

Legislative History for Connecticut Act

JB 435	(PA 140)	1998
HOUSE	1415, 3541-3548	(9)
SENATE	957-963, 1059-1061, 2468, 2477, 2521-2522, 2603-2605	(17)
ENVIRONMENT	1079, 1083, 1084-1086, 1092-1094, 1097-1099, 1118-1123, 1163-1166	(21)
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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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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1998

VOL. 41
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1060-1415

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House of Representatives

April 20, 1998

Government Administration and Elections Bill No. 435,
to the Committee on Planning and Development Bill No.
478, and to the Committee on Commerce Bill No. 481.

SPEAKER TRUGLIA:

Hearing no objection, so ordered.

THE CLERK:

Madam Speaker, there's no further business on the Clerk's desk.

SPEAKER TRUGLIA:

The Chair recognizes Representative Lescoe of the 49th District.

REPRESENTATIVE LESCOE: (49th)

Thank you, Madam Speaker. Madam Speaker, there being no further business on the Clerk's desk, I move that we adjourn subject to the Call of the Chair.

SPEAKER TRUGLIA:

Hearing no objection, the House stands adjourned.

On motion of Representative Lescoe of the 49th District, the House adjourned at 12:15 o'clock p.m., to meet again at the Call of the Chair.

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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3175-3572

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House of Representatives

Friday, May, 1, 1998

So, we'll do a couple of bills until they come here, and then but hopefully we'll get started very quickly. So, Clerk please call Calendar 431.

CLERK:

On page 35, Calendar 431, Substitute for Senate Bill 435, AN ACT CONCERNING NOTICE OF CONTAMINATION EVENTS, ENVIRONMENTAL PERMIT APPLICATIONS AND ENFORCEMENT ACTIONS, RECOVERY OF STATE COSTS OF REMEDIATION AND THE STATUTE OF LIMITATIONS FOR ACTIONS RELATING TO ENVIRONMENTAL CONTAMINATION. Favorable report of the Committee on Government Administration and Elections. The Senate has adopted Senate Amendment Schedule A.

SPEAKER RITTER:

The Honorable Chairwoman, Representative Stratton.

REP. STRATTON: (96th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER RITTER:

Motion on acceptance and passage in concurrence with the Senate. Please proceed, Madam.

REP. STRATTON: (96th)

Thank you, Mr. Speaker. The Clerk has LCO-2623, which was previously designated Senate A. Would he

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call, and I be allowed to summarize?

CLERK:

The Clerk does have LCO-2623, which has been designated Senate A. If Clerk may call, then Representative Stratton would like to summarize.

CLERK:

LCO-2623, Senate A, offered by Senator Sullivan, et al.

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (96th)

Thank you, Mr. Speaker. This Amendment deletes Section 6 of this bill, which actually is trying to redress a court determination that the statutes do not cover, specifically the time of discovery of a petroleum release.

And the point of Section 6 of this bill is to say that when something is discovered, the date of discovery, rather than the date of the contamination for petroleum products, is the important thing in determining the statute of limitations for bringing action with regard to that. And I would, therefore, urge rejection of Senate A.

SPEAKER RITTER:

Motion on the rejection of Senate A. Will you

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remark further? If not, I'll try your minds. All in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, no. Senate A, is rejected. Will you remark further?

REP. STRATTON: (96th)

Thank you, Mr. Speaker. The remainder of the bill tries to beef up the reporting requirements and notice to municipalities of events regarding both environmental permits, actions, enforcement actions, etcetera, so that municipal officials are aware of activities within their municipalities that may be affecting the public health or the environment. And I would urge adoption of the bill. Thank you, Mr. Speaker.

SPEAKER RITTER:

Will you remark? Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to the Chairman of the Environment Committee, please?

SPEAKER RITTER:

Please proceed.

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REP. PRELLI: (63rd)

Representative Stratton, by not accepting the Senate Amendment, we now have petroleum and petroleum products back in as a hazardous chemical substance. Through you, Mr. Speaker, wouldn't a petroleum product include almost every plastic we use in the state of Connecticut? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (96th)

Through you, Mr. Speaker. I suppose that one could say a petroleum product does the term petroleum. And I will confess that I don't know whether petroleum product is attached to it when it occurs elsewhere in the statute is dealt with differently in most of our contamination statutes, because it is so prevalent.

The issue in the court case was related to whether or not sites that were subject to petroleum contamination and by products of petroleum, which are not directly straightforward petroleum, started to count from the date of discovery, or the date of the contamination. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

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Thank you, Mr. Speaker. Mr. Speaker, this is one of the questions we had when we were discussing this bill in the Environment Committee. What is a petroleum product? And, how far back are we going? It's one of the reasons why I thought deleting Section 6, with the Senate Amendment, made this bill better.

I think that what we're now calling hazardous chemicals, by leaving a petroleum product in there, will really opens the door wide open for almost all the plastics we use. So that if there ever is any type of clean up because there happens to be a plastic in there, we've now made the results much worse. And I think that, I'm a little concerned.

I know we had a discussion in Environment. I sort of assumed that's why the Amendment was there. So I didn't follow up on any more until after the Amendment was rejected. I'm not sure we're creating a very large problem in the state of Connecticut, Mr. Speaker.

SPEAKER RITTER:

Thank you, sir. Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. Mr. Speaker, I would agree with Representative Prelli. In industry we deal with petroleum products, waste oils. It's a myriad of items that are considered non-hazardous. And now we

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throw this wrench in. I think we ought to be careful what we do here. Maybe this needs to be cleaned up a little bit.

SPEAKER RITTER:

Thank you, sir. Will you remark further?

Representative Stratton.

REP. STRATTON: (96th)

Yes, Mr. Speaker, let me remark briefly. And it may be that it does need to be cleaned up. But inclusion of Senate A, would automatically allow the current interpretation of date of discovery versus the other for these situations to continue. I think the issue, and the question in my mind is, while petroleum products may be many other products than what most of us as generally think of as petroleum products, for those to be subject to some kind of action for contamination, if they are indeed benign, is very unlikely.

And I think by rejecting Senate A, as we have done, we can clarify if that needs to be through conference, or whatever, what needs to occur. But the issue really is, date of discovery for these situations that are the petroleum products that most of us think about.

