

Legislative History for Connecticut Act

HB 6336	PA 124	1997
Senate - 1213, 1640, 2537-2538, 2553-2554		(6)
HOUSE: 1381-1386		(6)
Environment - 35-43, 105-108		(13)

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

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S-406

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

VOL. 40
PART 4
1083-1433

pat

18

Senate

April 23, 1997

001213

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

SEN. JEPSEN:

Calendar 235, Files 124 and 386, Substitute for HB6569 is marked Go.

Calendar 236, File 260, HB6872, I move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

SEN. JEPSEN:

Calendar 237, File 207, HB6873 I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 238, Files 235 and 382, Substitute for HB6336, I move to the Committee on Commerce and Exports.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 239, File 201, Substitute for HB6562 is marked Go.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

VOL. 40
PART 5
1434-1795

pat

Senate

May 7, 1997

36
001640

Calendar 216, Substitute for SB171, I move referral to the Committee on Appropriations.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 221, Substitute for SB957 I move referral to the Committee on Government Administration and Elections.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 224 is PR.

Calendar 225 is PR.

Calendar 231, Substitute for SB 6915 I move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

SEN. JEPSEN:

Calendar 238, Substitute for HB6336 I move to the Committee on Finance.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 241 is marked Go.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

VOL. 40
PART 8
2517-2846

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar Page 14, Matters Returned from Committee, Calendar 127, File 146, Substitute for SB976 An Act Restoring Workers' Compensation Cost of Living Adjustments for Widows, Widowers, Orphans and Totally Disabled Workers. Favorable Report of the Committee on Labor, Insurance and Appropriations.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I would ask that this item be passed temporarily at this time.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar Page 16, Calendar 238, Files 235 and 382, Substitute for HB6336 An Act Concerning Minor Revisions Related to Programs of the Department of Environmental Protection, as amended by House Amendment Schedule "A", LC05241 and "B", LC06361. Favorable Report of the Committee on Environment, Planning and Development, Commerce and Exports, and Finance, Revenue and Bonding.

THE CHAIR:

pat

Senate

Thursday, May 22, 1997

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002538

Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. I would move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

The question is on passage in concurrence with the House. Will you remark?

SEN. DAILY:

Thank you. The bill is fairly technical in nature, strengthening some of the DEP permits and providing further ongoing work for streamlining compliance permitting processes.

THE CHAIR:

The question is on passage of the bill in concurrence. Will you remark further? Will you remark further? Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. Without objection, I move this to Consent.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar Page 18, Calendar 277, File 449,

Calendar Page 9, Calendar 454, HB7030.

Calendar 461, HB6713.

Calendar Page 11, Calendar 478, Substitute for
HB5112.

Calendar 479, Substitute for HB6765.

Calendar 481, Substitute for HB6932.

Calendar Page 16, Calendar 238, Substitute for
HB6336.

Calendar Page 18, Calendar 277, Substitute for
SB494.

Calendar Page 19, Calendar 309, Substitute for
SB1107.

Calendar Page 20, Calendar 327, Substitute for
SB260.

Calendar Page 21, Calendar 387, Substitute for
SB1127.

Madam President, that completes the first Consent
Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Would you once again
announce a roll call vote. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the
Senate. Will all Senators please return to the
Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

If all members have voted, the machine will be locked.

THE CLERK:

The Senate is still voting on the Consent Calendar No. 1. Will all Senators please return to the Chamber to make sure that their vote is properly cast.

The Senate is still voting on the Consent Calendar No. 1. Will all Senators please return to the Chamber.

THE CHAIR:

If all members have voted, the machine will be locked. The Clerk please take a tally.

THE CLERK:

The adoption of the Consent Calendar No. 1. Total number voting, 36; necessary for adoption 19. Those voting "yea", 36; those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted. Senator Jepsen.

SEN. JEPSEN:

I'd ask the Chamber to stand in recess for approximately ten minutes while a new Go list is

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1997

VOL. 40
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1156-1566

kmr

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House of Representatives

Wednesday, April 16, 1997

CLERK:

On page thirteen, Calendar 223, substitute for
HB6336. AN ACT CONCERNING MINOR REVISIONS RELATED TO
THE PROGRAMS OF THE ENVIRONMENTAL PROTECTION.

Favorable report of the Committee on Planning and
Development.

DEPUTY SPEAKER HYSLOP:

Representative Stratton.

