

Legislative History for Connecticut Act

HB 6621 PA 225 1999

SENATE: 3946-3949, 3952-3953 6p.

HOUSE: 2890-2946, 6901-6905 62p.

Environment: 202, 206, 215, 241, 242, 289-294,
302-303, 311-313, 320-321, 396, 398-418,
1779, 1780-1781 43p.

Total - 55p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1999

VOL. 42
PART 12
JUNE SPECIAL
SESSION
VETO SESSION
3809-4166

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Senate

Wednesday, June 9, 1999

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

Just to repeat myself, I move Substitute for SB1266
to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

I move for suspension of the rules to take up
Substitute for SB353 from Senate Agenda No. 3.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

I move this item to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

If the Clerk could call the Calendar please.

THE CLERK:

Turning to Calendar Page 12, Calendar 539, Files
110 and 758, Substitute for HB6621 An Act Concerning
Revisions to Certain Programs and Operations of the
Department of Environmental Protection, Extension of
Certain Water Mains by Municipalities and Specifications
for Certain Paper Purchased by the State, as amended by

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House Amendment Schedules "A", "B", "C" and "D".
Favorable Report of the Committees on Environment,
Energy and Technologies, Planning and Development,
Public Safety, Appropriations, Finance, Revenue and
Bonding and Government Administration and Elections.
The Clerk is in possession of amendments.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. I move
acceptance 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 very much, Madam President. There are a
number of items of interest in this bill, most of them,
all of them having to do with the operations of DEP and
their efforts to further protect the health and welfare
of the citizens of the State of Connecticut.

Connected to the underlying bill, I would ask the
Clerk to call LCO11076 if he will.

THE CLERK:

LCO11076 which will be designated Senate Amendment
Schedule "A". It is offered by Senator Daily of the 33rd

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District.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. I would move passage of the amendment and seek leave to summarize.

THE CHAIR:

The question is on passage. Will you proceed.

SEN. DAILY

The amendment corrects some difficulties in the underlying bill. It removes, for the time being, the requirement that we give certain preferential discounts in the purchase of chlorine paper.

It does contain and maintain the requirement that the Department of Administration Services review our purchasing in terms of environmental standards and it also removes language that dealt with permits 430 and 454 from the Department of Environmental Protection.

THE CHAIR:

Will you remark further on Senate Amendment "A"?

Will you remark further? If not, I will try your minds.

All those in favor indicate by saying "aye"?

ASSEMBLY:

Aye.

THE CHAIR:

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Opposed, "nay"? The 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. Without objection, so ordered.

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I failed to make one marking on Page 6, Calendar 600. It should be marked Go.

THE CHAIR:

After suspension.

SEN. JEPSEN:

Oh. It was incorrectly marked single starred. It appropriately should have two stars.

THE CHAIR:

In that case, Sir, the motion is to refer this item to the Consent Calendar. Without objection --

SEN. JEPSEN:

No, it should be marked Go.

THE CHAIR:

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HB7018.

Calendar Page 12, Calendar 539, Substitute for
HB6621.

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

THE CHAIR:

Thank you, Sir. Would you once again announce a
roll call vote on the Consent Calendar. Please announce
a roll call 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 announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 4.
Total number voting, 36; those voting yea, 36;
those voting nay, 0. Those absent and not voting, 0.

THE CHAIR:

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The Consent Calendar is adopted.

THE CLERK:

Turning to Calendar Page 2, Calendar 405, File 154 and 609, Substitute for HB6954 An Act Concerning a Real Estate Licensee's Duty to Disclosure Information, as amended by House Amendment Schedules "A" and "B". Favorable Report of the Committee on Insurance and Real Estate and General Law.

THE CHAIR:

Senator Bozek.

SEN. BOZEK:

Thank you, Madam President. I would move the Joint Committee's Favorable Report, Madam President, I'd like to bring out this bill and there's an amendment drawn on it and I'd like to yield to Senator DeLuca for LC012 --

THE CHAIR:

Senator Bozek, just a moment, Sir. Senator Bozek.

Actually, Sir, you have to actually move passage.

SEN. BOZEK:

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

THE CHAIR:

The question is on passage. Will you remark?

SEN. BOZEK:

Madam President, there's an amendment on this,

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House of Representatives

Thursday, May 20, 1999

On page 18, Calendar 157, Substitute for House Bill
Number 6621, AN ACT CONCERNING MINOR REVISIONS TO
CERTAIN ENVIRONMENTAL PROTECTION STATUTES. Favorable
Report of the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER CURREY:

Representative Widlitz from the 98th.

REP. WIDLITZ: (98TH)

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

DEPUTY SPEAKER CURREY:

The question is on acceptance and passage. Please
proceed, Madam.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. The bill changes several
laws governing the State's environmental protection
programs including air pollution control, voluntary site
remediation, transfer of hazardous waste establishments,
inland wetlands and water courses, forest practices,
pesticide application, energy generation requirements,
and water company land sales among other things.

Madam Speaker, the Clerk has LCO Number 9217. Will
he please call and I be allowed to summarize?

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 9127 - 9217? Excuse

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me. Designated House "A".

CLERK:

LCO Number 9217, House "A" offered by
Representative Widlitz.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. The first part of the -- the amendment makes several changes to the underlying bill. What I'm going to do is go through each part of the amendment and refer back to the underlying bill that it impacts.

The first section of the bill refers to the burning brush permits. The underlying bill allows DEP to issue brush burning permits to municipal transfer stations and recycling centers and specifies that the DEP may authorize open burning in other areas for fire control and prevention purposes as DEP may authorize.

The amendment strikes out the language in line 30 regarding the American Heart Association. It simply makes the Department of Environmental Protection the source for air pollution advisories which affect the open burning of brush.

And the next section refers to the SCPRIF fund which is the Special Contaminated Property Remediation

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and Insurance Fund. The SCPRIF program has only begun to be implemented recently. So this change on line 133 makes the law consistent with the municipality's experience and ability to comply.

The amendment also strikes out section 6 in its entirety. This is a district that keeps the -- section that keeps the soil district law as it currently is. DEP, by regulation, has the ability to change the number of soil districts. So we don't need the language in the bill.

In line 199 we delete language which refers to the Patriot Stadium property from the Transfer Act. Obviously, that's an obsolete section.

In line 202 we make technical changes.

Moving on to line 204, this refers to the section that expands the types of transfers that are exempt from the Transfer Act's requirements to include conversions of partnerships to limited liability companies and certain transfers from partnerships to other partnerships or LLCs which include all of the general partner or partners respectfully from the originating partnership.

The language is technical. The amendment language is technical. It simply clarifies the exemption is only for general partnerships where the same parties will be

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responsible for the property after the legal transaction described here.

That same language is added into the next few lines, 205, 207, 208, and 210.

The next section, the next change impacts the site investigations under the Transfer Act and voluntary remediations that are performed in accordance with the Department of Environment Protection's site investigations regulations rather than with prevailing industry standards and guidelines in the underlying bill.

If we were to implement that language that would really bring everything to a standstill as far as remediation of property. So the amendment deals with that and allows the use of prevailing standards for investigation of contaminated parcels until January 1, 2002 or the adoption of regulations, whichever is sooner.

Section 11, we're striking out in its entirety. This section of the bill was technical. It is not needed and the amendment eliminates the inconsistency in the bill which would occur if this section is not eliminated.

Line 401, we just correct an incorrect reference.

Moving on to the section referring to vapor

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recovery systems. The underlying bill allows DEP to require any Stage II vapor recovery systems on gasoline pumps to be tested periodically in accordance with the methods approved by the California Air Resources Board.

The amendment would change "periodically" to "annually". It also specifies -- requires regulations that spell out the testing methods for the gasoline vapor recovery equipment and also clarifies -- no, I'm sorry, that's it.

In line 615, this relates to forest practices. It clarifies that the role of inland wetlands agencies to interpret what constitutes a forest practice is limited to those towns where such agencies have the authority over forest practices.