And had we accepted Senate A, that possibility,

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and that situation would not be addressed. And so, again, I would urge adoption of the bill, with the recognition that obviously this does go back to the Senate.

And if there is a need to further define petroleum products, that might somehow trigger some of the other actions envisioned in this bill which are affected by that, that is something that we can resolve in the future. Thank you, Mr. Speaker.

SPEAKER RITTER:

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

SPEAKER RITTER:

Have all members voted? Please check the roll call machine. Make sure your vote is properly cast. Machine will be locked. Clerk will take the tally. Clerk will announce the tally.

CLERK:

Senate Bill 435.

Total Number Voting

144

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301

House of Representatives

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Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER RITTER:

Bill as amended passes -- bill not as amended, passes. At this time we'll have points of personal privilege. From the 35th district, Representative Bob Landino.

REP. LANDINO: (35th)

Thank you, good evening, Mr. Speaker. For a point of personal privilege?

SPEAKER RITTER:

Please proceed.

REP. LANDINO: (35th)

Thank you, Mr. Speaker. Mr. Speaker, tonight in the well of the House, I have several very good friends with me from the 35th district, hailing from the town of Clinton, Connecticut. With me this evening is Joe, Peter, and Dolly Mazetti.

Dolly also reigns as the tax collector in the town of Guilford. And also with them is Lou and Pam Perry. Lou is the Police Chief for Eastern Connecticut State University, and a member of DTC, the Chairman DTC. There goes my delegate votes, in the town of Clinton.

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Senate

Wednesday, April 15, 1998 000957

pilot program will answer some of the safety concerns raised with the issuance of the 18 feet wide modular homes and I recommend its passage.

THE CHAIR:

The question is on passage of the bill as amended. Will you remark further? Will you remark further?

Senator Ciotto.

SEN. CIOTTO:

I move that it be placed on the Consent Calendar,
Madam President.

THE CHAIR:

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

SEN. CIOTTO:

Thank you.

THE CHAIR:

Thank you.

THE CLERK:

Calendar Page 5, Calendar 193, File 258,
Substitute for SB435 An Act Concerning Notice of
Contamination Events, Environmental Permit Applications
and Enforcement Actions, Recovery of State Costs of
Remediation and the Statute of Limitations for Actions
Relating to Environmental Contamination. Favorable
Report of the Committee on Environment. The Clerk is

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Wednesday, April 15, 1998

000958

in possession of two amendments.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you, Madam President. I would move adoption of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

The question is on passage. Will you remark?

SEN. DAILY:

Thank you, Madam President. I would first like to call LCO2623.

THE CLERK:

LCO2623 which will be designated Senate Amendment
Schedule "A". It's offered by Senator Daily of the
33rd District.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you. Since they're related, I'll explain the bill and the amendment at the same time. The bill requires notification to municipalities of certain contamination events found by the Department of Environmental Protection and the amendment strikes the unnecessary Section 6.

THE CHAIR:

Motion is for adoption of Senate Amendment "A".

Will you remark further? Will you remark further? If not, all those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? Ayes have it. Senate "A" is adopted. Will you remark further on the bill as amended? Senator Daily.

SEN. DAILY:

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

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Senator Sullivan.

SEN. SULLIVAN:

If Senator Daily would allow the Consent to be stalled off for one second and withdraw her motion?

SEN. DAILY:

I would be glad to withdraw my motion.

THE CHAIR:

Senator Sullivan.

SEN. SULLIVAN:

Only so I could publicly thank the Chair of the

Environment Committee for her work and her Co-Chair's work on bringing this legislation forward.

A number of communities, not least of all, West Hartford, have had the unfortunate experience of learning very much after the fact about significant environmental problems in those communities.

One of the difficulties is that when there is an action pending, when there's an enforcement order, when there is a significant complaint action, the DEP will know it, the party who is the object of it will know it, but often the community in which the event takes place does not know it.

And what Senator Daily and her Committee have made possible with this legislation is an assurance that more and more communities will have the knowledge they need to participate in the proceedings at DEP and to make sure that the concerns of the public are heard as well as the concerns of those in the offices in Hartford.

And for that, I thank you very much, Senator Daily.

THE CHAIR:

Thank you, Senator Sullivan. Senator Daily.

SEN. DAILY:

Thank you very much, Madam President, and I thank

Senator Sullivan for his comments. It is a very important bill to municipalities and residents of all of our municipalities who will now have information that they lacked previously.

Now I would, without objection, move this to the Consent Calendar.

THE CHAIR:

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

THE CLERK:

Calendar Page 6, Calendar 220, File 297,
Substitute for SB197, An Act Concerning Equity in
Construction Contracts. Favorable Report of the
Committee on General Law and Judiciary. The Clerk is
in possession of three amendments.

THE CHAIR:

Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. I move the Joint
Committee's Favorable Report and passage of the bill.

THE CHAIR:

The question is on passage. Will you remark?

SEN. COLAPIETRO:

Madam President, I'd like to call the amendment,
LCO3476.

THE CLERK:

LCO3476 which will be designated Senate Amendment
Schedule "A". It's offered by Senator Colapietro of
the 31st District.

THE CHAIR:

Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. What this amendment
does is change a lot of technical wording in here that
was requested by the industry itself and it defines
what building is, for the renovation and rehabilitation
of a commercial or industrial building to make that
clear.

It defines the word retainage which the insistence
was, we use the word retainer, the insistence was that
retainage should be the proper word to be used even
though that's not in the dictionary either, but they
wanted it and they got it.

And the other part was, the part that I felt it
was impossible to address and that was the concerns of
the Governor had one portion of that bill that we did
not address and I didn't know how to fix a
philosophical difference and that was to remove the
portion that allows you to pull your materials off the
job.

So what I've done and tried to get this thing passed for those people that need this so much is to remove that section so the Governor wouldn't have that concern in it. So we're down from about 50 items to two and I would appreciate the amendment pass.

THE CHAIR:

The question is on adoption of Senate Amendment "A". Will you remark further? Will you remark further? If not, I'll try your minds. All those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? Ayes have it. Senate "A" is adopted. Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. On the bill, it's quite different from last year. I tried to address everyone's concern. I've negotiated in good faith for a year and a half. I think we've addressed the Governor's concerns.

I just want to point out the fact that it does not deny anyone a right to a certificate of occupancy and no one can deny that right unless that person himself is willing to stand up and say, I'm not paying, so sue

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 CLERK:

Madam President, the first Consent Calendar begins on Calendar Page 2, Calendar 116, Substitute for SB494.