REP. STRATTON: (17th)

Thank you Mr. Speaker. I move acceptance of the
Joint Committee's favorable report and passage of the
bill.

DEPUTY SPEAKER HYSLOP:

Questions on acceptance and passage, will you
remark?

REP. STRATTON: (17th)

Yes, Mr. Speaker. The Clerk has an amendment, LCO
5241. If he would call and I be allowed to summarize?

DEPUTY SPEAKER HYSLOP:

Clerk please call LCO 5241 designated House "A"
and the Representative has asked leave to summarize.

CLERK:

LCO 5241 House "A" offered by Representative
Stratton.

DEPUTY SPEAKER HYSLOP:

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Representative Stratton.

REP. STRATTON: (17th)

Thank you Mr. Speaker. This amendment tries to make the date in the bill consistent with both federal law and our legislative calendar by making the bill effective upon passage. And just inserts the federal statutory code for the acts referred to and I urge adoption.

DEPUTY SPEAKER HYSLOP:

Questions on adoption, will you remark? Will you remark on House "A"? If not, we'll try your minds, all those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed. Ayes have it. House "A" is adopted, will you remark further?

REP. STRATTON: (17th)

Thank you Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Stratton.

REP. STRATTON: (17th)

Thank you. This bill is indeed one of those technical revisions to numerous Department of Environmental statutes. It does among many things, it

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reduces reporting requirements for hazardous chemicals and makes them consistent to federal standards. It gives the DEP authority to issue all the permits for activities within aquifer protection areas if those entities are already operating under permits from the Department and therefore alleviates the necessity for those entities to get a second permit from the municipality.

It eliminates labeling requirements for sewage system additives, it reduces or allows a waiver of fees for structures and dredging permits if it's for public access activities. It minorly expands the types of properties that are newly licensed, environmental professionals can enter onto to do investigation work.

It removes the \$5 million cap on super fund expenditures by the state of Connecticut and makes minor changes in the language of the wetlands bill we passed last year to allow those intended changes to be instituted. And lastly repeals the requirement of a specific lettering size for the refund language on our returnable beverage bills. And I would urge adoption of the bill.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill as amended?

Representative Belden.

kmr

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REP. BELDEN: (113th)

Thank you Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO 6361, will the Clerk please call and I be given permission to summarize?

DEPUTY SPEAKER HYSLOP:

Clerk please call LCO 6361, designated House "B" the Representative has asked leave to summarize.

CLERK:

LCO 6361, House "B" offered by Representative Belden.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113th)

Thank you Mr. Speaker. Mr. Speaker, this is a technical amendment to a technical amendments bill. It essentially--I think in one section they had included the word municipality and I think it's not necessary, and in fact by virtue of putting that word in there may cause definitional questions regarding the term throughout the entire statutes.

Municipality is in fact considered under person in section 1-1k of our statutes and therefore, it's not really necessary. Mr. Speaker I move adoption of the amendment.

DEPUTY SPEAKER HYSLOP:

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House of Representatives

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Will you remark further on House "B"? Will you
remark further on House "B"? If not, we'll try your
minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Nay opposed, ayes have it. House "B" is adopted.
Will you remark further on the bill as amended? Will
you remark further on the bill as amended? If not
staff and guests to the well of the House, the machine
will be open.

CLERK:

The House of Representatives is voting by roll
call, members to the chamber. The House is voting by
roll call, members to the chamber please.

DEPUTY SPEAKER HYSLOP:

Have all members voted? If all members have voted
please check the machine make sure that your vote is
properly recorded. The machine will be locked and the
Clerk will take a tally. The Clerk will announce the
tally.

CLERK:

House Bill 6336 as amended by House schedules "A"
and "B."

Total Number Voting

142

kmr

113

House of Representatives

Wednesday, April 16, 1997

Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

DEPUTY SPEAKER HYSLOP:

Bill as amended passes. Clerk please call
Calendar 155.

CLERK:

On page four, Calendar 155, substitute for HB6569.
AN ACT CONCERNING REFERRAL FOR FACT FINDING AND
ARBITRATION. Favorable report of the Committee on
Judiciary.

DEPUTY SPEAKER HYSLOP:

Chairman of the Judiciary Committee Representative
Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. I move acceptance of the
Joint Committee's favorable report and passage of the
bill.

DEPUTY SPEAKER HYSLOP:

Questions on acceptance and passage will you
remark further?