Last year, as you may recall, we identified about 20 towns, I believe, who regulate forest practices locally under Section 23-65k. We are not changing that in any way for those towns.

We are adding a section requested by the Attorney General to facilitate enforcement of pesticide violations. That comes in in section 25 which is a new section.

Section 26 is requested by the Department of Environmental Protection. In order to comply with the Atlantic States Marine Fisheries Commission's plan to

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monitor and report all harvest of horseshoe crabs, if we don't comply with Atlantic States Marine Fisheries then we would actually have to shut down fisheries. So we must comply with that.

Getting to the end. Section 27 requires a more extensive study of regulations before their adoption on forest practices to assess the impact on regulated businesses and also on the environment.

Section 28 requires action on administrative civil penalty regulations which have been required to be adopted since 1993, but have not been.

Section 29 requires an upgrade of the Department of Environmental Protection file management practices.

Section 30 requires additional information and annual report from the Department of Environmental Protection regarding enforcement of environmental protection laws.

It also establishes an enforcement coordination office in the Department of Environmental Protection. It requires the report next year on the actions taken to coordinate enforcement.

Madam Speaker, I move adoption.

DEPUTY SPEAKER CURREY:

The question is on adoption of the amendment. The question is on adoption of the amendment. Will you

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remark further? Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. First I rise in support of the bill, as -- excuse me. I rise in support of the amendment as ably described by the Chairman of Environment and the Clerk has an additional amendment -- I'm sorry.

DEPUTY SPEAKER CURREY:

Excuse me, Representative DelGobbo. We're still on the amendment.

REP. DELGOBBO: (70TH)

I ask leave to withdraw. Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Would you remark further on the amendment? Would you remark further on the amendment?

If not, I will try your minds. All those in favor of Amendment "A", please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

Those opposed, please signify by saying no. The amendment is adopted.

Would you care to remark further on the bill, as amended? Would you care to remark further on the bill, as amended?

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Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. Would the Clerk please call LCO Number 7119 and I be allowed to summarize?

DEPUTY SPEAKER CURREY:

Will the Clerk please call amendment 7119, designated House "B"?

CLERK:

LCO Number 7119, House "B" offered by
Representatives Widlitz and Collins.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. Madam Speaker, this is a technical amendment clarifying the meaning of hazardous waste.

I move adoption.

DEPUTY SPEAKER CURREY:

The question is on adoption. Will you remark further?

If not, I will try your minds. All those in favor of Amendment "B", please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

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Those opposed, no. The amendment is passed.

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. The Clerk has LCO Number 9225. Will he please call and I be allowed to summarize?

DEPUTY SPEAKER CURREY:

Will the Clerk please call 9255, designated House "C"?

CLERK:

LCO Number 9255, House "C" offered by
Representatives Fritz and Adinolfi.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. This amendment would allow, in the event of bacterial contamination of a water supply within a municipality - this would allow a municipality to share the cost of an extension of a water main. Currently they are not allowed to share in that cost and the individual homeowners must bear the entire cost. This would not require any action on the part of the municipality, but would be enabling if they chose to share in the cost.

I move adoption, Madam Speaker.

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The question is on adoption. Will you remark further? Representative Fritz.

REP. FRITZ: (90TH)

Thank you, Madam Speaker. This is a very, very important amendment for the people of the Town of Wallingford.

We had a situation in one section of our town where the wells became contaminated with ecoli and because of the vagueness of the statutes, and the interpretation thereby, it was determined that the town did not have to bear any cost for running the water mains into this area.

You should know that this area is not a new area. It's an area of approximately 26 years old. Additionally at the same time, a similar situation occurred in Southington and again because of the vagueness of the statutes, Southington chose to interpret the situation that they would bear part of the cost of running the water mains to address the bacterial contamination problem.

So what this amendment does is it clearly addresses the problem of bacteria contamination, but as Representative Widlitz stated, it is enabling legislation. It says the town may and I would move adoption.

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Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. Madam Speaker, I have a couple of questions. I'm not opposed to the amendment, per se, but just to get a couple of things into the record.

As I understand this amendment, first of all, it would expand those criteria that the DEP uses in making grants to municipalities by adding bacterial contamination specifically.

Through you, Madam Speaker. Is that correct?

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. BELDEN: (113TH)

I'm referring to line 21.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Through you, Madam Speaker. I'm sorry, Madam Speaker. There was some confusion. Would you please mind repeating the question?

DEPUTY SPEAKER CURREY:

Please repeat your question, Representative Belden.

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REP. BELDEN: (113TH)

Thank you. It's my understanding that what this amendment does, it adds specifically that finds a new criteria that the DEP must utilize in its granting of funds, etc. to municipalities for problems of water supplies because the current law, on line 20, is 22a-423. We are now adding a new criteria there. I just want to get that clear for the record. That's the area which is now somewhat vague. Would this only be bacterial contamination -- must have some type of a definition. I mean, all water has bacteria in it. I heard mention earlier of ecoli and that the problem is that that's unclear under our current statutes whether the DEP can cover that under its grant program.

So my question is, through you, Madam Speaker, are we, in fact, adding a new category, defined category that DEP can recognize?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. Through you, Madam Speaker. My interpretation of this language would be that the municipality and the commissioner of DEP would determine whether there is a bacterial contamination

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problem. However, as far as the financial part of the bill, it would only allow the municipality to contribute to the extension of a water main. It does not appear to me to include a new category into a grant program.

DEPUTY SPEAKER CURREY:

Representative Belden.

REP. BELDEN: (113TH)

I thought I heard earlier, Madam Speaker, that the reason why we were doing this is because ecoli was not clearly defined by the DEP as a -- I'll ask this question of Representative Fritz maybe. I think she is chomping at the bit over there to respond.

But my understanding is when we -- and I say, I'm not opposed to this, but I want to make sure we understand exactly what we're doing.

I believe we're adding a new definition on line 21 to the categories of pollution that the DEP can respond to through their various funding programs for whatever share of monies the State supplies for municipal or local water problems.

Through you, Madam Speaker to Representative Fritz.

DEPUTY SPEAKER CURREY:

Representative Fritz.

REP. FRITZ: (90TH)

Through you, Madam Speaker. Representative Belden,

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I note to what issue you are speaking and if you're asking if, in fact, the Chemical Response Fund will now be responsible for bacterial contamination, no, it will not.

The Chemical Response Fund is only -- only deals with chemicals. It will not address bacterial contamination. The essence of this amendment is very, very clear because it was a misunderstanding of Section 7-137c. It was the vagueness of that section of the statutes which this amendment addresses whereby whether a municipality could address bacterial contamination.

And the interpretation by Wallingford was that the way they read this statute, and the way in my conversations with the Attorney General's office, they interpreted it was that they did not have to pay. They did not have to bear any costs or any burden, financial burden for bacterial contamination and as I explained briefly, a similar occurrence happened in the Town of Southington at exactly the same time. Bacterial contamination. Very few homes. Southington chose to interpret this same section of the statutes as being able to apply to bacterial contamination.

What this merely says is you may pay and you may draft an ordinance to do proportionate share to address bacterial contamination.

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DEPUTY SPEAKER CURREY:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Representative Fritz and thank you,
Madam Speaker.

DEPUTY SPEAKER CURREY:

Would you care to remark further? Representative
Lockton.

REP. LOCKTON: (149TH)

Thank you, Madam Speaker. Madam Speaker, I'm
afraid I don't have 7-137 in front of me, but in looking
at Section 2 on line 8, just if you could confirm
something for me.

We are deleting that a resident will pay if his
property abuts the new line. We are deleting that and
saying that a municipality may pay the cost that before
the resident was responsible for paying. I'm just
trying to confirm in my mind, is this in any case when a
water main is put in or is this just in the case of an
emergency where there is pollution?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Fritz.

REP. FRITZ: (90TH)

If you would -- through you, Madam Speaker. If you

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would continue over to lines 15, 16, 17 on the back of the page you will see that again we talk about the reimbursement by the municipality and the owner's proportionate share and the ordinance. We have not changed the underlying language. We've just gone on to address the problem with regard to the bacterial contamination.