Calendar Page 3, Calendar 158, HB5461.

Calendar 163, SB404.

Calendar Page 4, Calendar 177, Substitute for
SB303.

Calendar Page 5, Calendar 193, Substitute for
SB435.

Calendar Page 6, Calendar 232, Substitute for
HB5465.

Calendar Page 8, Calendar 248, SB560.

Calendar Page 9, Calendar 257, SB528.

Calendar Page 10, Calendar 259, SB538.

Calendar Page 12, Calendar 270, Substitute for
SB421.

Calendar 271, SB425.

Calendar 273, Substitute for SB603.

Calendar 275, SB609.

Calendar Page 13, Calendar 279, Substitute for
SB454.

Calendar Page 16, Calendar 297, HB5616.

Calendar 298, Substitute for HB5320.

Calendar 299, Substitute for HB5480.

Calendar Page 21, Calendar 85, SB219.

Calendar Page 22, Calendar 111, SB407.

Calendar Page 23, Calendar 138, Substitute for

SB478.

Calendar Page 25, Calendar 166, SB214.

Calendar Page 26, Calendar 304, Substitute for

HJ3.

Calendar 305, HJ12.

Calendar 306, HJ16.

Calendar Page 27, Calendar 307, HJ24.

Calendar 308, HJ32.

Calendar 309, HJ39.

Calendar 310, Substitute for HJ47.

Madam President, that completes the first Consent
Calendar.

THE CHAIR:

Senator Bozek, for what purpose do you rise, Sir?

SEN. BOZEK:

Madam President, I wish to remove one of the items
from the Consent Calendar.

THE CHAIR:

Which item is that, Sir?

Senate

Wednesday, April 15, 1998 001061

SEN. BOZEK:

Page 16, Calendar 297.HB5616

THE CHAIR:

That item is removed from the Consent Calendar.

Mr. Clerk would you once again announce a roll call vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. 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 please take a tally.

The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of 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.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1998

VOL. 41

PART 8

2236-2606

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Senate

Monday, May 4, 1998

Calendar 466, if I didn't already, I would move suspension of the rules to take up this item.

THE CHAIR:

Motion is for suspension of the rules. Without objection, so ordered.

SEN. JEPSEN:

At this time I would move that bill, Substitute for HB5694 to the Consent Calendar.

THE CHAIR:

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

SEN. JEPSEN:

And on Page 21, Calendar No. 193, Substitute for SB435, I would move to the Consent Calendar. Page 21.

THE CHAIR:

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

SEN. JEPSEN:

Correct me if I -- we just put Calendar 193 from Page 21 on the Consent Calendar, okay. I made an error. I placed Calendar 466 on Page 11 on the Consent Calendar. I would ask it be withdrawn at this time, and marked PT.

And instead, the bill right in front of it, above

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Senate

Monday, May 4, 1998

that. I also wanted to say, Madam President, I'm 37, actually today. And in 1966, I was I believe, five years old when Doc Gunther first graced us with his presence, and John Dempsey was Governor. So, I just wanted to put that in perspective. Thank you.

THE CHAIR:

Are there other announcements? Are there other announcements or points of personal privilege?

SEN. JEPSEN:

If the Chamber could stand at ease for just one moment.

THE CHAIR:

Chamber will stand at ease.

SEN. JEPSEN:

Madam President?

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

At this time I'd like to take two items off the Consent Calendar and then run the Consent Calendar. The first item is on Page 7, Calendar 435, bill HB5712. And we will mark that item PT.

And Page 21, Calendar 193, SB435, take that off the Consent Calendar. Mark it PT. And if the Clerk would call the Consent Calendar at this time.

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Motion is to recommit this item. Without
objection, so ordered.

SEN. JEPSSEN:

Page 15, Calendar 165, is Go.

Page 17, Calendar 293, is Go.

Also on Page 17, Calendar 317, is Go.

Page 18, Calendar 329, previously moved to the
Consent Calendar. I ask this item be removed from the
Consent Calendar and marked Go.

SB525

Page 18, Calendar 344, is Go.

Page 19, Calendar 347, is Go.

And at the bottom of the page, Calendar 126,
SB195. I move recommitment.

THE CHAIR:

Motion is to recommit this item. Without
objection, so ordered.

SEN. JEPSSEN:

Page 21, Calendar 193. I move to the Consent
Calendar.

THE CHAIR:

Motion is to refer --

SEN. JEPSSEN:

That's Substitute for SB435, Calendar 193, on Page
21.

THE CHAIR:

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Without objection, so ordered.

SEN. JEPSEN:

Page 22, Calendar 282, is Go.

Page 23, Calendar 371, is Go.

That concludes the new Go list. Madam President?

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

I would like, at this time, to take three of the items I just marked Go, and PT them. They're waiting Amendments, I've been informed. The three items are, Page 4, Calendar 333. Page 5, Calendar 373. And Page 10, Calendar 457. We'll take them up. We still intend to take them up this evening. But they just will wait Amendments.

THE CHAIR:

Mr. Clerk, would you begin with the Call of the Calendar?

THE CLERK:

Madam President, Clerk is in possession of Senate Agendas Nos. 1 and 2, for Monday, April 4th 1998, copies of which have been distributed.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

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Senate

Monday, May 4, 1998

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. 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.

Madam President, second Consent Calendar begins on Calendar Page 3. Calendar No. 323, Substitute for SB230.

Calendar Page 7. Calendar No. 435, Substitute for HB5712.

Calendar Page 9. Calendar No. 443, Substitute for HB5728.

Calendar Page 10. Calendar No. 456, Substitute for HB5335.

Calendar Page 11. Calendar No. 463, Substitute for HB5495.

Calendar No. 456, Substitute for HB5694.

Calendar Page 15. Calendar No. 165, Substitute for SB503.

Calendar Page 16. Calendar No. 256, SB523.

Calendar Page 17. Calendar No. 293, Substitute for SB448.

Calendar No. 317, Substitute for SB449.

Calendar Page 18. Calendar No. 329, Substitute

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for SB525.

Calendar Page 19. Calendar No. 374, HB5225.

Calendar Page 21. Calendar No. 193, Substitute

for SB435.

Calendar No. 244, Substitute for SB355.

