternoon to testify in support of Proposed HB6094 and HB6100 regarding regional planning efforts and zoning regulations to municipalities adjacent to Long Island Sound.

Non-point sources are the last frontier of water pollution control. They were recognized recently in a general accounting office report as the most serious water quality problem facing the nation. They also have, to this point in time, been addressed very little by the federal government, but have been addressed by a number of states and have been addressed directly through land use and development controls.

These two bills take an important first step in addressing land use water quality relationship in our towns in Connecticut and I must say that it's exciting to see the Planning and Development Committee addressing these issues and refreshing for me to be able to come to this committee as well as to the Environment Committee.

Since 1985 the Long Island Sound Study has focused on sources of nitrogen and organic materials that contribute to low dissolved oxygen and also this study has been addressing toxic contaminants, pathogens and floatable debris.

These pollutants all originate from man's development and activities on the uplands. The Long Island Sound study will be making recommendations regarding each of these issues in the Comprehensive Management Plan completed in 1992.

These proposed bills lay the groundwork for important water quality management activities in Connecticut. They do that by mandating that non-point source management be addressed by local Land Use Boards and they also at this point in time do not establish either specific deadlines or requirements for accomplishing that mandate.

Since Connecticut is in the early stages of developing a non-point source program targeted at Long Island Sound, this general mandate is a very reasonable approach at this time. As our non-point source management efforts mature statewide, we will be producing much more specific guidance in the form of both best management practices and handbooks to train local governments on addressing these important sources of water pollution.

It must be recognized that to make significant progress in addressing this largely unsolved water quality problem, both the department and local Land Use Boards will have to make extensive and sustained efforts.

We do believe that at this time there may be some merit in limiting these proposals to those towns contiguous to the Sound. Those are also the very

February 21, 1991

same towns that will be required through federal legislation passed last year in the reauthorization of the Coastal Zone Management Act to enact land use regulations within the coastal zone area which is part of our coastal zone program. That's a new federal regulation that will also reinforce the land use water quality linkage that these particular bills seek to address.

And again, we believe that these bills are an important first step in addressing that problem. Thank you.

REP. LOONEY: Thank you. Questions from members of the committee? Thank you, Mr. Freund. Are there any other members of the General Assembly waiting to testify of state agency personnel? Representative O'Rourke.

REP. O'ROURKE: Mr. Chairman, I just want to ask if there are any representatives of the Department of Economic Development here today?

REP. LOONEY: Are there any representatives of the Department of Economic Development here today who are prepared to testify?

REP. O'ROURKE: I just wanted to say that I'm very disappointed that the department isn't here to testify on HB6090. I hope maybe they might show up later to talk to the committee about that bill.

REP. LOONEY: Thank you, Representative. Next we move to the portion of the list having to deal with individuals and volunteer representatives of organizations and municipal officials, in the first part of the public portion, and we have Robert Howard of the Sierra Club.

DR. ROBERT HOWARD: Good afternoon, Chairman Looney, Chairman Jepsen and Members of the Committee. I'm Dr. Robert Howard. I'm speaking for the Sierra Club, Connecticut Chapter this afternoon and I'd like to speak to three groups of bills that you have before you.

First, we want to strongly support SB456, SB465 and SB688. All of these have in common as subject matter much stronger linkage between the state plan

of conservation and development, regional and municipal plans and the corresponding zoning subdivision and other activities at those levels.

You've heard some excellent testimony already, particularly by Karl Wagener from CEQ on that. I won't repeat that, but I would certainly like to underscore them and urge your favorable consideration for all of those bills, and much more importantly, with the underlying concept.

In SB465, perhaps you should considering requiring or mandating coordination as well as the review and comment on other drafts. I think sending pieces of paper back and forth is one level of coordination, but sitting down together and discussing how those plans can be integrated perhaps is yet another level.

Secondly, I'd like to support HB6100 and HB6094, having to do with municipal and regional plans and regulations addressing the pollution problems in Long Island Sound. You've heard testimony from Representative Knopp and from Adrian Freund from DEP. I won't reiterate that, but urge those two also.

It's a serious major problem which will only be addressed by more a comprehensive land use base approach if we're going to deal with non-point source pollution and ultimately deal with the problems in the Sound.

Lastly, we would like to support SB457 and HB5231 having to do with the Wetland Agency decisions prior to other Planning and Zoning Commission decisions and support that again. You've already heard testimony. Thank you.

REP. LOONEY: Thank you. Questions? Thank you very much. Next is Abe Ford, City of Hartford.

ABRAHAM FORD, JR.: Good afternoon, Mr. Chairman and HB 5463 Members of the Committee. My name is Abraham Ford, Jr. I am the Acting Director of the Department of License and Inspections and the Chief of Zoning Administration for the City of Hartford.

ALMA RUTGERS: Thank you. Meg Gaines, also of the League of Women Voters.