REP. LAWLOR: (99th)

Thank you Mr. Speaker. The file copy essentially
raises the threshold for cases which may be referred

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STANDING
COMMITTEE
HEARINGS

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H.B. 6335, AN ACT CONCERNING LAND ACQUIRED BY THE COMMISSIONER OF ENVIRONMENTAL PROTECTION UNDER THE FEDERAL SUPERFUND ACT. Right now, when there's a Superfund cleanup going on, the Federal Environmental Protection Agency can acquire by condemnation land that it feels that is adjacent to the Superfund site but is not part of it that is needed for the cleanup solution. After the cleanup is done, Federal law limits the EPA to transfer that property to the state.

We have really no need of retaining such property. But in some cases, those who are required by law to carry out the remediation effort and the continued monitoring, it might be very useful for them to have the property. That could be a private party. It could be a municipality. We would like to be able to transfer that property to -- with the oversight of OPM, to a municipality or a private party in that situation and also to be able to do so without having to go through the paperwork process of referring the land to other State agencies. These are not properties that are going to be useful as parks or for housing or anything like that. So the purpose of that referral statute really doesn't apply here and this would streamline the process.

Are there any questions? Okay. The last bill that I'd like to testify on is H.B. 6336, AN ACT CONCERNING MINOR REVISIONS RELATING TO PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. The first section of this bill relates to solid waste transfer stations. And there is some substitute language in our testimony.

What the bill would do is to eliminate the requirement that we inspect the transfer station before we require or assess the annual permit fee. That's not required in a lot of other cases. Some of these transfer stations are quite small. They're really not the kinds of facilities where we feel we ought to be expending our enforcement efforts. There's a lot of other facilities where we need to be. And so we would ask that that requirement be eliminated.

The change in the substitute is to delete the sections of the law that specify the amount to be paid for transfer stations based on the population of the town. That was put in with the statutes pending our adoption of regulations. We have adopted regulations on this subject. They also -- and they go to the size of the transfer station rather than the size of the community. And we want to avoid any confusion between the statute which has now become obsolete by action of the regulation and the new regulation which was adopted over the summer or early fall.

The second section would change some of the hazardous material reporting requirements that business must now engage in. We want to use the Federal minimum thresholds for reporting, material safety data sheets and also for chemical inventories. Right now, that is the practice, despite the fact that the law doesn't contain a limit. The bill also would not obviate the -- or eliminate, rather, the ability of public safety officials to require more detailed information should they want. But unless requested to, this would fall back to the threshold planning requirements set out in Federal law.

We also in this bill want to change a section that -- Section 4 that deals with registrations of sources of air pollution. Those sources which are not required to have a permit can be required to register with the department. A change in the statute over the last couple of years resulted in a separation of the section or sub-sections dealing with permit renewal -- excuse me -- registration renewal from registration. And so that's merely a technical change.

As long as we're on the subject to air, though, Section 10 of the bill deals with an advisory committee on hazardous air pollutants. We would like to eliminate that advisory committee. It has not met in some time. And we feel that the existing CPRAC Committee, which is composed of a wide range of people in the business and environmental community, is really the suitable forum to discuss this because they look at air

issues in a comprehensive manner.

Another section also dealing with air would make a conforming change. We have -- instead of under the Environmental Assistance Revolving Loan Fund, which is administered by CDA, instead of limiting environmental assistance to the Stage 2 vapor recovery nozzles which was very effective in getting some businesses to be able to comply with the law, what we'd like to do is open this up to all small businesses who have trouble with the Clean Air Act. That was essentially done in previous legislation, but there was one section that wasn't changed to conform with that. This bill would allow for that conformity.

Also, right now, under our Aquifer Protection Act, right now there's a lot of mapping going on in order to protect water supplies. And eventually municipalities will administer the Aquifer Protection Act in a similar way that they do wetlands right now, looking at various uses that may have a negative effect on existing or potential water supplies.

What we would like to do in this bill is ensure that those facilities which have permits from us under the National Pollution Elimination Discharge System or the equivalent state system would just have to come to DEP and would not also have to go to the municipality, again to streamline this act, not to loosen the protections but just to ensure that business does not have to go to more than one place and, also, that utilities would also be able to come to the department. Right now, for really all other purposes of law matters having to do with utilities in land use issues are regulated by various State agencies and not by municipalities. And this would conform with that.