Calendar Page 23. Calendar No. 272, Substitute

for SB490.

Madam President, I believe that that completes the second Consent Calendar.

THE CHAIR:

Thank you, sir. Would you once again announce a roll call vote on the Consent Calendar. The machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. 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:

Have all members voted? Senator Penn. Have all members voted? If all members have voted, the machine will be locked. Clerk, please take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 2.

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Senate

Monday, May 4, 1998

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar is adopted. Again, the Chair will ask if there are any points of personal privilege or announcements? Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. There will be a meeting of the Judiciary Committee tomorrow at 11:30 outside the House Chamber.

THE CHAIR:

Other announcements? Senator Fleming.

SEN. FLEMING:

Yes, Madam President. Tomorrow at noon, there will be a Senate Republican caucus. And also for the record, Senator Lovegrove missed votes due to illness.

THE CHAIR:

The Journal will so note, sir. Are there other announcements or points of personal privilege? Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. It's our intention to come back in tomorrow at 2:00 o'clock. The Senate

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT
PART 4
1071-1421

1998

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ENVIRONMENT

March 9, 1998
10:00 a.m.

PRESIDING CHAIRMEN: Senator Daily
 Representative Stratton

COMMITTEE MEMBERS PRESENT:

SENATORS: Fleming, Handley

REPRESENTATIVES: Nystrom, Collins, Maddox,
 McGrattan, Abrams,
 Piscopo, Prelli, Roraback,
 Caruso, Davis, Mordasky,
 Mushinsky, Roy, Wallace,
 Widlitz

REPRESENTATIVE STRATTON: Good morning, folks. We will call this public hearing to order on the assumption that Senator Fleming is on the way back with his coffee, and we have a Senator in our presence. Yes, I know he was here.

But so that we aren't any more tardy beginning. The first part of the hearing will be devoted to the testimony of legislators, department heads, and chief municipal officials. And the first among those is Senator Sullivan.

SENATOR SULLIVAN: Jessie, if it's helpful, I will loan you my statute, my by rules ex officio membership on every committee so that you can have sufficient start here today.

REPRESENTATIVE STRATTON: Oh, okay, thank you. Appreciate that.

SENATOR SULLIVAN: Representative Stratton, and members of the committee, I appreciate this opportunity to testify in support of SB435, which you have scheduled today for hearing. While I believe the bill that's in front of you does not go far enough, and I will indicate why.

I do want to commend you for recognizing the importance of providing timely notice of timely

I'm Assistant Commissioner Jane Stahl of the Department of Environmental Protection. It's a pleasure to be before you this morning. There are several bills before you that we would like to comment upon.

And I'll just go through them in numeric order. And you can stop me as we proceed if you'd like, or wait till the, you know, the end of the list. I'd like to begin with Raised SB414, AN ACT CONCERNING THE SPECIAL CONTAMINATED PROPERTY REMEDIATION AND INSURANCE FUND.

As you might imagine, this is a program that we are very interested in, and very supportive of. With regard to this bill, however, we support the one provision which would strike out a language that has the effect of limiting our ability to access that fund.

And by virtue of that very same concern, we are again concerned about the language which is proposed to be added in to the bill. There is, as you know, an advisory board that's been established to administer this fund, and we believe that working through the advisory board we'll be able to come up with appropriate criteria for eligibility.

The language that's now proposed would again create a limitation in the accessibility of the funds. That concerns us, and we would suggest that we delete that, or strike the new language, and allow the advisory board to continue its efforts to develop criteria for the fund.

With regard to Raised bill SB415, AN ACT CONCERNING STATE RECOVERY OF REMEDIATION COSTS. We stand in support of this bill. The amendments will clarify the authority of the Commissioner to recover the costs incurred by the department in eliminating an immediate, or potential threat to public health or the environment.

There is an ambiguity in the existing statutes with regard to whether or not these costs can be considered as actionable, and we'd like to remedy that ambiguity and make clear that, in fact, we can

both expend the monies and recover the costs. Raised bill SB533, AN ACT CONCERNING REGULATED WOOD SB433 FUEL. The Department has several concerns with respect to this bill which proposes to amend the definition of regulated wood fuel to included treated utility wood poles.

For example, telephone poles. The amendment would allow telephone poles to be incinerated at Resource Recovery facilities within Connecticut. Unfortunately, as written we can't support this bill. Our concern is with regard to the environmental consequences related to the incineration of treated wood poles at Resource Recovery facilities.

This is not to say that this is something that could not be done, or could not be done safely. It's just we are not yet at that, at a point that we can either make that determination, nor is it clear that if we simply change the ability to burn these fuels by definition, that the Department will have access to the process of looking at the emissions and the consequences of those emissions.

So, to that end we're really committed to working with the utilities and resource recovery facilities, to both study the potential impacts of burning various treated wood. And to develop protocols, procedures, or alternative statutory language to address the Department's concerns and the industry's needs. Again, while always ensuring against the environmental consequences.

Raised bill SB435, AN ACT CONCERNING NOTICE OF CONTAMINATION EVENTS AND PERMIT APPLICATIONS. The Department has several concerns with regard to this bill. Taking it a section at a time.

Section 1 of the bill would require, in addition to the requirements of PA90-276, which required the Department to notify the Chief Executive Officer and the local director of health whenever there's a discharge, spill, or uncontrolled loss of oil, petroleum, chemical liquid, or hazardous waste in a timely manner.

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The additional language would require a 24-hour written reporting requirement. And quite frankly, we believe that this is not achievable given our working schedules, mail service, and resources.

We would recommend that the existing statute be modified to exempt from the reporting requirements, incidents which are, in fact, reported to the Department by the municipal authorities.

For example, 911 exchanges, police departments, public works directors, or fire services. You know, basically we would need to be reporting back things that, in fact, came to us from the town.

Section 2 of the bill would expand notification of all Department approvals to chief elected officials. This kind of notification is already in place for certain permitted activities within the Department.

And we simply don't have adequate resources to accommodate an additional mandate of this type. Nor do we believe that chief elected officials would be meaningfully informed by such an inundation of paper.

I recognize that the testimony that you received probably is missing that word, "paper." That's what it was. I hate to make you fill in the blanks by yourselves. I apologize for that.