MEG GAINES: Good afternoon, Senator Jepsen and Representative Looney and Committee Members. I'm Meg Gaines. I'm Natural Resources Director for the state League of Women Voters and I'm here to speak in favor of HB6100 and HB6094.

The League of Women Voters of Connecticut supports policies which promote a safer, healthier and more enjoyable Long Island Sound. Specifically, we believe that all governmental agencies, commissions and boards on the state, regional and local level should evaluate the effect on Long Island Sound of any project under consideration.

We'd like to recommend that HB6100 be specific in requiring that regulations be amended. Approval of any project which might affect Long Island Sound should only be granted if the project is determined to be either neutral or beneficial in regard to hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound.

The League also supports HB6094 in the belief that each Regional Planning Agency should be required to evaluate the impact of proposals on Long Island Sound. Utilizing regulatory entities which are already in place to improve Long Island Sound we believe is appropriate. We support the idea of requiring Zoning Boards and Commissions to amend their regulations so that it becomes mandatory to consider the impact on Long Island Sound in their approval process. Thank you.

SEN. JEPSEN: Any questions? Thank you, Meg.

MEG GAINES: Thank you.

SEN. JEPSEN: Dick Carpenter.

DICK CARPENTER: Thank you very much, Senator Jepsen and Representative Looney. I'm Dick Carpenter and I'm Executive Director of the Southwestern Regional Planning Agency which covers the eight towns of Greenwich, Stamford, New Canaan, Darien, Norwalk, Weston, Wilton and Westport.

I'd just like to speak very briefly on several bills. First of all, we support HB6094 and HB6100, which has already been testified to and which I think you have our testimony for in relation to the requirements on Long Island Sound, in relation to the local zoning and the regional plan. Alex Knopp is also a agency member on our agency and we're in the process of starting to revise and update our 1983 plan with an expectation that the new one will come out in 1993.

I would also like to support, as we have supported in the past, HB6306. There was an earlier version of this last year that would give more power to get prompt enforcement of zoning ordinances against zoning violators and enhance the respect for that -- for zoning regulations.

We do understand that perhaps there may be some due process provisions that might be incorporated as safeguards, but the idea is very strongly support by our agency and we have a number of local planning and zoning commissioners who have responsibility for enforcement from a policy standpoint sitting on our agency.

We would also support HB465 which would require the exchange of regional, local and the state plan of conservation and development between the various levels. We're very sympathetic with what Mr. Schnure of OPM said and as long as we have the resources, we'd probably be happy to do the local review.

This is all an advisory review. It's in the intent of enhancing communication and understanding between these levels. I think that's an important thing to remember here and it doesn't require the three levels to agree with each other. They're going to disagree sometimes. More often, in my long experience, I think they do agree with each other, however, but we ought to -- I personally feel that we ought to preserve the right to disagree. Maybe we should hope for final agreement, but the ability to argue out differences and explore alternatives I think is a very important provision to preserve and that's why I'm a little worried about the term "consistency," not

we're going to have some teeth in our zoning regulations, our enforcement officers need additional authority.

Right now many violators believe that they can violate local zoning regulations with impunity just because the process doesn't really react quickly enough to violators.

We'd like to indicate our support for HB6194 concerning filing and documents prepared by professionals before local Zoning Commissions.

Indicate our support for SB457 concerning applications of Zoning Commissions and Inland-Wetlands Agencies. Again, that's a problem with the current statutes and that the time tables and the like between the Inland-Wetlands Agencies and the Planning and Zoning Commissions do not mesh and it often forces Planning and Zoning Commissions to make a decision before there's a verdict reached by the Inland-Wetlands Commissions.

Indicate our support for HB5231. Again, concerning applications for approval by Inland-Wetlands Agencies.

We indicate our support for HB6100 concerning zoning regulations in municipalities adjacent to Long Island Sound. We're particular supportive of the provision that would force consideration of the impact on proposed development on the Sound.

Again, indicate our support for HB6094 concerning regional efforts to clean up Long Island Sound.

HB6091 we'd support concerning regulation of fences by Municipal Planning Commissions. Again, these are fences that don't involve agricultural, forestry uses.

Support HB5806 concerning municipal regulation of clear cutting. I believe there was a previous bill before this committee at a public hearing and we're supportive of municipal authority in this area. We just question whether a specific authorization is needed to regulate such uses.

DAVID GALT: Senator Jepsen, Representative Looney, Members of the Planning and Development Committee, my name is Dave Galt. I'm the Environmental Policy Analyst for Connecticut Fund for the Environment based in New Haven, Connecticut.

You don't have my testimony in front of you yet. I just handed it in, so I'll summarize quickly. We're here to speak in favor of HB6094 and HB6100.