And that they may pay a proportionate share and that they may pay. As I explained before to Representative Belden, the big problem was in the interpretation of the statute and I have -- the Attorney General says -- has reported to me that this does solve that problem and eliminates the vagueness.

DEPUTY SPEAKER CURREY:

Representative Lockton.

REP. LOCKTON: (149TH)

Thank you, Madam Speaker. And thank you, Representative Fritz. And I read that, but it looks as if the whenever is different and could possibly stand alone from just having the main in front of a residential house that's abutting. Now they are supposed to pay if there is no pollution problem. I just want to make sure that we are not changing the law that if your property abuts and there's no pollution problem, that the rate the taxpayers and the municipality will not be

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or cannot be caused to pay for your connection if there is no problem.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Fritz.

REP. FRITZ: (90TH)

Through you, Madam Speaker. If you would look at line 13 and throughout, you will notice that the verb that is used is "may". It is all enabling. There is no mandate and I was very, very careful of that. I am very conscience of mandates and in terms of violating home rule. Additionally, there's a section that addresses an ordinance whereby the towns could so determine a proportionate share if they so wanted to.

DEPUTY SPEAKER CURREY:

Representative Lockton.

REP. LOCKTON: (149TH)

Thank you, Madam Speaker. And I believe Representative Fritz has clarified that for me then.

This is not only in the case of pollution. We are, in fact, changing the law to say that instead of the abutting residential homeowner in a pollution case, now any abutting homeowner can hook up and have the other taxpayers in the town absorb the cost at the discretion of the municipality?

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Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Fritz.

REP. FRITZ: (90TH)

Through you, Madam Speaker. Again, we must refer back to the section of the statutes that deal with the contamination and the extension of water mains into areas used totally or partly for industrial commercial purposes or inter-residential areas. We are not changing anything to do with the normal extension of water mains. We are not changing anything that is in existing law. We are only allowing for municipalities to be able to address a problem of bacterial contamination.

DEPUTY SPEAKER CURREY:

Thank you, Representative Fritz.

Would you care to remark further? Representative Mushinsky.

REP. MUSHINSKY: (85TH)

Thank you, Madam Speaker. I rise to support the amendment. The incident did happen in my district. It was approximately 79 homes suffering mass contamination by bacteria. And this amendment corrects one of two problems we found when dealing with mass contamination events.

This amendment corrects only the problem that the

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town felt it had no discretion in sharing the cost of rescuing a neighborhood. This amendment corrects that problem.

The second problem we found was the DEP will not classify a bacterial incident as a community pollution problem. And therefore will not allow access to funding. That's a second problem which this amendment does not address, but I hope to have an amendment to address that at another time.

I think that's the amendment you were referring to, Representative Belden.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the bill, the amendment before us? Would you care to remark further on the amendment before us?

If not, I will try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, no. The amendment is adopted.

Will you remark further on the bill, as amended?

Representative Fleischmann.

REP. FLEISCHMANN: (18TH)

Thank you, Madam Speaker. Madam Speaker, the Clerk

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is in possession of an amendment, LCO Number 8306. I ask that the Clerk please call and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 8306 designated House "D"?

CLERK:

LCO Number 8306, House "C" offered --

DEPUTY SPEAKER CURREY:

"D".

CLERK:

House "D" offered by Representatives Fleischmann and Collins.

DEPUTY SPEAKER CURREY:

Representative Fleischmann.

REP. FLEISCHMANN: (18TH)

Thank you, Madam Speaker. This bipartisan amendment would simply place paper that is produced using chlorine free processes in the same preferred purchasing category that the State established for recycled paper, more than a decade ago.

I move adoption.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment?

REP. FLEISCHMANN: (18TH)

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Yes, Madam Speaker. This would be a step forward for the State in its environmentally friendly purchasing practices. In 1988 we set up a state preference for paper for recycled contents. Five years later the federal government followed our lead. It makes sense for Connecticut to today to take this new step forward.

I hope my colleagues will join me in supporting it.

DEPUTY SPEAKER CURREY:

Will you remark further on the amendment?

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. A question, through you, to the proponent of the amendment, please.

DEPUTY SPEAKER CURREY:

Representative Fleischmann, prepare yourself.

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. Representative Fleischmann, could you share the fiscal note with the Chamber, please?

DEPUTY SPEAKER CURREY:

Representative Fleischmann.

REP. FLEISCHMANN: (18TH)

One moment, please, Madam Speaker.

DEPUTY SPEAKER CURREY:

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Please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER CURREY:

The House will please come back to order.

Representative Fleischmann.

REP. FLEISCHMANN: (18TH)

Thank you, Madam Speaker. And thank you for your indulgence. The Office of Fiscal Analysis' note indicates minimal costs.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment?

Would you care to remark further on the amendment?

If not, I'll try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

Those opposed, no. The amendment is adopted.

Will you remark further on the bill, as amended?

Representative Bernhard.

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REP. BERNHARD: (136TH)

Thank you, Madam Speaker. The Clerk has in his possession LCO 6893. I would ask that he call it and that I be permitted to summarize.

DEPUTY SPEAKER CURREY:

Would the Clerk please call LCO 6893, designated House "E"?

CLERK:

LCO Number 6893, House "E" offered by Representative Bernhard.

DEPUTY SPEAKER CURREY:

Representative Bernhard, you have the floor, sir.

REP. BERNHARD: (136TH)

Thank you, Madam Speaker. Madam Speaker, 20 years ago this House had the foresight to pass something that is commonly referred to as the five cent deposit bill on containers containing carbonated beverages.

Twenty years ago that bill went into effect. And it is the single most successful bill that this Chamber has ever had - has ever passed.

There is today, I am told, a 90% compliance rate. That is 95% of all containers in which carbonated beverages are sold are returned because of the 5 cent deposit.

Since the enactment of that bill, however, the

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market has changed dramatically. The market for beverages has changed to include things like teas, Snapple, Poland Spring Water, and so forth. These containers are not included in the five cent deposit bill and accordingly, are not returned at anywhere near the same rate that the carbonated beverages are.

And Madam Speaker, if you look in this Chamber you will see evidence of what I'm talking about. At the rear of the Chamber you will see a container in which all of our carbonated beverages are placed and returned. At the end of each of our rows, however, there are garbage containers in which we put the bottled water containers, the Snapple bottles and so forth.

Those bottles are going to go to our dumps and fill up our dumps. Accordingly, Madam Speaker, I'm proposing with this amendment that we include non-carbonated containers among our five cent deposit bill.

In the future I would hope if this amendment is passed that all containers that are presently being sold will be returned for a five cent deposit. It will clean up our rivers, our streams. It will clean up our highways. This is a good amendment and I urge this House to pass it.

Thank you, Madam Speaker.

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Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. I would agree with most of the comments of my colleague on the other side of the aisle. This is something I think we should take a look at in the future. However, doing it at this point on this particular bill would, I think, be an onerous discussion attached to this particular bill at this particular time.

Within the Environment Committee we did have a discussion on this issue. What we would like to do is to do a study of the consequences of an action such as this because I will point out that since we originally enacted the Bottle Bill we have curbside recycling which has been extremely successful. What we need in order to go forward with a concept like this in an intelligent organized way is to do a study of what the impact has been on curbside recycling, what the cost is to the food industry to collect these bottles and return them and store them and all of that.

It's a good issue. It is, however, an issue that needs to be pursued more indepth. I would make a commitment, certainly, to doing that within the next session when we can study the entire issue and can come up with a conclusion that I think will have more merit

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than tacking onto a revisions bill.

So I would respectfully ask my colleagues to reject the amendment.

DEPUTY SPEAKER CURREY:

Representative Bernhard, you have the floor, sir.

REP. BERNHARD: (136TH)

Thank you, Madam Speaker. The problem is that this kind of a bill gets bogged down in the bureaucracy that is so prevalent and so often that we see.