We issue literally thousands of approvals a year. Some that are very technical in nature. They range from approvals of pesticide licenses, and approvals of sewage treatment operators, and operators licenses, to the licensure of actual sewage treatment plants.

The range is just so very broad, and the word "approval" so broad, as to make this less than workable as it's currently written. I was here for Senator Sullivan's comments asking us to, in fact, further extend this to notifying municipalities of the commencement of enforcement actions.

Here again, I think we need to be very careful

about our terminology. If the term, "approvals" is very broad with, in terms of permitting and licensures, then clearly the commencement of enforcement action would be too broad and too vague to really be of assistance.

And, could in fact, be detrimental. You know, the commencement of an enforcement action is not something that's generally publicized. So that the Department can build its legal case.

These are not, you know, it's while we're talking about perhaps not notifying municipalities of the minor or simple enforcement actions, clearly those would be the easiest to comply with under a reporting requirement.

When we're investigating some of the more serious enforcement actions that we undertake, any early disclosure would really undermine our efforts to reach a resolution of the case.

So I would strongly urge you to consider the consequences of premature notification of anyone who is not bound by the confidentiality standards of the state enforcement system, before you would expand those reporting requirements.

Let me go a little bit beyond my testimony on this one, in this regard. Instead of just vaguely talking about the range of approvals that the Department undertakes, and offer if you are interested, to come to you with a broader, a more explicit listing of the types of things that come under the term "approvals."

And to share with you some of the reporting requirements that are already in our statutes. So that you might be more comfortable in the information base upon which you make a decision on this bill.

Raised bill HB5712, AN ACT CONCERNING THE REPORTING OF CERTAIN SIGNIFICANT ENVIRONMENTAL HAZARDS BY OWNERS OF CONTAMINATED PROPERTY AND PUBLIC NOTICE OF CERTAIN PERMIT APPLICATIONS TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

circumstances, the new construction of a well. Or, at some point around the transfer of a property. And, because the basic monitoring requirements may miss in that reporting obligation, may miss conditions that may be caused by pollution.

And because you may become aware of a contaminated drinking water well outside of, or at some other time besides the transfer of a property. While this goes beyond it, it is compatible with it. It doesn't make the two programs, one dealing with clarifying what the quality of the water is.

One at property is sold, to simply notifying the Department when one becomes aware that a drinking water well is compatible. I think they're compatible.

REP. STRATTON: Thank you. I have one other question for Jane. But are there other questions that people might want to ask Elsie with regard to any of these bills?

ASST. COMM. JANE STAHL: We can make her stay here.

REP. STRATTON: Jane, the other quick question I had for you is on SB435. And while I certainly understand that the Department sends out many, many approvals of various things, certainly some categories of permits are of more concern to local municipalities than others. And might there be a way to embrace specific permit type, by type and that?

ASST. COMM. JANE STAHL: And again, I think that what might be the most productive here is if we follow up by getting you a listing, if you will, of the types of permits that we issue and what the existing reporting requirements already are.

There are many, many of our programs that already require us to inform, both at the tentative determination stage, which is when commentary and input by both municipal officials and the public at large is most useful to us.

But most of our permitting programs require that already. And there are several of our programs

that also require notification to chief elected officials and other parties at various points in the process. So, I think rather than casting too broad a net, perhaps what we should do is provide you with that kind of information. And, we can make a more informed determination of what additional reporting, if appropriate, needs to be statutorily required.

REP. STRATTON: I think that would be a very helpful list for us to have. Because I would also guess that maybe some of the enforcement concerns might be addressed in a similar vein. Thank you. Other questions? Representative Prelli.

REP. PRELLI: Thank you, Madam Chairman. Good morning, how are you? My concerns are very similar to those brought up by the Chairman on the list. But I guess I'd also like to know a little more information like, how many permits there are under Section 22a?

Because, in your testimony, you also said about licenses. And I guess the big difference between what the permits are and what the licenses are. Because I don't really think we're looking so much at licenses here, even though I think the bill says that, I think.

ASST. COMM. JANE STAHL: Right, and I think that's precisely what, what part of our concern is. When you use the term "approvals" the net that is cast incorporates so many different things that the Department does.

Even if we use the term "licenses." What the state statutes define licenses to include many of the Department's approvals. If what the legislature is interested in are individual permits for certain types of activities, that's really best addressed by allowing us to provide you with a listing of the various categories of, let me use, I'll throw a different terminology out.

Authorizations, if you will, which run the gamut from individual permits to registrations under general permits. And again, in I think in that way

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you will be able to make a more informed determination as to what is already transmitted, what is already subject to notification requirements. Or, what you might like to add as a mandate to the Department. Without, again, casting too broadly.

REP. PRELLI: I'd also be interested in knowing how many of these changes are renewals rather than just new permits, also, in your numbers. I think that would also be helpful, because I'm not sure, unless there's a major change in the license we'd have to notify.

ASST. COMM. JANE STAHL: Okay.

REP. PRELLI: The other question I had, and I'm not sure you know the answer to this. But usually when we give a three day notice, or you're saying you have to give a three-day notice, 24-hour notice. Is that usually a postmark date, or what are the usual ways of notification there?

ASST. COMM. JANE STAHL: It depends on what the specific requirement is. But when we say, you know, 24-hours written notice, I think we would take that most conservatively and say that once we have, you know, once we've made a determination, then within 24-hours of that determination we need to send out, you know, we need to send out notice.

So, whether or not it's received within 24 hours, or whether we send it 24 hours, you know, I think we would take the interpretation that it means that we send it within, send notice within 24 hours.

REP. PRELLI: One more question, Madam Chairman. On bill SB433, which is the, basically the telephone pole bill.

ASST. COMM. JANE STAHL: Yes.

REP. PRELLI: Right now, if I remember right, those have to go into a bulky waste land fill. If we're worried about the pesticides and the creosote in the land fill, I'm more concerned with that than I am the burning of it where we're measuring the

emissions, and therefore the impacts are going to be. So that's, you know, that's why we want to do this carefully and appropriately.

REP. STRATTON: Senator Daily.

SEN. DAILY: In the reporting bill, SB435, could you give us a broad, and maybe hypothetical example of how notification to a municipality would impede an investigation?

ASST. COMM. JANE STAHL: Of an enforcement action?

SEN. DAILY: Yes, uh huh.