Connecticut Fund for the Environment supports HB6100 as this bill addresses local land use decisions that often have a significant impact on environmental quality outside the immediate area of that land use.

As mentioned in the bill, coastal municipalities should consider the impact of proposed development adjacent to Long Island Sound, a high priority. Long Island Sound is an asset to communities along the shoreline, to the economy, property values, and most importantly, the quality of life of people that live along the shoreline.

In the near future, the Department of Environmental Protection will be able to determine the limit of nitrogen coming out of each sewage treatment plant setting a limit in the permits of what the discharge is going to be of nitrogen.

These limits, as I said, would be written into the discharge permits and by that time municipalities should have land use regulations in place to better control activities that would cause increased discharges of nitrogen carrying effluent.

The bill offers additional guidance for members of land use agencies to make well-informed decisions for the future growth and management of their community's resources. These resources, as we all know, are not infinite and are not easily restored.

We also support HB6094. Regional plans can provide guidance to municipalities in developing regulations that help protect the environment. A stronger watershed focus in reducing adverse environmental impacts of development and other land uses is definitely needed.

As state above in earlier testimony, many land use activities impact areas beyond specific uses. Provisions of this bill will help municipalities better assess the effects of activities within their political boundaries and on their neighbors. Thank you.

REP. LOONEY: Thank you. Questions from members of the committee? Thank you very much. Next is Terry Backer.

TERRY BACKER: Hi, my name is Terry Backer and I'm the Long Island Sound Keeper for the Long Island Sound Keeper Fund and I'd like to testify on HB6100.

The bill requiring municipalities to develop some regulations for planning and zoning is essential to Long Island Sound. While we can easily identify pollution sources from point sources such as sewage treatment plants and industry, One of our bigger problems throughout Connecticut, through Connecticut's water resources is really what's considered non-point and the only way to address that non-point source issue, because it varies from town to town, is from town to town with some technical assistance from DEP.

If we can manage our infrastructure better, plan and develop and implement that infrastructure better, we will cut down on the pollution of water resources throughout the state, not just Long Island Sound because as I looked at the bill it said "the navigable waters" and navigable waters go way inland. In fact, they come all the way to Hartford so as we look at the navigable waters, if we can implement some kind of planning into the planning and zoning process, we're going to improve all the water resources and that's important because Long Island Sound just sits at the end of this thing and collects all the runoff from 17,000 square miles of farmland, municipalities, suburbia and so forth, so we came out to speak in favor of the bill. It's time we started looking at these non-point source contributions with some eye to the future and this bill will give us an eye to the future and help the communities deal with an issue that affects them on a local level, from pollution

of wells and aquifers right down to the closing of shellfish beds and that concludes my brief testimony. Thank you.

REP. LOONEY: Thank you. Questions from any members of the committee? If not, thank you, Mr. Backer.

TERRY BACKER: Okay, thank you.

REP. LOONEY: Raphael Podolsky.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman. I don't know if I missed my turn before. I've been trying to be in three different committees at one, I'm afraid.

REP. LOONEY: That's all right. We won't penalize you.

RAPHAEL PODOLSKY: Thank you.

REP. LOONEY: You've got one minute.

RAPHAEL PODOLSKY: That's really all that I think I need here. I'm an Attorney with Connecticut Legal Services. I wanted to speak on one bill in front of the committee and that's HB5518 which was referred to you from the Housing Committee. It's AN ACT CONCERNING REGIONAL HOUSING PROVISIONS AND ZONING CODES.

Basically, it deals with two things in the Zoning Enabling Act. The first is the language that's now in the act that says that zoning codes are supposed to encourage housing opportunity for all cities of the town, for the municipality I think it's phrased as, my understanding of this proposed bill is that it would phrase that requirement in terms of each town's zoning codes looking towards meeting the housing needs of the region and that is to say if a town is an upper income town, the Zoning Enabling Act should not be able to be interpreted that means that zoning regulations need only address the needs of upper income people, that there should be -- look at the entire housing of the needs of the region and all towns in the region should have zoning regulations that at some reasonable level make an effort to adapt to all the needs.

000370

February 21, 1991

Testimony from State Representative Steve D. Dargan (D-115)  
regarding HB 6094 & HB 6100

GOOD AFTERNOON SENATOR JEPSON AND REPRESENTATIVE LOONEY.

THANK-YOU FOR THE OPPORTUNITY TO SPEAK BEFORE YOUR COMMITTEE.

I WISH TO ADDRESS HOUSE BILLS 6094 AND <sup>HB 6100</sup> 61-HUNDRED. BOTH OF WHICH I FEEL WOULD HAVE A POSITIVE IMPACT ON THE LONG ISLAND SOUND CLEAN-UP.