The common sense of this amendment is too obvious.

And I state again, it's so clear how notwithstanding our recycling bill that we have that's been enacted and that is a good bill, that it's ignored in the mainstream. This Chamber is a reflection of society. And I dare say that there is no container here in this Chamber for recycling. Every Snapple bottle that is sold, every Poland Spring Water bottle that is sold is thrown into the garbage because this Chamber doesn't have the respect of its own recycling laws.

It's not a castigation. It's just laziness that's part of being in society. We all do it. The recycling bill may very well work for the home and I dare say we all have containers at home and we take those recycling -- these recyclable materials and we put them in those containers, but most of these beverages are not consumed

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at home. They're consumed at the office. They're consumed while you're out vacationing. And they never make it to a recycling bin.

We don't have to study this forever to know that it's a good idea. And again, Madam Speaker, notwithstanding the comments of the Chair of the Environment Committee, and I know she's well intended, and I take her up if this amendment is not adopted on her promise to look into it further in next session. But I dare say there's no reason to wait until next session.

The study is going to show it's a good idea because it's a good idea.

And therefore I urge my colleagues to adopt it today.

Thank you.

DEPUTY SPEAKER CURREY:

Representative Widlitz, please continue.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. A question to the proponent of the amendment. Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Would you repeat the question?

REP. WIDLITZ: (98TH)

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A question to the proponent of the amendment. Do you have any idea of what the cost is to the small businesses such as the 7-11, the convenience stores, in collecting and storing all of these excess bottles? Do you have any idea of what that number would be like and what the cost would be to small business? It's my understanding that currently many of them have storage facilities that are almost as large as their retail operation.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Through you, Madam Speaker. I think it's fairly obvious that there's going to be a cost to our retailers. The question is, is there going to be a cost to society, a bigger cost to society? The fact is, garbage is becoming an incredible problem for society to deal with. By ignoring it even one day further, we're going to be compounding for our children and our children's children problems that we can't even begin to imagine on how we're going to deal with the amount of garbage we have in society.

Sure, there's going to be a cost to the retailer. But that cost is going to be minimal in comparison to what society is going to pay. These bottles, these

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plastic containers that are going into our dumps are going to take hundreds of years to dissolve. They're filling up. The cost to society in not having a bottle bill is going to be much greater in the short term and the long term. It's a cost of doing business. It's one we ought to accept.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. I respectfully thank my colleague for his answer. However, I do feel that it is a good cause that should be pursued, but I think we should pursue it in a fashion where we have facts and figures on the table about what the impact is to small business, what the cost is, what the success of curbside recycling has been, and examine all of those components of this issue in an organized fashion and make a decision which is a well thought out one.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Madam Speaker, a question to the proponent, please.

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Representative Bernhard.

REP. WIDLITZ: (98TH)

Through you, Madam Speaker. I would like to know if there is a fiscal note on this amendment.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Yes. Through you, Madam Speaker. Yes, I do have a fiscal note. According to the Office of Fiscal Analysis, and I'll quote. "The amendment would increase the beverages whose containers must have a refund value minimally increasing the workload of the DEP." Further, the report goes on, "However, the impact to municipalities and the State due to less materials being recycled through curbside recycling is indeterminate and would depend upon the market values for the materials at the time."

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Widlitz, you have the floor.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. Through you, Madam Speaker, another question to the proponent. Do you feel that there would be a cost increase to the product itself?

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DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Yes, Madam Speaker. To those containers that are not presently covered by the five cent deposit, there would be an increase of five cents.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. I would again respectfully encourage my colleagues to vote against this amendment not on the basis of its substance, but on the basis that we really do not have all of the information we need to make a decision to go forward with this in a well organized, well thought out way.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

I call for a roll call vote.

DEPUTY SPEAKER CURREY:

Excuse me, sir. You don't have the floor. You were answering a question.

REP. BERNHARD: (136TH)

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Forgive me, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Mushinsky.

REP. MUSHINSKY: (85TH)

Thank you, Madam Speaker. I rise to support the amendment. And congratulate Representative Bernhard and Representative Scipio for filing this bill.

I was one of the lobbyists for this bill back in 1978. And had these containers existed, they would definitely be in the law. The bill was aimed at all single served containers and these types of beverages were not single serving in 1978, but they are in 1999.

Curbside recycling does not attack the litter problem on our parks and roadsides and never will. This amendment, however, would do that. It would save money for our municipalities in clean-up costs.

I would say a study is not necessary. It's been a delay tactic since Lowell Weicker was Governor and he's been out of office for a long time. And we're still talking study. We're past the study point. This is an easy decision and I hope you will support it.

DEPUTY SPEAKER CURREY:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. I rise in support of

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this amendment as one who co-sponsored the original bottle bill. We heard some talk about costs a little bit ago. There's a cost to pick up the litter on the highways. There's a cost to dispose of it after. What recycling does through this particular amendment is intercept the trash at the point of use. And therefore, there's a number of labor steps that are taken out of the equation because we have people go out in the DOT and walk on our highways or prisoners, whatever, to pick up all this stuff.

I've got to tell you, when I ride my bicycle, I pick up cans and bottles and there is just as high a percentage of tea, and Snapple containers out there as there is of all the other containers that, in fact, have a deposit.

And you know, we're not re-inventing the wheel here because there are two states that currently require these types of beverages to be in recyclable containers.

It's Maine and I forget what the other one is.

So I don't think we have to really study too hard to figure out how to do it or how it works. And I think that that if we don't do it this year, that we ought to try to see if there is a way to move forward on this because I think it's a very positive thing in the whole environmental stream of how we handle what we throw

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away.

So I would urge support of this amendment.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Thank you, Madam Speaker. I would call for a roll call vote on this.

DEPUTY SPEAKER CURREY:

All those in favor of a roll call, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

A roll call has not been met.

Would you care to remark further on the bill, as amended? On the amendment. Representative Simmons.

REP. SIMMONS: (43RD)

Thank you, Madam Speaker. Can 20% be met with one or two voices?

Madam Speaker, I rise in support of the amendment.

And I have to say when the distinguished Chair of the Environment Committee says we need to study the issue, I can't really believe she means that because other states have gone about this business and have looked at this issue and Connecticut has --

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DEPUTY SPEAKER CURREY:

Excuse me, sir. But we don't impugn other Representatives despairingly.

REP. SIMMONS: (43RD)

I apologize. And I take down those remarks. I apologize to the distinguished Chair. Vice Chair.

I find it surprising that we need to study an issue that is already a success for the State of Connecticut.

The State of Connecticut has had a bottle bill, as we've heard, for some years now and it's been very successful within the scope of the bill. But unfortunately, the food industry or the people that produce these containers are now moving into other areas which is why our streets and our highways and our byways are littered with now different types of containers.

DEPUTY SPEAKER CURREY:

Representative Simmons.

REP. SIMMONS: (43RD)

Thank you. Madam Speaker, I think we know that in the State of Connecticut in the past few years tourism has become increasingly important as a source of revenue for the State of Connecticut. In fact, tourism is now a cluster of our economy, one of the six clusters that we invest in and we try to promote.

And as such, it's one of the fastest growing. It's

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actually the fastest growing cluster here in the State of Connecticut.

But the people that come here don't come here to see our scenic roads littered with bottles and cans and that's exactly the situation we have.

Representative Belden clearly described it when he goes biking. I see it in my own town and along my own road. I have 800 feet of footage on a scenic road, North Main Street, Stonington.

And I pick up bottles and cans off that scenic road every week. And they are, by in large, they are not bottles and cans that have the five cent deposit. They're those that don't and let me give you a practical example. This Poland Spring bottle, five liter bottle, does not have a Connecticut five cent deposit. It has a Maine five cent deposit. So in the State of Maine if this bottle is thrown out on the street or on the road, that person is essentially throwing a nickel out the window.