ASST. COMM. JANE STAHL: Again, very generically, when we begin investigating an enforcement action, our materials are protected from Freedom of Information, for example, as an investigation. So that the paper work file that our inspectors have begun to develop are protected.

Once we make available, make the, give notice that we are investigating a certain site, or certain facility, or certain entity, we removed part of the cloak, if you will, of that documentation.

In other words, if we open it to one segment of the community, why not open it to the broader segments of the community? Once we've done that, then not only the site or facility that we're seeking to investigate can react to our investigation before we have completely formulated our case.

You know, I'm not saying that people are going to go out and actually correct, or hide the things that we would otherwise want to discover. But those things are, in fact, possible.

Alternatively, when we get too many people involved in our investigations and reviews, we sometimes complicate the matter by having red herrings sent our way, if you will. Where you have either complimentary complaints that we need to, that take us on a tangential course, and distract our attentions from the main course of events that we're interested in.

So, those are, again in very broad terms, I think those are the things that we would be concerned about. Most importantly is the first notion. That if there are, in fact, materials that we need to keep confidential because they are the basis of our legal action, by making them available to municipal officials, we're basically making them available to the potential respondent or violator, and the world at large. And that can end up undermining our case.

SEN. DAILY: Could we not look at it in terms of embracing the municipality within the confidentiality requirements that exist for DEP?

ASST. COMM. JANE STAHL: It is not currently, it is not currently embraced within that agreement. You know, these are, as you probably know, the Freedom of Information Act is read very broadly.

The public policy behind it is to make information available to the broadest range of the public. One of the narrow exceptions is with regard to pending enforcement actions, and investigations.

We have really very narrow areas of information that we can protect within that, within that exception. And again, once we breach that door, we've opened it wide. So it is not currently -- neither the Freedom of Information statutes, nor any of the other attorney/client privileges that might be brought to bear, allow for carving out small niches without opening way broader doors. At least not as their currently written and interpreted.

SEN. DAILY: Jane, could we not construct something that would embrace the municipality within that. I mean, they're accustomed to dealing with FOI, and they know that pending litigation is exempt. But as another entity that's responsible for health and safety, I understand their need or their desire to be notified.

ASST. COMM. JANE STAHL: I am probably overly cautious about legislating on the fly. And it would take, in fact, I think a clarification of the Freedom of

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Information statutes as opposed to something in the Department's operating procedures, or reporting requirements. But, I mean, it's certainly something that, you know, that we could investigate. I would be very wary, though, of opening a door that might undermine our enforcement efforts.

SEN. DAILY: I think that we would all share that concern. No one would want to do anything at all to thwart the investigative efforts. But it seems police have that sort of thing to contend with all the time. Public knows about investigations. So there really have to be ways to handle that, I would think.

ASST. COMM. JANE STAHL: And again, other institutions do have other ways of handling these matters, and operate under different protections, if you will. I would just want to be very certain that in fact the Department's protections remain in tact. If we are, in fact, opening this door.

SEN. DAILY: Thank you.

ASST. COMM. JANE STAHL: You're welcome.

REP. STRATTON: Representative Maddox.

REP. MADDOX: Just one quick question on the proposal to burn telephone poles. Do you believe, or is the proper monitoring in existence at the CRA plants to allow you to make that determination at the moment, and to monitor them?

Or, I mean, the new ones I understand are the pressure treated ones, so they'll have arsenic in them, and everything else. I know that when they were originally set up we put some monitoring there. But my concern is, would that need to be retrofitted?

ASST. COMM. JANE STAHL: I am going to defer that question to another one of my experts. My understanding is that we are not, the resource recovery facilities are not equipped to either address the emission standard of what we might -- a

At this point, I would be more than happy to answer any questions there might be.

REP. STRATTON: Thank you very much, Kathy. You're pushing my mathematical abilities. I'm jotting down here, but I appreciate the written testimony, too. And we did ask Elsie Patton, from the Department to stay for through, cause I think it's very helpful as we sit down and look at the bill and going on. Are there specific questions? Thank you. Thank you very much for your testimony. John Shulansky, followed by Donald Fyall.

JOHN SHULANSKY: Senator Daily, Representative Stratton, distinguished members of the committee, my name is John Shulansky. And I'm a member of the West Hartford Town Council. It's my privilege to appear before you today to speak in favor of Raised Bill SB435, AN ACT CONCERNING NOTICE OF CONTAMINATION EVENTS AND PERMIT APPLICATIONS.

I want to, before I continue, apologize for the reference in the beginning of my written testimony, and hope that you will excuse that, and recognize that any reference to the masculine gender also incorporates that of the feminine gender.

This bill arises from my experiences during the 1997 municipal elections. And particularly the Town of West Hartford's experience as related to Safety-Kleen. Safety-Kleen is in the business of handling hazardous waste and operates a transfer facility in West Hartford.

It also operates in two other Connecticut municipalities. The company applied to the Connecticut Department of Environmental Protection to change its permit classification in anticipation of a move and a major expansion of its operations within West Hartford.

I'm certain you're aware that a number of allegations have been made about Safety-Kleen's operations. And frankly, I believe these allegations are unimportant to your consideration of this bill before you today.

What is important is that the Town of West Hartford found out about permit applications, business expansions, and certain DEP violations from Safety-Kleen itself, and not from the DEP.

Ladies and gentlemen, I would suggest to you that this simply doesn't make sense. Municipalities have limited regulatory and oversight authority over environmental matters.

The preservation and protection of the general well being, and the welfare of natural and human resources of the environment is an appropriate and a necessary responsibility of state government.

Municipalities do not have the resources to assume these responsibilities. And, in fact, the provisions of Title 22a of the General Statutes are testament to this important role.

And municipalities rely on the state to protect our environmental interests. However, under present state law, municipalities are not always aware of environmental oversight and authority that are occurring on their borders.

I believe this is a straightforward and common sense law. Whenever the state DEP takes some kind of enforcement action, the municipality in which that action occurred, should be notified.

In addition, the bill requires that the State DEP notifies the municipality when a permit is issued to an entity, an individual, or property owner, in a municipality. I view this as a public safety issue, first and foremost.

Notification will enhance public safety and the ability of police and fire and medical personnel in an emergency. In fact, I'm certain that public safety professionals will tell you, such notification can be life saving.