There are two sections here that deal -- or, rather, one section to deal with sewage system additives. Right now, various sewage system additives are prohibited from being distributed in Connecticut. There is a labeling requirement on the books to warn people about sewage system additives. We really feel that it's no longer

necessary. The issue is really at the distribution level, not at the consumer level. So the consumer reading the label is really not where we want to aim our enforcement effort. We think this would make it easier for the companies that distribute material and would not lessen at all the protection to the environment. The labeling also gives some people the notion that we approve of the idea of using these materials at all or that they've been endorsed by us. And they have not and we want to eliminate that confusion. We also list -- add to the list of those prohibited from distributing the materials municipalities.

Another section of the bill deals with the structures and dredging laws. We'd like to be able to waive permit fees, which can be substantial, for those who are seeking public access projects, whether those be docks or boardwalks or the like. The department is very interested in promoting public access to our shoreline and we feel that by eliminating fees, that that would be one way that we could help gain more access.

Another section of the bill also addresses the five-million-dollar limit on the State's share of funds for cleanup of Superfund sites. As you know, Federal Superfund sites must also have a contribution by the state or municipal level government and the amount depends on whether it's a private site or a municipal site.

Unfortunately, the statutes now limit our contribution to five million dollars. While five million dollars is a great deal of money, in the cleanup of Superfund sites, unfortunately, it is not a great deal of money. And we would seek to eliminate this cap. It's our obligation under Federal law, once we've agreed to remediate these sites that are harmful to the environment and to public health, that we contribute our share. And this change in the statutes would allow us to do so.

Are there any other questions?

SEN. DAILY: I have a question. On Section 6, I know

that you gave an explanation but it's still not clear to me. The addition of all those other entities and the -- particularly the public service section. Aren't they controlled or regulated by DPUC?

DAVID LEFF: Yes, they are. Unfortunately, the Aquifer Protection Act does not make that clear. Depending on what the issue is, a public service company might be regulated by DPUC. They might be regulated by the Siting Council. It would depend on the issue.

What we seek to do here is maintain the consistency of that philosophy in the statutes that issues dealing with land use and public service companies really belong in a State forum and not a local forum.

SEN. DAILY: (Inaudible - microphone off)

REP. MADDOX: Following up on that, the bottom line on Section 6 is to deny local Inland/Wetland and Planning and Zoning Boards the opportunity to review these projects?

DAVID LEFF: The intent is not to affect in any way any existing authority that an Inland/Wetland agency or other land use board might have on public utilities. It merely goes to the Aquifer Protection Act. And we feel that matters dealing with public utilities are best at the State level, that that's consistent with the existing statutes, and that to have a public utility regulated differently in different towns would really cause a great deal of confusion and be contrary to the existing statutes.

REP. MADDOX: We're moving toward competitions. There may not be any more public utilities when we get done with this session. But --

DAVID LEFF: Well, we certainly can look into this in the future in light of changes in competition.

REP. MADDOX: This reminds me of last session, which maybe the department was involved in, of an antenna

bill that was if you wanted to put a big antenna, you had to come to Planning and Zoning Commissions. And there was an attempt to do that. So I guess we're going to have to talk on Section 6 because I do have concerns of -- are you aware of any municipality that is currently requiring these companies to come before their Planning and Zoning or Inland/Wetlands Commissions?

DAVID LEFF: Under the Aquifer Protection Act, municipal authorities really hasn't gone into effect yet. So it's not a question whose time has come. But we want to head off any problem before it occurs.

REP. MADDOX: Okay. The only other question was you had a -- I don't know where the section was on the -- require registration of, I guess, clean air, of the amount being polluted. What is the threshold level you're looking at? Do you know yet?

DAVID LEFF: I don't know what the threshold level is. Certain facilities are required to have a permit. If they don't need a permit, we can require registration. And I'm not sure what the threshold--

REP. MADDOX: Well, you're looking at a lower level, so you can get a better handle on monitoring --

DAVID LEFF: Yes. Yes. They are definitely smaller facilities.

REP. MADDOX: But it might be a shopping mall? Are you going to get into things of that nature?

DAVID LEFF: Well, it might be. If a boiler is of a certain size, yes.

REP. MADDOX: Okay. You're not going to --

DAVID LEFF: It doesn't have to do with indirect source, motor vehicle --

REP. MADDOX: Okay. You're not getting into motor vehicle or indirect source.