And the chances are that those people who like to go along the road and pick up the bottles, they'll pick it up in the State of Maine, but in the State of Connecticut, they won't. And this bottle will lie on the street where it will be picked up maybe by a homeowner, maybe by somebody who actually does this on a

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regular basis to generate revenue or more likely, by your municipal government, by the town or borough in which you live.

And don't tell me there's not a cost to that town or that borough and this is not a cost that's really factored in to the Office of Fiscal Analysis when they do their review.

But it's a definite cost. And if you're a tourism town, as we are in Stonington, you're going to pay that price because you want your town to look decent for the people who come to visit.

And I guess my question is, why is it that the people of the State of Maine have made this decision to put a nickel deposit on their water bottle? Is it because the people of the State of Maine don't care about business? Is it because they want to put a burden on convenience stores? Is it because somehow they're anti-business up in Maine? Is that what it's all about?

I don't think so. I don't think so. I think in many respects it goes to the issue I just talked about. They rely on tourism for their revenue. They rely on tourism for their revenue and that they know this is a good way to help keep the State clean.

It may well be also that they're environmentally conscience and they know this is a good way to promote

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recycling. But I don't understand why this is such a big deal for the State of Connecticut. I don't understand why it's so difficult to understand why expanding the scope of our recycling bill, something that we were a leader on is now so difficult in this day and age.

My experience is when people pick up the bottles and cans they usually take them to the big supermarkets and pump them into the machines that are located in the lobby. No big deal. No problem with space that I can see. You know, maybe there's a very small mom and pop store somewhere the sells bottles and doesn't have any storage space, but my experience is the really small stores kind of encourage you to take the bottle somewhere else, to the big chains and people in our communities basically do that if that's a problem.

So I don't get it. I don't see why we have to study this. I don't see why we have to postpone this issue. I don't see why we have to for another year drag behind states like Maine and Vermont and yes, Vermont does it, as well when the message is very clear, this type of recycling amendment, this type of recycling legislation is actually good for business because it keeps our state, our towns, our burroughs, our scenic attractions neat and clean in a fashion that continues to attract people to come here.

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And in fact, it assists our municipalities in relieving some of the burden so that they don't have to absorb all of the costs of the clean-up.

On that basis, Madam Speaker, I would urge my colleagues to support this amendment.

Thank you.

DEPUTY SPEAKER CURREY:

Thank you, Representative Simmons. Would you care to remark further on the amendment? Would you care to remark further on the amendment? Representative Farr.

REP. FARR: (19TH)

Thank you, Madam Speaker. Just a couple of questions to the proponent of the amendment through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. FARR: (19TH)

Representative Bernhard, just for clarification. Does this amendment require that the cardboard containers that fruit juices are sold in have deposits?

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

For legislative intent, it clearly was not intended to include cardboard containers.

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DEPUTY SPEAKER CURREY:

Representative Farr.

REP. FARR: (19TH)

Through you, Madam Speaker to Representative Bernhard. As I read it, this does not include milk containers. Is that correct?

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Through you, Madam Speaker, I couldn't hear the question.

REP. FARR: (19TH)

The question, through you, Madam Speaker is whether or not milk is included in this definition under this amendment.

DEPUTY SPEAKER CURREY:

(Gavel) So that we might hear the debate.

Representative Bernhard.

REP. BERNHARD: (136TH)

I'm sorry, Madam Speaker, once again I couldn't hear the question.

DEPUTY SPEAKER CURREY:

Representative Farr.

REP. FARR: (19TH)

Yes. The question is whether milk containers are

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included under this definition. Through you, Madam Speaker to Representative Bernhard.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

As drafted, no, it does not.

DEPUTY SPEAKER CURREY:

Representative Farr.

REP. FARR: (19TH)

Yes. Thank you. Just an observation because I was on Environment when we looked at this before. It is, perhaps, a little more complicated than some people may think. This particular amendment does provide for fruit juices presumably if they're sold in cans which would mean that you could sell them in cardboard containers and there's no deposit.

It does not include milk containers and I guess maybe that's the good thing if you want to promote milk consumption, but it is a little bit more complicated. When we had a hearing a number of years ago in Environment on this we did find it a little more difficult than I had envisioned. At that point we did not vote out a bill. I support the concept, but I do have -- I'm somewhat troubled by whether or not we've actually well defined what we're trying to do here.

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Thank you.

DEPUTY SPEAKER CURREY:

Representative Jarjura.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. Madam Speaker, I rise in opposition to the amendment. I think in the discussion what's being lost here is the consumer and in all the discussion I haven't heard anybody mention the cost to the consumer. And also the cost to the State of Connecticut.

Madam Speaker, as you know, we have a WIC Program and other programs and through the WIC Program that covers various fruit juices, orange juice, tomato juice, apple juice and other such products and that program is designed for our indigent women, infants, and children, as well as other consumers who may not be economically advantaged. The cost would be tremendous.

I've studied some of the reports. Anywhere from 8 to 14 cents increase if this bill passes on the cost of our juice, non-carbonated juice products. That would have a tremendous increase in the cost to your family of four food budget per week.

Forget about that though. Let's leave that to the side for a minute. You already have situations now in our border communities where we heard over and over

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again some of our border communities that will drive over the line to purchase gasoline because it's more economically advantageous because of the lower taxes there. Rhode Island and Massachusetts, some of our border communities, do not have this redemption on non-carbonated beverages.

So, Madam Speaker, what we're going to end up with is our border towns are going to drive over the line, fill up with gas, pick up a few bottles and cans, bring them back over here, bring them to their local convenience store, and you're going to increase the cost of redemption. You're going to have over redemption on the border communities. That's another reason to be against this bill, Madam Speaker.

And another reason, quite frankly is and we all see it, we see the people with their shopping carts -- this has become sort of a cottage industry out there and it goes across all social economic spectrums. People going along, walking, picking up cans and bottles and then one day they arrive at their supermarket or their convenience store with a Glad size bag of all different cans and bottles.

Now one thing I'd like to do in the future is maybe require that those people or those large returns must go to a redemption center because what happens is you bring

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them to the grocery store. They're required by law to give the redemption. And you have back rooms literally loaded now with cans and bottles and so forth and anybody who is in the grocery business will tell you, you have to take great care because you're under the subject of public health guidelines to make sure that you don't have a public health jeopardy through rodents and what not that may accumulate.

And I think this flies in the face, as has been mentioned, in our curbside redemption program. If we're going to have one, we shouldn't have the other. And I hope through whatever study they're going to come up with, that they look into that.

Either you want us to put our cans and our bottles -- in our case, it's an orange plastic basket. Representative Fox told me in his area they're blue. Put them out once a week in front of our houses or you want to have this nickel thing. We can't have it both ways, ladies and gentlemen.

I think this is a bad public policy. I think we should even re-examine the one with regard to carbonated beverages. We shouldn't be going in the other direction.

We should go in the opposite direction.

Thank you for your time, Madam Speaker.

DEPUTY SPEAKER CURREY:

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Thank you, Representative Jarjura.

Would you care to remark further on the amendment?

Would you care to remark further on the amendment?

If not, I will try your minds. All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, no.

REPRESENTATIVES:

No.

DEPUTY SPEAKER CURREY:

The amendment fails.

Would you care to remark further on the bill, as amended? Would you care to remark further on the bill, as amended?

Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. Now that I'm appropriately at a more appropriate time, I suppose.

The Clerk has an amendment, LCO Number 8879. I would ask that the Clerk please call and I be given permission to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 8879, designated

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House "F"?

CLERK:

LCO Number 8879, House "F" offered by
Representative DelGobbo, et al.

DEPUTY SPEAKER CURREY:

Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. This amendment proposes to clarify some of the statutory permitting provisions under which publicly owned treatment works are required to operate.

And I move its adoption.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment?

Representative Backer.

REP. BACKER: (121ST)

Madam Speaker, thank you. As I read the amendment, a few concerns are brought to me as it's a little bit more than clarification in that it may actually change the nature of what we're allowed to dispose of at sewage treatment plants at this time.

So, through you, Madam Speaker, I would like to ask the proponent of the amendment a few questions on it.