In addition, such notification can signal potential violations of municipal ordinances that might otherwise go unnoticed. While I'm proud to be associated with this bill, I might respectfully

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suggest that it might not go far enough. An amendment could require that the applicant for any DEP permit file notice of the application, or copy of the application, with the municipality.

This would give the municipality an opportunity to offer comment to the state about the regulated activity, or under certain circumstances, request a public hearing. The copy or notice might also trigger certain municipal oversight, such as building permits.

Another amendment might establish parameters for public hearings in a municipality on permit applications depending upon the scope of the application. This bill is before you because Senator Kevin Sullivan listened during the campaign, and appreciated the simple logic and importance of this bill.

And I want to thank him for his concern and responsible action on behalf of every city and town in the state. Amended or not, I ask you to take favorable action on this bill this session.

It seems relatively simple, but it is an important step to assure that every municipality has the tools to protect its citizens and the environment. Thank you.

REP. STRATTON: Thank you very much, Mr. Shulansky. I appreciate those comments and suggestions. Are there specific questions? Representative Prelli.

REP. PRELLI: Thank you. I'm sure you've heard our discussion with the Department when they were talking about this bill. Is it really your concern to get every single permit and licensure that is needed to be sent to the towns? Or, are we really just looking about certain types of major permits and...

JOHN SHULANSKY: Well, I think it's hard, and I recognize, and I only speak from my experiences in the Town of West Hartford, and my own perspective. But I think it's very hard to legislate what would be of interest to a particular municipality.

During the DEP's testimony, one of the comments they made was in regard to pesticide licensure. Well, frankly if a municipality is not, once a municipality becomes aware that a pesticide license has been issued within its town, I think there's probable assumption that can be made by the Fire Department that there is likely to be pesticides on that property, or related to that property, when there is going to be a fire, in the event there is a fire.

I look at this situation in Windsor, for example, a number of years ago when the Fire Department was not aware that there was hazardous material, but they did perform an evacuation in anticipation that there might be.

And it was a smart move, because there actually was pesticides there. They didn't know. Likewise, under provision 22a-430, the discharge of waste water that's associated with equipment washing and cleaning.

Generally, compliance with that requires the approval of the installation of something known as an oil-water separator. If that goes on without the knowledge of the town, that generally requires building permits and approvals that should be issued by the town.

And it might not be done. It might not be known by the town that that's actually occurring. So it, I look at this from two perspectives. One is health and safety, public safety. And second, there are - - it's enforcement of other municipal ordinances that are related to the environmental enforcement.

REP. PRELLI: I guess my concern would be though that this is the 2,000th form they got this year and they say, oh this is just another one of the forms from the DEP. And nobody looks at it. Haven't you defeated the purpose of getting notification? So, I think there's the flip side of that. I understand the concerns.

JOHN SHULANSKY: I think every municipality is going to have to create it's own process to determine what

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it's threshold of interest is going to be. Some may file these away and say, thank you very much but this is just one more in a series of papers. But I think others are going to take the approach that we know what is going to interest us.

Some may go to community planning, or zoning enforcement. Some may go to the health and safety side of the equation. But I think each permit in each municipality is going to have to address what is the most important to them.

REP. STRATTON: Other questions? Thank you very much for your testimony.

JOHN SHULANSKY: Thank you very much.

REP. STRATTON: David Fyall, followed by Lisa Santacroce.

DONALD FYALL: I want to say hello. My name is Donald Fyall, and I represent the right to a safe life for everybody. My perception is the earth is being poisoned, yet everyone is saying it is not their fault or responsibility.

Everybody has a slick way to dodge the bullet. It is said that when it comes to the destruction of the world, that it will not be water, but fire next time. But it will be water. The contamination of it.

They might have to ship some of that water they found on the moon down here. The signs are right in everyone's faces, and you reject them, for the sake of the devil's dollar bill.

People in office looking the other way while the earth is being poisoned. And why? Campaign contribution funds. Under the table payoffs. One hand wash the other situation.

And it turns out that everybody's hands are ending up dirty. Healthy soil is clean, but your hands are dirty. Deformed frogs in ponds, fish contaminated enough to kill you if you take one bite.

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Crooked bought off scientists lying about the reasons for this unnecessary destruction of God's creation and America's worried about Hussein. We should get real. Cut out the scape goat.

Every -- America's most dangerous enemies is big business. America's Hussein's are the CEO's of these big businesses. Let us quit playing games and just come right out and say, money means more than human life.

Even if those humans are babies. Because after all, on the dollar bill it says, in God we trust. It does not say we trust in God. What is the difference? It is this. Stated the first way it means, this, we trust this.

Meaning the dollar bill. Stated the second way, God is specifically being named as who is trusted. We trust in God. Simply put, the dollar bill has always been America's God. Why else would you allow the ruination of this land for a few pennies and a night out with the neighbor's wife?

When you can no longer eat the food, or drink the water, who will be the next scape goat, the Martians?

REP. STRATTON: Thank you, sir. Lisa Santacroce, followed by Richard Fil.

LISA SANTACROCE: Good afternoon, Representative Stratton, and members of the Environment Committee. My name is Lisa Santacroce, and I'm here today representing the Connecticut Audubon Society.

The Connecticut Audubon Society strongly supports HB5712. As a member of the state board for licensed environmental professionals, we advocated a reporting requirement for the licensed environmental professionals.

The LEP program allows a licensed environmental consultant to sign off on a contaminated site to verify that the site is clean with minimal DEP oversight. Because of this lack of state oversight, we felt it was especially important to

Testimony of JOHN D. SHULANSKY, Member, West Hartford Town council
before the COMMITTEE ON THE ENVIRONMENT regarding R.B. 435:
AN ACT CONCERNING NOTICE OF CONTAMINATION EVENTS AND PERMIT
APPLICATIONS

MR. CHAIR, distinguished members of the Committee, my name is John Shulansky, and I am a member of the West Hartford Town Council. It is my privilege to appear before you today to speak in favor of Raised Bill 435, An Act Concerning Notice of Contamination Events and Permit Applications.

This bill arises from my experiences during the 1997 municipal elections and particularly, the experiences of the Town of West Hartford relating to Safety-Kleen.