AS A REPRESENTATIVE FROM WEST HAVEN--A TOWN WHICH BORDERS THE SOUND--I HAVE A STRONG INTEREST IN LEGISLATION WHICH IS INTENDED TO BRING ABOUT CHANGE IN THE WAY WE PROTECT THE SOUND FROM FURTHER DAMAGE. I FEEL--AS DOES MY TOWN PLANNER--THAT BILLS 6094 AND 61-HUNDRED WILL GIVE LOCAL OFFICIALS SOME KIND OF CONTROL SO THAT DAMAGE TO THE SOUND THROUGH LAND DEVELOPMENT DOES NOT TAKE PLACE.

OF COURSE THESE 2 BILLS WILL NOT SOLVE ALL OUR PROBLEMS BUT SOLUTIONS TO PROBLEMS--LIKE THE LEVEL OF POLLUTION EFFECTING LONG ISLAND SOUND--NEED A FIRST STEP. THESE BILLS ARE A GOOD FIRST STEP.

-more-

THERE HAS TO BE SOME TYPE OF AUTHORITY GIVEN TO LOCAL PLANNING AND ZONING COMMISSIONS TO ENSURE THAT WHEN THEY APPROVE A PROJECT, THEY NOT ONLY APPROVE WHERE THE BUILDING GOES AND HOW TALL IT IS, BUT THEY HAVE TO BE INSURED THAT ONCE THE DEVELOPMENT IS THERE, CONTRACTORS ARE NOT DOING ANYTHING THAT WOULD HAVE AN ADVERSE EFFECT ON THE ENVIRONMENT. RIGHT NOW LOCAL COMMISSIONS DO NOT HAVE THAT POWER.

IF CONTROLS ARE LEFT IN THE HANDS OF LOCAL AUTHORITIES YOU MAY HAVE 10 DIFFERENT INTERPRETATION AND ALL MAY NOT BE EFFECTIVE. STATE STATUTES NOW ARE SO BROAD THAT INTERPRETATIONS LEAVE A WINDOW OF OPPORTUNITY TO CONTINUED DAMAGE TO THE SOUND BY LAND DEVELOPERS. I THINK THE SOUND WOULD GET CLEANER ... QUICKER ... IF CONTROLS WERE PUT INTO STATE LAW AND PASSED DOWN TO LOCAL AUTHORITIES.

I WOULD ALSO LIKE TO ADD THAT THE BILLS CARRY NO FISCAL RESPONSIBILITY ON THE STATE AND WOULD WORK TO BETTER THE RELATIONSHIPS BETWEEN STATE OFFICIALS AND THOSE ON THE LOCAL LEVEL.

I WOULD URGE THE COMMITTEE TO ACT FAVORABLY ON HOUSE BILLS 6094 AND 61-HUNDRED.

IF I CAN ANSWER ANY QUESTIONS YOU HAVE I WOULD BE HAPPY TO DO SO.

000373

**Planning  
Commission**125 East Avenue  
P.O. Box 5125  
Norwalk, CT 06856-5125  
(203) 854-7780**NORWALK**

February 20, 1991

Representative Alex Knopp  
35 Fifth Street  
Norwalk, Ct. 06855Re: Proposed Bill No. 6100

Dear Representative Knopp:

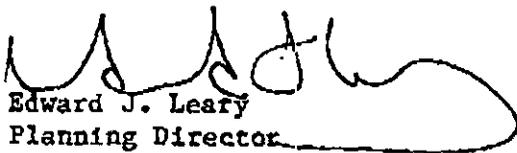
I wish to support proposed Bill No. 6100 under consideration by the Committee on Planning and Development which would require Zoning Commissions in coastal communities to adopt regulations which reduce pollution of Long Island Sound. Norwalk is home to some of the richest oyster beds on the Atlantic coast and therefore is particularly sensitive to improving the water quality of Long Island Sound.

Much of the pollution in Long Island Sound is attributable to the urbanization of the Connecticut coast. The Long Island Sound Study has found that upland development is a major source of nitrogen discharge into the Sound.

To date, land use and zoning regulations have not specifically addressed the impact development has upon Long Island Sound. Most communities do a good job of requiring adequate drainage so as to minimize flooding. Unfortunately, most drainage plans do not address the treatment of pollutants from roofs and paved areas. Minimum open space and landscape buffer provisions, revised drainage standards and related management practices could be used to reduce pollutants from non-point sources.

As a professional planner with many years of experience in coastal area management, I think it is important that land use and zoning regulations address the impacts that development has upon the water quality of Long Island Sound. The adoption of Bill No. 6100 will bring this about. The information provided by the Long Island Sound Study will enable coastal communities to select management practices best suited to their needs.