DAVID LEFF: This section has nothing to do with that. No.

REP. MADDOX: Okay. Thanks.

SEN. DAILY: Representative Mordasky.

REP. MORDASKY: Thank you, Madam Chairman.

David, would the impact on farmers be better or worse?

DAVID LEFF: Under which?

REP. MORDASKY: Under your deal. I want to know whether I should vote for it or not.

DAVID LEFF: You're talking about the Aquifer Protection Act?

REP. MORDASKY: Yes.

DAVID LEFF: It would not have any impact on farmers.

REP. MORDASKY: Okay. Going to have a free ride then?

DAVID LEFF: Well, it really involves those who have a discharge permit, you know, our public utilities. But this would not really affect farmers.

REP. MORDASKY: Thanks.

SEN. DAILY: Representative Nystrom.

REP. NYSTROM: Thank you. David, Section 2, 6336, when are those MSDS reports due? Is it a month-to-month basis?

DAVID LEFF: I don't recall. I think it's -- there was an initial requirement and then as things changed, you have new materials that you didn't have before, you're supposed to report those. I can get the specifics for you. That's the general rubric. But I don't have any more detail than that.

REP. NYSTROM: The concern I have is the way many companies today are actually operating is they're not stockpiling it any longer. They're simply ordering it on a next-day service delivery basis. Speaking from experience because I load some of it.

I see it every morning. And sometimes you will have that 500-pound threshold exceeded on one given shipment. It's the fluid a market for some of these kinds of hazardous materials. And I just wonder if you end up losing track of actually knowing what's there. And you mentioned you're a volunteer fire fighter, for example. If you go into a structure fire and you don't know what's inside that building, you can pretty much figure out the problem you're facing. And that was one of the reasons we passed that law.

DAVID LEFF: Right.

REP. NYSTROM: The MSDS, originally. If you could get back, I'd appreciate that.

DAVID LEFF: Okay. Yes. I think the key thing here is that this is the Federal threshold. So everyone is going to be treated equally. And if there is a particular facility in a town that the Fire Marshal or the Fire Department, for example, feels they need more detailed information, the law still allows them to request that more detailed information. But right now, the practice is, despite what our statute outlines, to follow the Federal threshold. So it really -- there may be some towns that are asking for more than that and they're still entitled to do so. But in most cases, the practice has been to just follow the Federal threshold.

REP. NYSTROM: What happens if someone doesn't comply?

DAVID LEFF: There are penalties outlined in both State and Federal law. And I can get back to you on what those penalties are.

REP. NYSTROM: Could you also get back what type of incident, how much -- how often that actually occurs?

DAVID LEFF: How many times penalties have been assessed?

REP. NYSTROM: Yes. Have had to be.

DAVID LEFF: Okay. We'll see what we have.

REP. NYSTROM: Thank you.

DAVID LEFF: Sure.

SEN. DAILY: Representative Piscopo.

REPRESENTATIVE PISCOPO: Thank you. Dave, I'm wondering if the department has had a chance to look at any other bills on our agenda, namely the mosquito control bills we have in front of us, and if you have any opinion or if you would get us an opinion on those bills.

DAVID LEFF: Yes. At this time, we don't have any testimony on the mosquito bills. We've been working with the Governor's office on a mosquito bill and at some point we will have something to say about mosquitoes. But not today.

SEN. DAILY: Any other questions?

DAVID LEFF: Thank you very much.

SEN. DAILY: (Inaudible - microphone off) used up all our time on the public officials side. So we'll move to the private citizens. And we'll go back and forth for the balance.

Shirley Tirrell-Peck on mosquito bills is the next speaker, followed by Michael Turdo.

DURLAND FISH: Madam Chairman, my name is Durland Fish and I'm switching places with my colleague, Shirley Tirrell. She'll follow me, if that's permissible.

SEN. DAILY: Fine.