DEPUTY SPEAKER CURREY:

Representative DelGobbo, prepare yourself.

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Representative Backer.

REP. BACKER: (121ST)

Thank you, Madam Speaker. Representative DelGobbo, in the amendment it discusses municipal or regional authorities who own and operate sewage treatment plants would then be allowed to dispose of waste oil petroleum and chemical liquids at those plants without permit.

Is that your reading of this amendment?

DEPUTY SPEAKER CURREY:

Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. First of all, perhaps a bit -- first of all, through you by way of explanation to that. This amendment does not contemplate, in any way, removing the DEP's authority to regulate those activities which the Representative described. It simply clarifies under which permitting process that would take place.

Under current law, 22a-430, provides for permitting of discharge into the waters of the State of Connecticut and it gives extraordinary and broad authority to the DEP to regulate all the activities which take place for any entity which will do so including the items that are listed under the terms of this amendment.

Through you, Madam Speaker.

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DEPUTY SPEAKER CURREY:

Representative Backer.

REP. BACKER: (121ST)

Thank you, Madam Speaker. And through you.

Representative, is it your understanding that that is to mean solely a water discharge permit is what this would then allow -- would then result in, in terms of regulations?

Thank you.

DEPUTY SPEAKER CURREY:

Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. Through you. Under 22a-430, it is, indeed, considered a general permit which the Commissioner has the specific authority to regulate any and all types of activities which take place in order to be in compliance and to have the discharge.

And it also further provides that if any of the circumstances change -- in other words, if the permit is initially taken and there are a certain set of circumstances under which a facility is treating material, septic or other items, and those conditions change, that the Commissioner has the authority to have that -- require that that permit be amended.

Through you, Madam Speaker.

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DEPUTY SPEAKER CURREY:

Representative Backer.

REP. BACKER: (121ST)

Thank you, Madam Speaker. And through you to the Representative. Is it your understanding that 22a-430 is solely a general permit or is it also your understanding that it can be specific permits as prescribed by the Department, as well?

DEPUTY SPEAKER CURREY:

Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. Through you. It is my understanding in the reading of those provisions that it may also -- the Commissioner has the discretion to require specific permits also.

DEPUTY SPEAKER CURREY:

Representative Backer.

REP. BACKER: (121ST)

Through you, Madam Speaker. I would like to thank the Representative for his answers. In my reading of this is that it's a much more onerous proposal than maybe even the Representative himself understands it to be.

Our sewage treatment plants are not designed to deal with petroleum, chemical or waste. We currently

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have a check and balance system as to what goes in the plant and what comes out of the plant. That's very important to all of us.

In addition, the sludge from sewage treatment plants cannot take on the constituents of oil, chemical and waste. That would be moved and burned. It ruins our sludge for any beneficial reuse that we may want to kind of capture it for at some other time and I think that it would also damage sewage treatment plants.

Over the years we've invested a lot of money in sewage treatment plants around the State of Connecticut.

They are fine tuned biological instruments that deal with carbonaceous waste and other materials. The presence of oils and chemicals and so forth can disrupt those plants and only after a violation of a permit would we know that our water had been spoiled or our air fouled.

The end pipe permit we have to -- all we can do is an enforcement action after that. What we're hoping to do by regulating what goes in and what comes out is to reduce the possibility for an incident to happen in the first place.

And since we often don't think of sewage treatment plants, they are very important to all of us. It's 150 billion gallons of waste. No industry in this state

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deals with such massive volumes as our municipalities do. It's a huge concern. We spent a lot of money and I think that this amendment would serve to undermine the work that we've done to control waste from sewage treatment plants and including air omissions, as well.

I would ask that we oppose this amendment and I would also ask for a roll call vote when we do so, Madam Speaker.

DEPUTY SPEAKER CURREY:

All those in favor of a roll call, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

The twenty percent has been met. There will be a roll call, sir.

Representative DelGobbo.

REP. DELGOBBO: (70TH)

If I may summarize. Inadvertently, I didn't have the opportunity to do so. And I just want to make it clear that it is my intention and the other co-sponsors of it in offering the amendment specifically to strengthen the DEP's ability to consistently and effectively enforce its authority and mandate to ensure a safe and clean environment.

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What I mean by that is that authority is undermined when there are inconsistent provisions within our statute which I believe and many believe, in fact, maybe the case here.

What this amendment proposes to do is not, in any way, change state policy that publicly owned treatment works may, in the course of their business, treat hazardous chemicals, solid waste, things of that sort because that, in fact, takes place right now under existing activity within the State of Connecticut.

What this simply seeks to do is clarify the provisions under which a water treatment operation will have to comply. The 430 section of the statute is extraordinarily comprehensive and clearly allows the Commissioner, in fact, mandates the Commissioner in undertaking his job to ensure clean and safe waters by discharge.

And this amendment, in no way, takes that away and I would point out that, in fact, as a matter of course and there are publicly owned treatment works that do treat these types of materials today and they are regulated under Section 430 of the statute. And for that reason I believe that it strengthens the DEP's authority because ongoing -- I guess the best way to characterize it in this case as many look -- I'll play

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by the rules, just tell me what the rules are. And this is what, in fact, this amendment seeks to do.

And I urge its adoption.

DEPUTY SPEAKER CURREY:

Thank you, Representative DelGobbo.

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. Through you, Madam Speaker, a question to the proponent.

DEPUTY SPEAKER CURREY:

Representative DelGobbo, prepare yourself.

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. Representative, to the best of your knowledge, is this issue currently under litigation?

DEPUTY SPEAKER CURREY:

Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. In answer to the distinguished Chair's question, and first of all, I'd like to thank her for her indulgence in discussion on this issue. The specific answer, through you, is that there is, in fact, litigation that relates to some entities, some public treatment works in the State of

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Connecticut right now, but I would make clear for purposes of legislative intent, that this amendment, in no way, seeks to impact that litigation in any form. It simply seeks to address what I feel is an inconsistency within the state law clarifying it and by way of further explanation, if, in fact, the standard is if there is some litigation out there on any issue, I think this Legislature would be constrained from passing any law at any time because, as we all know, there are litigations that affects and touches about - is ongoing that touches about every issue that we consider and pass in this Legislature.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Widlitz.

REP. WIDLITZ: (98TH)

Thank you, Madam Speaker. And thank you for the answer. Madam Speaker, I would respectfully disagree. I think when there is an issue under litigation, that we do not decide it by trying to get around the court system. The Attorney General's office is opposed to this amendment as is the Department and I think we should wait and see what the outcome of the litigation is and then we should address the issue at hand.

So I would encourage my colleagues to reject this

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amendment.

Thank you.

DEPUTY SPEAKER CURREY:

Representative Backer.

REP. BACKER: (121ST)

Thank you, Madam Speaker. For the second time. I have been made aware that DEP also objects to this amendment and I'm not so sure if the issue for me is whether there's a litigation or not and I certainly don't believe that Representative DelGobbo is here about that issue. But to me it's about an issue of whether we have a good checks and balances on our sewage treatment facilities. I know we tend to take them for granted, but they're everywhere and we spend billions on them. We ought to make sure they work right. And we ought to make sure that they work right and that we don't learn about them going wrong only after they have failed. We want to know before and the way we can know before is by knowing what is going in and restricting and regulating what's going in so we have an idea of what's coming out.

So, again I urge defeat of this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Will you remark further on the amendment?

Representative O'Rourke.

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REP. O'ROURKE: (32ND)

Through you, Madam Speaker. I will yield the floor to Representative DelGobbo.

DEPUTY SPEAKER CURREY:

Thank you, Representative O'Rourke. Representative DelGobbo.

REP. DELGOBBO: (70TH)

Thank you. I appreciate the Representative's consideration.

I ask leave of the Chamber to withdraw the amendment.

DEPUTY SPEAKER CURREY:

Without objection, so ordered.

Thank you, sir.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the bill, as amended? Would you care to remark further on the bill, as amended?

If not, staff and guests to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by

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roll call. Members to the Chamber, please.