Very truly yours,

  
Edward J. Leary  
Planning Director

EJL:dm

000381

**SOUTH WESTERN REGIONAL PLANNING AGENCY**  
DARIEN GREENWICH NEW CANAAN NORWALK STAMFORD WESTON WESTPORT WILTON  
213 LIBERTY SQ., EAST NORWALK, CONNECTICUT 06855-1028 866-5543

February 20, 1991

TO: Senator George Jepsen and Representative Martin Looney,  
Co-chairpersons, Planning and Development Committee

FROM:   
Richard C. Carpenter, Executive Director

SUBJECT: Comment on Various Bills at Public Hearing on  
February 21, 1991

House Bill 6094 - Increasing Regional efforts in  
the Clean-up of Long Island Sound

House Bill 6100 - Concerning Zoning Regulations in  
Municipalities Adjacent to Long Island Sound

Comment: In accordance with its Legislative/Administrative proposals for 1991 General Assembly, adopted on December 3, 1990, the Agency would support these two bills as part of a comprehensive Long Island Sound and Regional Clean Water Program.

A copy of our program for Long Island Sound may be found on the reverse side of this sheet.

We would express the hope that, in the course of meeting the requirements of both of these bills (if passed), the State Department of Environmental Protection could be called upon to furnish to the respective regional agencies and municipal zoning commissions, with the necessary technical information to aid them in the implementation of the law.

RC/laa  
Attachment

2. As part of a comprehensive Long Island Sound and Regional clean water program:
  - a. Based on results of the Federal Long Island Sound Management Study prioritize tertiary treatment. Develop long-term plan to convert all sewage treatment plants to provide tertiary treatment, or its effective equivalent, as a minimum standard in Connecticut, and fund such improvements through state grants. We recognize the high cost of tertiary treatment and therefore also urge the prior repair of sewers to prevent infiltration and to reduce the impact of agricultural and other runoff.
  - b. Take steps to implement the DEP Commissioner's recommendations for prevention of oil spills and review and implement safety and prevention systems for delivery of non-petroleum hazardous materials.
  - c. A state study should be commissioned to explore the necessity and extent of regulations that would limit the use of fertilizers for nonessential (other than food production) uses, to help reduce water pollution from "non-point" sources. Initiate action within the New England Water Pollution Control Commission and New England River Basin.
  - d. Implement recommendations from the forthcoming DEP management plan for reduction of non-point sources.
  - e. Initiate closer coordination with other states sharing watersheds with Connecticut concerning interstate river runoff.
  - f. Require containment devices to be available at locations where oil, hazardous waste, and other environmentally threatening materials are stored or loaded.
  - g. Implement a state study to develop more stringent septic system standards keyed to land capacity within the coastal boundary.
    - 1) Require DEP to establish/upgrade state standards for septic systems near Long Island Sound water courses and other water features.
    - 2) Require septic system cleaning companies to notify the town sanitarian of recurrent, malfunctioning systems.
    - 3) Require municipalities to report to DEP on a regular basis on the functioning, number, and location of septic system failures and status of repairs.

000399



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing - February 21, 1991  
Committee on Planning and Development

Testimony Submitted by Leslie A. Carothers, Commissioner  
Department of Environmental Protection

Proposed Bill 6094 -- AA Increasing Regional Efforts In The  
Clean-Up Of Long Island Sound

Proposed Bill 6100 -- Zoning Regulations In Municipalities  
Adjacent To Long Island Sound.

These two bills would require local zoning regulations and regional plans to "reduce hypoxia, pathogens, toxic contaminants and floatable debris" and to consider the impact of proposed developments on the restoration and protection of the Sound. The Department supports these two bills as a first step towards a comprehensive local non-point source management program.

Since 1985, the Long Island Sound Study (LISS) has focused on sources of nitrogen and organic materials that contribute to low dissolved oxygen (Hypoxia) and by toxic contaminants, pathogens and floatable debris. These pollutants originate from man's development and activities on the uplands. The LISS will make recommendations regarding these issues in the Comprehensive Conservation and Management Plan (CCMP), due to be completed in 1992. In addition to the treatment of sewage and industrial waste, the CCMP also will make significant recommendations relating to the control of non-point sources of pollution.

The proposed bills would create the mandate for non-point source management by local land use boards in Connecticut without establishing deadlines or specific requirements. Since Connecticut is in the early stages of developing a non-point source program targeted at Long Island Sound, this general mandate is a reasonable approach at this time. As the Non-Point Source Program matures, much more specific guidance in the form of Best Management Practices and handbooks will be forthcoming. It must be recognized that to make significant progress in addressing the target issues in these bill, the DEP and local land use boards will have to make extensive and sustained efforts in this area.

Finally, it may be prudent at this time to limit the area to those towns contiguous to the Sound. These towns will also be subject to new non-point source water quality requirements of the 1990 reauthorization of the Federal Coastal Zone Management Act.

Phone:

165 Capitol Avenue • Hartford, Connecticut 06106

An Equal Opportunity Employer



February 20, 1991

TESTIMONY TO THE PLANNING AND DEVELOPMENT COMMITTEE  
ON HB6100 AND HB6094

The League of Women Voters of Connecticut supports policies which promote a safer, healthier and more enjoyable Long Island Sound.