DURLAND FISH: Thank you. Good afternoon. My name is Dr. Durland Fish. I'm a research scientist in the Department of Epidemiology and Public Health at the Yale School of Medicine. My research specialty is insect-borne diseases. I'm here to speak in support of legislation relating to the health problem caused by mosquitoes in Connecticut, Proposed Bills No. 175, 179, 583, 5192 and 5822.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing -- January 31, 1997
Committee on the Environment

Testimony Submitted by Commissioner Sidney J. Holbrook
Department of Environmental Protection

**Raised Bill #6336 -- An Act Concerning Minor Revisions Related to Programs of the
Department of Environmental Protection**

Sec. 1. This section of the bill offers the following substitute language to reflect Regulations adopted on September 24, 1996 which prescribed the amount of fees required pursuant to section 22a-208a(I). The amendment provides consistency between the statutes and the aforementioned Regulations by basing annual fees for transfer stations on the size of the facility rather than municipal population. The amendment also eliminates the inspection requirement associated with the billing of annual fees for transfer stations.

(i) Each transfer station [located in a town with a population under ten thousand] shall pay an annual fee [upon the inspection of such transfer station of two hundred fifty dollars. Each transfer station located in a town with a population of ten thousand or more but less than twenty-five thousand shall pay an annual fee upon the inspection of such transfer station of five hundred dollars. Each transfer station located in a town with a population of twenty-five thousand or more but less than fifty thousand shall pay an annual fee upon the inspection of such transfer station of one thousand dollars an each transfer station located in a town with a population of fifty thousand or more shall pay an annual fee upon the inspection of such transfer station of one thousand two hundred dollars.] IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER.

Sec. 2. This section of the bill proposes an amendment to C.G.S. section 22a-609(a) which incorporates the federal "minimum reporting thresholds" for submission of Material Data Safety Sheets (MSDS) and chemical inventory forms into the Connecticut General Statutes. This would eliminate the requirement that facilities prepare and submit MSDS and chemical inventory forms when there is less than the minimum reportable amount at the facility, except for specific requests. Currently there are no minimum reporting thresholds in the Connecticut General Statutes, thus Connecticut facilities are subject to reporting requirements for any amount of hazardous chemical. For hazardous chemicals, the federal minimum reporting threshold for MSDS submissions is 10,000 lbs. For extremely hazardous chemicals, the federal minimum reporting threshold for MSDS submissions is 500 lbs or the "threshold planning quantity" (whichever is lower). The minimum threshold for responding to specific requests for MSDS or

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chemical inventory forms would remain at zero. This proposal is consistent with current reporting practices and has been favorably endorsed by the State Emergency Response Commission.

Sec. 3. - This section of the bill corrects a typographical error in Sec. 22a-610(a)(3), (b), (c)(1) relative to the Occupational Health and Safety Act of 1970. The word "Hazardous" incorrectly appears in the reference to the Act.

Sec. 4. This section of this bill would amend subdivision (6) of subsection (c) of section 22a-174 of the general statutes. P.A. 91-183 amended this subsection to provide the commissioner authority to adopt regulations for the Title V operating permit program established by the Clean Air Act Amendments of 1990. However this amendment mistakenly split portions of subdivision (6) concerning registration of air pollution sources into subdivision (8). This bill corrects this mis-wording created by P.A. 91-183 by moving appropriate portions of subdivision (8) into subdivision (6).

Sec. 5. This section of this bill amends section 32-23qq(d) of the general statutes to reconcile subsection (d) with Public Act 96-132. Public Act 96-132 amended section 32-23qq(a) to expand the environmental assistance revolving loan fund to enable the Connecticut Development Authority in cooperation with DEP to create a small business assistance compliance fund to provide loans to small businesses and manufacturers to meet numerous requirements under the Clean Air Act. This amendment is necessary to substitute a general reference to the Clean Air Act in lieu of the existing reference to the stage II gasoline vapor recovery program in section 32-23qq(d) of the general statutes and this makes it consistent with last year's Public Act.

Sec. 6. This section of this bill will amend existing legislation in 22a-354p(g) of the Connecticut General Statutes. The bill designates the DEP Commissioner as the sole authority to issue permits and register the following new and existing regulated activities under the aquifer protection program: any person engaged in a regulated activity who has been issued a federal discharge permit under the Clean Water Act, a state permit under the state's discharge permit program, a Hazardous Waste permit for treatment, storage, or disposal, any public service company providing gas, electric, pipeline, water, or telephone service, or any Large Quantity Hazardous Waste Generator.