DEPUTY SPEAKER CURREY:

Have all the members voted? Have all the members voted? Please check the board to make sure your vote is properly cast. If all members have voted, the machine will be locked.

The Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

House Bill Number 6621, as amended by House
Amendment Schedules "A", "B", "C", and "D"

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

DEPUTY SPEAKER CURREY:

The bill, as amended passes.

Will the Clerk please call Calendar 390?

CLERK:

On page 24, Calendar 390, Substitute for House Bill
Number 7040, AN ACT LIMITING DISCLOSURE OF INDIVIDUALS'

PHOTOGRAPHS AND COMPUTERIZED IMAGES BY STATE AGENCIES.

Favorable Report of the Committee on Transportation.

DEPUTY SPEAKER CURREY:

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Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0
Those absent and not voting	3

DEP. SPEAKER CURREY:

The bill as amended passes. Representative
Godfrey.

REP. GODFREY: (110th)

Thank you Madam Speaker. Madam Speaker the Clerk is in possession of substitute HB6621, House Calendar 157 that has been returned to us as a potential disagreeing action from the Senate. I move suspension of our rules for its immediate consideration.

DEP. SPEAKER CURREY:

Without objection, so ordered. Will the Clerk please call Calendar 157.

CLERK:

Calendar 157, substitute for HB6621, AN ACT CONCERNING MINOR REVISIONS TO CERTAIN ENVIRONMENTAL PROTECTION STATUTES. Favorable report of the Committee on Government Administration and Elections.

DEP. SPEAKER CURREY:

Representative Stratton.

REP. STRATTON: (17th)

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

DEP. SPEAKER CURREY:

Questions on acceptance and passage, please continue madam.

REP. STRATTON: (17th)

Thank you Madam Speaker. This bill was before the House last week I believe and passed overwhelmingly. The Senate has made slight changes in that. And pursuant to those I would ask the Clerk to call LCO 11076 and I be allowed to summarize.

DEP. SPEAKER CURREY:

Will the Clerk please call LCO 11076 designated Senate amendment "A."

CLERK:

LCO 11076, Senate "A" offered by Senator Daily.

DEP. SPEAKER CURREY:

Representative Stratton.

REP. STRATTON: (17th)

Thank you Madam Speaker. This amendment simply clarifies that any truck engaged in the practice of applying pesticides must have its registration number on it. It makes it clear that the Attorney General may impose fines, he doesn't have to. And lastly deletes

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section 32 which dealt with a 10% price preference for processed chlorine free paper and substitutes instead an evaluation by the Department of Administrative Services of all of its purchasing practices that were designed to advance better environmental practices and ask them to report back to the Environment Committee for recommendations of augmenting those and providing consistency among them and I urge adoption of the amendment.

DEP. SPEAKER CURREY:

Would you care to remark further on the amendment before us? Representative Belden. Excuse me, would you care to remark further on the amendment before us?

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Madam Speaker I rise to just briefly comment on this. This moves things in a slightly different direction than the House had earlier. I think it's unfortunate that we can't move in the direction the House had earlier with our amendment. But in recognition of the lateness of the hour and the fine work of Representative Stratton in trying reach accord with the Senate, this clearly is as far as we'll get this year. But I certainly hope that in the time to come we will use this section before us to go further on

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the issue of having better paper used by the state.

So I will be supporting this amendment and I hope my colleagues will as well.

DEP. SPEAKER CURREY:

Thank you Representative Fleischmann. Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us? If not, we'll try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER CURREY:

All those opposed no. The ayes have it the amendment 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, 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.

DEP. SPEAKER CURREY:

Have all members voted? Have all members voted? If all members have voted please check the board to make sure that your vote is properly cast, the machine will

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be locked. The Clerk will take a tally. Representative Dandrow.

REP. DANDROW: (30th)

In the affirmative please.

DEP. SPEAKER CURREY:

Representative Dandrow in the affirmative please.

Will the Clerk please announce the tally.

CLERK:

HB6621 as amended by House "A," "B," "C," and "D,"
and Senate amendment schedule "A."

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	6

DEP. SPEAKER CURREY:

Bill as amended passes. Will the Clerk please call Calendar 317. Representative Michael Christ of the 11th.

CLERK:

On page twenty, Calendar 317, substitute for
HB6350, AN ACT CONCERNING THE RESIDENTIAL MORTGAGE
REFINANCING GUARANTEE PROGRAM. Favorable report of the
Committee on Finance, Revenue and Bonding.

DEP. SPEAKER CURREY:

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February 5, 1999
9:00 a.m.

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PRESIDING CHAIRMEN: Senator Daily
Representative Stratton

COMMITTEE MEMBERS PRESENT:

SENATORS: Handley, McKinney

REPRESENTATIVES: Backer, Boughton, Caruso,
Collins, Davis, Heagney,
Jarmoc, Maddox, McGrattan,
Mikutel, Mordasky, Murphy,
Mushinsky, Nystrom,
Piscopo, Prelli, Roraback,
Roy, Wallace, Widlitz

REPRESENTATIVE STRATTON: Good morning, folks.

If we could ask people to take their seats, so we could begin this public hearing? Appreciate it.

Thank you, Representative Roy. You have a heavier hand than I.

Just as a quick reminder, the first hour will be devoted to testimony from Commissioners and municipal representatives and other state officials and legislators. And then we will move into the public at a little after 10:00.

So, first people to testify, I guess there's nothing happening across the street because we have Commissioner Rocque, Commissioner Stahl and Commissioner Leff here. So are you coming up together or separately?

: This is a tag team.

REPRESENTATIVE STRATTON: Okay.

COMMISSIONER ROCQUE: Good morning, Chairman Stratton, members of the Committee. I'm Arthur Rocque. I'm the Commissioner of the Department of Environmental Protection and I am joined as was previously advertised with Assistant Commissioner Stahl and Assistant Commissioner Leff.

With the Chair's permission, we have prepared detailed comments on this package of bills here

enforcement on our waters that to limit jurisdiction simply by a line of demarcation, which probably has no real significance in terms of boating safety, is short-sighted.

Act 994, An Act Concerning Forest Fire Prevention and Control, this is a proposal for several changes that are consistent with recommendations of the Select Committee on Forest Fire Control. It's an update of the forest fire statutes which haven't been altered in the last half of this century.

There are changes that relate to delegation of program authority, payments for services rendered and command and control responsibilities at the scene of a forest fire.

We've been very fortunate in Connecticut that we haven't had to test the inadequacy of the current statutes. This is more preventive maintenance than response to any particular ongoing problem.

SB 995 is An Act Concerning Certain Hazardous Waste and Solid Waste Management Statutes. I won't do a section by section on that. It ranges in a -- from a whole series of things.

But I will be responsive to questions. Again, we have submitted written testimony, which is fairly detailed.

Similarly, HB 6621 is An Act Concerning Minor Revisions to Certain Environmental Protection Statutes. It makes a number of minor and technical changes to various sections that deal with DEP's environmental quality programs.

And, again, I won't do a section by section on that as well. It ranges from some pretty small trivial stuff to some that are, I'm sure, more interest to the Committee and I would be pleased to respond to questions on that as well.

6622 is An Act Concerning Operation of a Vessel While Under the Influence of Alcoholic Beverages or Drugs. I confess that sometimes I find it difficult why we struggle over this particular statute.

I do appreciate the fact that that is an issue that has been around for some time here in Connecticut.

It has been a topic of discussion in our Waste Bureau Advisory Committee meetings as well and, needless to say, there is not unanimity -- unanimity of opinion on what ought to be done. And I think that that's probably slowed the process some.

But let me get back with a more specific response.

REP. STRATTON: Questions? Representative Piscopo.

REP. PISCOPO: Thank you, Madam Chair. Good morning, Commissioner.

COMMR. ROCQUE: Good morning.

REP. PISCOPO: I'm sorry. I'm a little late, but if this question was asked, I'll just read the transcript.