Specifically, we believe that all governmental agencies, commissions and boards, on the state, regional and local level, should evaluate the effect on Long Island Sound of any project under consideration.

We would like to recommend that Bill 6100 be specific in requiring that regulations be amended. Approval of any project which might affect Long Island Sound should only be granted if the project is determined to be either neutral or beneficial in regard to hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound.

The League also supports HB6094 in the belief that each Regional Planning Agency should be required to evaluate the impact of proposals on Long Island Sound.

Utilizing regulatory entities which are already in place to improve Long Island Sound, we believe, is appropriate. We support the idea of requiring zoning boards and commissions to amend their regulations so that it becomes mandatory to consider the impact on Long Island Sound in their approval processes.

Please address any questions to Sally Lavene, 359-1583, Long Island Sound Specialist.

behalf of people who care, and inland town residents do care, I would encourage you strongly to clean up and protect the Sound.

I also highly endorse the resolution to urge Congress to support more funding through the Clean Water Act of 1991. Thank you.

REP. MUSHINSKY: Thank you, Attorney Carruthers. Robert Carruthers. Then Chester Arnold and Paul Young.

ROBERT CARRUTHERS: That was my wife. I'm Bob Carruthers. I'm a Civil Engineer in Wallingford, Connecticut. I also have a couple of other businesses. I have a background in environmental engineering. I would like to support the bills, HB6100, HB6094, HB6334, HB6608, HB6158, HB6345, HB6227, HB6338, HB6335, and PHJR43 and HB6348 and HB6099.

I have reviewed these bills and I believe they make engineering sense as well as political sense and environmental sense. I also think they make business sense. I think Long Island Sound is a great asset to this state. It's a recreational asset, an aesthetics asset as well as generating some revenue of its own.

I think it makes this state a good place to live and work and we've got the choice between living next to a beautiful body of water or what could be an open sewer. I think we've got to push on this legislation and new legislation to clean up the Sound and Long Island Sound is one of our state's greatest national assets and deserves the use of effort and money to protect it.

REP. MUSHINSKY: Thank you, Mr. Carruthers. Chester Arnold. Paul Young. Cynthia Hitchcock.

CHESTER ARNOLD: Hello, Committee Members. My name is Chet Arnold, and as some of you know, I work for the Sea Grant Marine Advisory program. We're a cooperative program of UConn between the Cooperative Extension Service and the Connecticut Sea Grant Program and we do something, I think, which is a little bit unique. We provide non-advocacy research-based information to all the

WEDNESDAY  
May 15, 1991

001874

9  
aak

SENATOR O'LEARY:

Calendar 390, Substitute HB6100 I move to the  
Consent Calendar.

THE CHAIR:

Is there any objection to moving Calendar 390,  
Substitute HB6100 to the Consent Calendar? Any  
objection? Hearing none, so ordered.

SENATOR O'LEARY:

Calendar 391 is marked Passed Retaining. Calendar  
392 is marked Passed Retaining. Calendar 393, HB7356 I  
refer to the Committee on Appropriations.

THE CHAIR:

Is there any objection to referring Senate Calendar  
393, HB7356 to the Committee on Appropriations? Any  
objection? Hearing none, so ordered.

SENATOR O'LEARY:

Calendar 394 is marked Passed Temporarily. 395 is  
Go. Calendar 396 is Passed Retaining. Calendar 397 is  
marked Go.

Page 9, Calendar 398 is marked Passed Retaining.  
399 is marked Go. Calendar 400, Substitute SB292 I  
refer to the Committee on Appropriations.

THE CHAIR:

Is there any objection to referring Calendar 400,  
Substitute SB292 to the Committee on Appropriations?

WEDNESDAY  
May 15, 1991

001899  
34  
aak

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is the Consent Calendar #1 dated May 15, 1991. Mr. Clerk, would you please read the items that have been placed on the Consent Calendar.

THE CLERK:

Madam President, the 1st Consent Calendar begins on Page 1, Calendar 351, SR32. Calendar 352, SR33. Calendar Page 2, Calendar 353, SR34. Calendar 365, HJ109. Calendar 366, HJ110. Calendar 367, HJ111. Calendar 368, HJ112. Calendar Page 3, Calendar 369, HJ113. Calendar 370, HJ114. Calendar Page 7, Calendar 390, Substitute HB6100.

Calendar Page 10, Calendar 409, HB7139. Calendar Page 11, Calendar 410, Substitute HB7338. Calendar 411, Substitute HB6190. Calendar 413, HB7228. Calendar 414, Substitute HB7315. Calendar Page 13, Calendar 426, Substitute HB5773, Calendar 427, HB6304. Calendar 428, HB6873.