The aquifer protection program provides municipal aquifer protection agencies with the authority to regulate land use in level A aquifer protection areas. However, it is critical to have the Commissioner issue permits and process registrations for certain regulated activities for two reasons : (1) Businesses in aquifer protection areas that are already regulated under individual state and federal permits should not be burdened with a permit requirement by another government agency. Current permit standards under these programs are consistent with the aquifer protection program, and (2) Section 16-235 of the general statutes prohibits municipalities from regulating a public utility under the jurisdiction of the department of public utility control, or the Connecticut Siting Council. Since municipalities are prohibited from regulating a public utility, a change in the statute is necessary to provide the Commissioner with the authority to register and issue permits to certain public service companies, thus maintaining

the integrity of the general statutory scheme.

This amendment will significantly relieve municipalities from administrative responsibilities for processing permits and registrations for regulated activities identified in this proposed amendment. The amendment will also prevent imposing an additional permit burden on certain businesses regulated under this program that are already regulated under other state and federal programs.

Sec. 7. This section of this bill would eliminate the labeling requirement for sewage system additives from Section 22a-461(d) of the General Statutes. Business has long opposed this requirement, since any state-specific labeling requirement poses considerable difficulty for national manufacturers and distributors. After carefully examining this issue, we believe retaining this labeling no longer serves any real environmental protection function. In fact, we believe that the required label can be construed as an endorsement of the product by either state or federal environmental officials. This is not a message that we wish to convey to the public. We believe that the balance of the provisions for the regulation of sewage system additives can adequately control the sale and use of these products.

This section of this bill also requires that Section 22a-461(d) of the C.G.S. be modified to prohibit municipalities from using, selling or exposing for sale or giving or furnishing any sewage system additive which contains any substance or compound on the toxic pollutant list published by the U.S. EPA pursuant to (33 USC 1317). Recently, the Department discovered that some municipalities were providing copper sulfate to residents and others to use as a root destroyer. The subject statute prohibits a person, firm or corporation from using, selling or exposing for sale or giving or furnishing any sewage additive, like copper sulfate, which contains any substance or compound on the toxic pollutant list published by the U.S. EPA pursuant to (33 USC 1317). The problem with the statute is that it doesn't include municipalities at the present time. This Department has continued to investigate sources of copper and find ways to reduce copper levels in discharges to publicly owned treatment works (POTW's) and surface water for water quality reasons. This portion of the bill will provide additional protection of the waters of the state from pollution.

Sec. 8. This section of this bill amends the structures, dredging and fill statutes to allow the Commissioner to waive permit application fees for projects providing public access projects to Long Island Sound and to tidal rivers. Examples of public access projects include boardwalks, observation platforms, fishing piers and boat launches. Public access structures are one of the most important means by which the public may enjoy our natural resources. Unfortunately, since permit fees are based on the size of the proposed structure, the cost can quickly add up, especially for long boardwalks along the shoreline. By allowing the Commissioner to waive permit fees for worthy projects, we can reduce overall project costs and encourage more public access to Long Island Sound and its tributaries. Municipalities in particular have indicated that these permit fees are prohibitive and act as a barrier to public access projects.

Sec. 9. This section of this bill proposes revisions to Section 22a-133i of the Connecticut

General Statutes. The proposed revision deletes a 5 million dollar cap on the amount of money that the Commissioner of Environmental Protection may provide for the State's share of payment for remediation of federal superfund sites under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). When a site is being remediated under CERCLA using the Federal Superfund, the state must contribute 10% of the cost of remediating the site and 100% of the cost of monitoring and maintaining the remedy. To date, the only site in Connecticut which has been financed by the Federal Superfund is the Raymark site in Stratford. Although sufficient bond funds have been appropriated to meet the State's obligation for the Raymark clean-up, the State's share will exceed the 5 million dollars limit currently specified in Section 22a-133i. Therefore, the proposed change is necessary to allow the State to met its obligations concerning certain CERCLA sites.

Sec. 10. This section of this bill would repeal sections 22a-187 and section 22a-187a of the general statutes. This action will streamline the regulatory process by removing reference to an advisory council which has been dormant for approximately seven years. In addition, the public interest is now well served by existing and functioning groups which advise and participate in air pollution control rule makings. A successful example of an existing advisory group is the State Implementation Plan Review and Advisory Committee (aka SIPRAC). SIPRAC is a group comprised of business and industry representatives, environmental and health advocates (such as Connecticut Fund for the Environment and the American Lung Association), and environmental attorneys and consultants who assist the Department in the development of air quality control programs and regulations. SIPRAC provides a framework for communication and cooperation between the Department, the regulated community and environmental advocates in meeting air quality goals.