Safety-Kleen is in the business of handling hazardous wastes and operates a transfer facility in West Hartford. It also operations in two other Connecticut municipalities. The Company applied to the Connecticut Department of Environmental Protection (DEP) to change its permit classification in anticipation of a move and major expansion of its operations within West Hartford. I am certain you are aware that a number of allegations have been made about Safety-Kleen's operations. These allegations are unimportant in your consideration of the bill before you. What is important, is that the Town of West Hartford found out about the permit applications and business expansions and certain DEP violations from Safety-Kleen itself, not from the State DEP. Ladies and gentlemen, I would suggest that this does not make sense.

Municipalities have limited regulatory and oversight authority over environmental matters. The preservation and protection of the general well-being and welfare of natural and human resources of the environs is an appropriate and necessary responsibility of State government. Municipalities do not have the resources to assume these responsibilities. The provisions of Title 22a of the Connecticut General Statutes are testament to this important role, and municipalities rely on the State to protect our environmental interests. However, under present State law, municipalities are not always aware of environmental authority and oversight occurring within their borders.

Testimony of JOHN D. SHULANSKY, Member, West Hartford Town council
before the COMMITTEE ON THE ENVIRONMENT regarding R.B. 435:

This is a straightforward and common sense law: whenever the State DEP takes some kind of enforcement action, the municipality in which that action occurred should be notified. In addition, this bill requires the State DEP to notify a municipality when a permit is issued to an entity, individual, property owner in a municipality.

Notification can enhance the safety and ability of police, fire, medical personnel in an emergency. In fact, these public safety professionals can tell you this notification may be life saving. In addition, such notifications may signal potential violations of municipal ordinances that might otherwise go unnoticed.

While I am proud to be associated with this bill, I respectfully suggest that it might not go far enough. An amendment could require the applicant for any DEP permit to file a copy of the application with the municipality. This would give the municipality the opportunity to offer comment to the State about the regulated activity or under certain circumstances, request a public hearing. The copy also might trigger certain municipal oversight, such as building permits. Another amendment might establish parameters for public hearings in a municipality on permit applications, depending on the scope of the application.

This bill is before you because Senator Kevin Sullivan listened and appreciated its simple logic and importance. I want to thank him for his concern and responsible action on behalf of every City and Town in the State of Connecticut. Amended or not, I ask you to take favorable action on this bill this session. It is a simple bill, but it is an important step to ensure that every municipality has the tools to protect its citizens and the environment.

Thank you very much.

TESTIMONY OF STATE SENATE PRESIDENT PRO TEMPORE KEVIN SULLIVAN
SENATE BILL 435
NOTICE OF CONTAMINATION EVENTS AND PERMIT APPLICATIONS
ENVIRONMENT COMMITTEE
MARCH 9, 1998

Senator Daily, Representative Stratton, members of the Environment Committee, thank you for raising SB 435 for this public hearing.

While this bill as drafted does not yet go far enough, I commend the Committee for recognizing the importance of timely environmental compliance information to our local communities where the stakes are greatest in the permitting and enforcement actions the state does and does not take. If the Department of Environmental Protection continues to take the apparent position of lessening vigilance, then it is all the more important that local communities have the opportunity to be informed and be heard before it's too late.

In my own hometown of West Hartford, local officials have already experienced what can happen when information is so inadequate that the opportunity to act is jeopardized. That's exactly what happened when, unbeknownst to the local authorities, the Safety Kleen Company was given extraordinary permission by DEP not to replace an outdated underground solvents storage tank and to maintain a leak that soon spread on and off site. Not until remediation did the community or the neighborhood know what was happening, even though the site was before DEP in several proceedings before the incident occurred.

SB 435 would require 24-hour written municipal and health agency notice of any contamination event under CGS 22a-449(a). The legislation would also give municipal notice of the issuance of any permit, license or other approval of a regulated activity under CGS Title 22a. This specific time period and broader notification are welcome steps in the right direction. I do, however, urge and ask that you go a bit further in the interests of our local communities. SB 435 should also provide that written municipal notice be sent by DEP not later than 24 hours after the *commencement* of (1) any permitting, licensing or other approval process under Title 22a and (2) any enforcement action under Title 22a. Alternatively, where the technological capacity is available, all of this notification under SB 435 could be simply accomplished on-line.

Given the high, routine volume of activity at DEP, it may be argued that all this paperwork is an undue burden that will mostly go unnoticed locally. I'm sure this is true to some degree, but nowhere near the degree of unknown risk and lost opportunity for action that results now when our communities have little or no formal notice of environmental siting and environmental hazards until it is too late.

Please give our local governments the opportunity to be informed so that they can also be better involved. Environmental protection is not a desk job in Hartford. It's a real job out in the field and better local communication and partnership can only help get the job done.

Thank you for your consideration.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing -- March 9, 1998
 Environment Committee

Testimony Submitted by Commissioner Arthur J. Rocque, Jr.
 Department of Environmental Protection

Raised Bill # 435, An Act Concerning Notice of Contamination Events and Permit Applications

The Department of Environmental Protection has several concerns with respect to raised senate bill 435, An Act Concerning Notice of Contamination Events and Permit Applications which requires the Commissioner to provide notice to municipalities of certain environmental contamination and of activities regulated under the environmental protection laws.

Section 1 of this bill. Public Act 90-276 required the Department of Environmental Protection to notify the chief executive officer and the local director of health whenever there is a discharge, spill or uncontrolled loss of oil, petroleum, chemical liquid, or hazardous waste in a timely manner. The existing statute allows the Department to expeditiously notify local officials in a reasonable time frame. A 24 hour written reporting requirement would not be achievable given routine working schedules and mail service. For these reasons compliance with section 1 of the bill as drafted will not be achievable.

The Department does however recommend that the existing statute be modified to exempt from the reporting requirements any incidents which are reported to the department by the municipal authorities i.e. 911 exchange, police department, public works director, and/or fire service.

Section 2 of this bill. The language as proposed would expand notification of all Department approvals to chief elected officials. Such notification is currently in place for selected permitted activities. The Department does not have adequate resources to accommodate this additional mandate, nor, do we believe CEO's would be meaningfully informed by such inundation of

The DEP issues thousands of approvals every year, many for very technical reasons that have no bearing on issues of interest to local officials, and many at a time in the process when comments would be too late to have any real impact. These approvals include everything from occupational licenses that are issued to individuals, such as sewage treatment plant operators, environmental professionals and others. The requirement to send copies of all these approvals to a list of local officials creates an unnecessary burden on this agency, with little or no benefit to the municipalities.