Calendar Page 14, Calendar 431, Substitute HB7288. Calendar 433, Substitute HB6020. Calendar 434, Substitute HB7378. Calendar Page 18, Calendar 23, SB397. Calendar 84, Substitute SB656. Calendar 179, Substitute SB851. Calendar Page 19, Calendar 304, Substitute SB876. Calendar Page 20, Calendar 423,

WEDNESDAY  
May 15, 1991

001900  
35  
aak

HJ59. Calendar 424, HJ63, Madam President, that completes the first Consent Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. You have heard the items on the Consent Calendar. The machine is open. You may record your vote.

SENATOR O'LEARY:

Madam President.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

I'm sorry that I wasn't quick enough. On Page 11, Calendar 414. I would like to remove that from the Consent Calendar and mark it Pass Retaining.

THE CHAIR:

Thank you very much, Senator. On Calendar 414, File 667, HB7315 has been removed from the Consent Calendar and will be marked Passed Retaining. The machine is open. You may record your votes on the balance of the Consent Calendar. Thank you very much. The machine is closed.

The result of the vote.

35	Yea
0	Nay
1	Absent

WEDNESDAY  
May 15, 1991

001901

36  
aak

The Consent Calendar is adopted.

Mr. Clerk, continue under Favorable Reports.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agenda #2 dated Wednesday, May 15, 1991, copies of which have been distributed.

THE CHAIR:

Thank you very much, Mr. Clerk. Senator O'Leary. Senate Calendar #2.

SENATOR O'LEARY:

Thank you, Madam President. I move that all items on Senate Agenda #2 dated May the 15th, 1991 be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and Senate Transcript.

THE CHAIR:

Without objection, so ordered.

SENATE AGENDA #2

1. SENATE BILLS FAVORABLY REPORTED - to be tabled for the Calendar and printing

Appropriations

Substitute SB833 AN ACT CONCERNING THE DUTIES OF  
THE COMMISSIONER OF MENTAL HEALTH

Appropriations

pat

House of Representatives

Thursday, April 4, 1991

GOVERNMENT ADMINISTRATION AND ELECTIONS.  
Substitute for S. B. No. 858 (RAISED) (File No. 133) AN  
ACT CONCERNING COLLECTION SERVICES PERFORMED BY THE  
COMMISSIONER OF ADMINISTRATIVE SERVICES AND STATE  
AGENCY REPORTS OF SUPPLIES, MATERIALS AND EQUIPMENT.

PLANNING AND DEVELOPMENT. Substitute for H. B. No. 6100 (COMM) AN ACT CONCERNING ZONING REGULATIONS IN MUNICIPALITIES ADJACENT TO LONG ISLAND SOUND AND INCREASING REGIONAL EFFORTS IN THE CLEAN-UP OF LONG ISLAND SOUND.

The bill was then referred to the Committee on Environment.

PLANNING AND DEVELOPMENT. H. B. No. 6967 (RAISED) AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN HOUSING UNITS IN BRIDGEPORT TO THE CONNECTICUT HOUSING AUTHORITY.

The bill was then referred to the Committee on Government Administration and Elections.

PUBLIC HEALTH. H. B. No. 6977 (RAISED) AN ACT CONCERNING CIVIL FINES FOR CHILD DAY CARE CENTERS AND GROUP DAY CARE HOMES.

The bill was then referred to the Committee on Human Services.

\*\*\*\*\*

CLERK:

Mr. Speaker, the only further business is today's Calendar.

SPEAKER BALDUCCI:

At this time, are there any announcements or points of personal privilege?

REP. RAIA: (23rd)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Raia of the 23rd.

tcc

House of Representatives

Tuesday, May 7, 1991

Just to remind that the Insurance and Real Estate Committee will be meeting one-half hour before the House in Room 1A.

DEPUTY SPEAKER MARKHAM:

That is tomorrow, Sir? Further announcements or points? If not, the Clerk please return to the Call of the Calendar.

CLERK:

Page 7, 439, Substitute for House Bill 6100, AN ACT CONCERNING ZONING REGULATIONS IN MUNICIPALITIES ADJACENT TO LONG ISLAND SOUND AND INCREASING REGIONAL EFFORTS IN THE CLEAN-UP OF LONG ISLAND SOUND. Favorable Report of the Committee on Environment.

REP. KNOPP: (139th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Knopp of the 139th.

REP. KNOPP: (139th)

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

DEPUTY SPEAKER MARKHAM:

The question is on acceptance of the Joint Committee's Favorable Report and passage. Will you remark, Sir?

tcc

House of Representatives

Tuesday, May 7, 1991

REP. KNOPP: (139th)

Yes, thank you, Mr. Speaker. This bill would help land use regulations address the issue of pollution on Long Island Sound in three ways. First, by having municipalities contiguous to the Sound address specific pollution problems in their zoning regulations.

Second, by requiring regional plans in areas contiguous to the Sound to take into account pollution and pollution abatement of the Sound in drawing up their original plans:

And third, by requiring regional planning agencies in their commentary on any zoning matter referred to it, to consider the impact of their proposal on the Sound.

It was supported by the DEP and I believe helps move us along toward having land use issues considered as part of pollution abatement. Thank you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the bill?

REP. BELDEN: (113th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Belden of the 113th.

REP. BELDEN: (113th)

tcc

House of Representatives

Tuesday, May 7, 1991

Thank you, Mr. Speaker. Perhaps just for the record, because through you to Representative Knopp, the new language in the file copy talks about contiguous to the Sound. Could you perhaps define that a little bit for the Chamber.

Like my town does not have land area directly on the Sound, but the Housatonic River which is tidal into my town is in fact, what happens in my town could in fact, affect what happens in the Sound directly.

REP. KNOPP: (139th)

Through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Knopp.

REP. KNOPP: (139th)

The bill as we originally considered it, would have included navigable tributaries to the Sound. In the end, the DEP recommended that we take that out and proceed just with communities actually contiguous to the Sound, so I would say that your community is not affected.

But I would hope that voluntarily, your community would consider these issues because a great deal of pollution into the Sound does originate in the tributaries in our Rivers. Thank you.

DEPUTY SPEAKER MARKHAM:

tcc

House of Representatives

Tuesday, May 7, 1991

Will you remark further on the bill?

REP. KRAWIECKI: (78th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Krawiecki of the 78th.

REP. KRAWIECKI: (78th)

Thank you. Mr. Speaker, a question to Representative Knopp.

DEPUTY SPEAKER MARKHAM:

Please proceed, frame your question, Sir.

REP. KRAWIECKI: (78th)

Representative Knopp, I think the file is just fine and goes a long way towards attempting to improve the water quality in Long Island Sound, but it strikes me that our neighboring states, certainly in New York, ought to be doing a bit more in the same area, and I'm wondering, through you, whether New York state's legislature has done anything along these lines, through you, Mr. Speaker.

REP. KNOPP: (139th)

Through you, Mr. Speaker, I think the Minority Leader raises an excellent question. Obviously, the actions of New York are extremely important to the future of the Sound.

This past Friday there was a meeting of the

tcc

House of Representatives

Tuesday, May 7, 1991

Bi-State Long Island Sound Commission which involves legislators from New York and Connecticut, trying to work on joint legislative priorities. Attending from Connecticut were Representative Smith, Poss and Collins. I was also there, although I was not a member of the Commission. Senator Spellman and Senator Gunther were also there.

And at that Commission meeting we discussed this bill. The New York delegation expressed a great deal of interest in it, asked for copies of it, and said that they were working on the same issue and that at that meeting the legislators adopted a resolution which would call for no net increase in nitrogen inputs into the Sound and this legislation before us is one way to implement that, and I feel based on that meeting that they are taking this issue up.

Of course, I can't promise what eventual action will result, but I should note that in New York State, any revision of local zoning must require an environmental impact statement and the legislators felt that that was one way that they were trying to address land use issue.

So, as I mentioned, we brought it up because of the Minority Leader's concern expressed to me last week and the New York delegation has expressed interest, said

tcc

House of Representatives

Tuesday, May 7, 1991

they're working on similar issues and I expect a future report from a later Commission meeting.

REP. KRAWIECKI: (78th)

Thank you, Representative Knopp. I'm glad the subject came up at the meeting. Thank you.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the bill? If not, staff and guests please come to the well of the House.

Members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.

Members report to the Chamber, please. Members to the Chamber, please. The House is voting by roll.

DEPUTY SPEAKER MARKHAM:

Have all members voted? Have all members voted? Please check the roll call machine to see that your vote is properly cast. The machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

tcc

House of Representatives

Tuesday, May 7, 1991

House Bill 6100.

Total number voting	144
Necessary for passage	73
Those voting yea	144
Those voting nay	0
Those absent and not voting	7

DEPUTY SPEAKER MARKHAM:

The bill is passed.

CLERK:

Calendar 492, on Page 15, Substitute for Senate Bill 870, AN ACT TREATING PERSONS WHO TAKEN AN ASSIGNMENT OF A LEASE OF TANGIBLE PERSONAL PROPERTY FROM A LEASING COMPANY AS RETAILERS FOR PURPOSES OF THE SALES AND USE TAXES AND EXPANDING THE DEFINITION OF AGENCY FOR THE PURPOSES OF SAID TAXES. Favorable Report of the Committee on Finance, Revenue and Bonding.

SPEAKER BALDUCCI:

Representative Mulready of the 20th.

REP. MULREADY: (20th)

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

SPEAKER BALDUCCI:

The question is on passage in concurrence. Will