On Bill 6621, I was just wondering if you could comment on Section 6. I was a bit concerned with that paragraph -- do I have the right section -- yes. I understand probably the reasoning's to streamline the soil and water conservation districts. I'm worried about regionalization and somewhat -- sometimes inland wetlands uses a hammer on our local --

COMMR. ROCQUE: The intent here, quite frankly, is to adopt the recommendations that came from the soil and water conservation districts themselves for consolidation.

I think they've felt, as many of us have over the last several years, budgetary constraints and in working in conjunction with the Department they sought to reinvent themselves. And this is really their idea as how that ought to work.

We're supporting that and would hope that we can provide sufficient staff and budgetary resources in the near future to effectuate it.

REP. PISCOPO: Thank you, sir.

BETTY McLAUGHLIN: Thank you.

REP. WIDLITZ: Thank you very much.

We'll move to Dave Evans.

DAVID EVANS: Members of the Committee, my name is David Evans. We're legislative consultants to the Connecticut Water Works Association.

For those new members of the Committee, the water suppliers in Connecticut supply water to five -- over 500,000 customers in a population of two-and-a-half million people.

There are currently 19 publicly owned and 15 investor owned water utilities that are members of the association, including the Metropolitan District and South Central Regional and South East Regional Waters Authorities, a number of municipals and, of course, the private investor-owned.

Our testimony this morning is with regard to two bills, Raised Bill 994 and Raised Bill 6621.

And although we would hope that common sense would dictate what we're suggesting in SB 994, often times as this Committee knows, it's necessary to put in -- in language to warn possible danger to water supply systems.

So in the SB 994, the CWWA supports the use of -- obviously supports the use of water for fire hydrants, wells, water courses, and other bodies, of water for state forest fire control personnel, fire wardens and to fight forest fires.

But we're suggesting a slight modification to that language, which would require that the use of gasoline storage and refueling of pumps used to withdraw water from water courses shall occur at a safe distance from water courses and in no case less than ten feet away.

As this Committee knows, it's a very precious commodity for all the citizens of Connecticut. And a single spill of oil could contaminate our water

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supply. So we would suggest the inclusion of that language.

In HB 6621, it's the Act Concerning Minor Revisions to Certain Environmental Protection Statutes. There are two suggested, and I won't read them, revisions that -- dealing with notification process of a voluntary site remediation.

So for all those reasons and we would ask that you examine that language and include those protections of our water supply system.

If you have any questions, we'd be happy to answer them or get the answer to you.

Thank you very much.

REP. WIDLITZ: Thank you. Questions from the Committee?

Thank you.

Mr. Westerson.

GRANT WESTERSON: Good morning, Madam Chairman.

REP. WIDLITZ: Good morning.

GRANT WESTERSON: SB 993 HB 5313 HB 6622 HB 6623
Committee members, thank you very much.

My name is Grant Westerson, I'm the Executive Director of the Connecticut Marine Trade Association, located in Essex.

As you're aware, we represent recreational boating and those businesses in the state involved with the recreational marine industry.

I'm here today to speak briefly in favor of a few bills. 213, An Act Concerning a Motor Boat Fuel Tax. This bill will insure that highway fuel tax is collected from boaters will be deposited into the conservation fund, helping both boating and fishing.

This is a very fitting redirection of approximately six to eight million dollars annually that had been

municipality ought to be required to be -- to maintain minimally the fifty-eight-and-a-half percent reduction because although they may not be impacting the ambient water quality of the Sound, there certainly is an impact in their local harbor estuary and the local region.

So I would hope ultimately and ultimately maybe 20, 25 plus years down the road, but I would hope ultimately that every municipality would participate in the fifty-eight-and-a-half percent plus reduction plan.

SEN. MCKINNEY: Thank you.

REP. WIDLITZ: Any other questions?

Thank you very much.

JOHN ATKIN: Thank you for your time.

REP. WIDLITZ: Greg Sharp.

GREG SHARP: Representative Widlitz, members of the Committee, my name is Greg Sharp. I'm environmental partner at Murtha, Cullina, Richter and Pinney. I'm here today to advance a very small amendment in the quest for the perfect Transfer Act.

The amendment I'm offering is to Raised Committee Bill 6621, and specifically I'm suggesting three small exemptions be added to Section 7.

The purpose of my bill or my amendment is to allow small businesses in Connecticut to avail themselves of the advances in modern business law, particularly limited liability companies without running afoul of the Transfer Act.

And I'd just like to walk through that with you. I am a former member of the -- of Commissioner Holbrook's Transfer Act Task Force and was involved in '95 when we did the wholesale revisions to the Transfer Act.

That Act is essentially premised, as you know, on two primary policy goals; first, to provide notice

to a purchaser of property at which hazardous waste has been generated or handled, as to the environmental condition of the property.

The second goal is to clearly assign liability for clean up of properties in that category prior to the time the property changes hands.

Unfortunately, ten years of experience with the Transfer Act showed that there were many transactions that were inappropriate to go through the fairly onerous Transfer Act process.

And in 1995, the legislation adopted a laundry list of exemptions to try to deal with this problem. Unfortunately, that effort, like similar efforts, was not perfect and each year since 1995, exemptions have been added to the Act to address different problems that had not been foreseen.

The three that I'm asking the Committee to consider today are -- all deal with partnership situations. They all involve transfers where the people involved are the same before and after the transfer. Therefore, there is no need for notice, nor is there any need to assign liability ahead of time, because the liabilities essentially remain the same, before and after the transaction.

In that respect, they're similar to the corporate reorganization exemption set forth in sub-paragraph I and the intra-family transfer exemption set forth in sub-paragraph L.

The first amendment I would offer is to exempt conversions of a general partner -- conversions of a general partnership which owns an establishment to a limited liability company. In other words, under our limited liability company statutes, a general partnership can convert and that statute says there -- the identity is the same before and after the transaction.

For that reason, there should be no Transfer Act issue. The Department, I believe, has taken -- has made that policy determination, but it's not actually in the Transfer Act.

The second two exemptions are similar, first exempting transfers where partnership property held in individual names is transferred into the partnership name; that should not be a transfer under the Transfer Act. Again, no notice required, no need for assigning liability.

The final change would exempt properties from -- or transfers from partnership property held in the names of individual members that go directly into an LLC.

Three small amendments. I would appreciate your consideration.

If I might indulge the Committee for a moment, I know I'm out of time. But I'd just like to offer one real world example as a follow-up to the gentleman from Honeywell, on the importance of the Universal Waste Rule to facilitate mercury switch disposal.

I have a client who, in order to help consumers dispose of the materials properly, took the mercury switches back to the shop. And fortunately, he complied with all the paperwork necessary to dispose of them under the Federal Act the gentleman from Honeywell spoke about.

Unfortunately, the client was not aware that in driving that switch from the consumer's house to the shop, that act made him a hazardous waste transporter and he did not have a hazardous waste transporter's permit and I'm now trying to explain to the Department that isn't in the best interest of the environment that they not whack my client for big bucks for not having had the required permit.

So the Universal Waste Rule really is critical to that whole -- that whole thing.

And finally on a lighter, but important personal note, I had the poor judgment last year to buy a motor boat to pursue my fishing interests in the Long Island Sound that John Atkin is so interested in.

And I would like my unrefunded motor boat fuel tax money to go into the boating and fisheries programs where it belongs.

I thank the Committee for indulging my over --

REP. WIDLITZ: Thank you. Many of us agree. Thank you.

Any questions? Yes.

REP. HEAGNEY: Thank you, Madam Chairman, very briefly.

Attorney Sharp, can you just clarify for me that the partners transfer to an LLC, could there be subsequent transfers that would leave the LLC as a shell and thus, the partners free of liability?

GREG SHARP: Well, I shouldn't say that a clever lawyer couldn't think of something.

But essentially, the Transfer Act would catch that transfer. In other words, if the LLC conveyed to any other entity that the property was an establishment --

REP. HEAGNEY: I'm thinking of conveying interest within the LLC. Let's say you had three partners that each owned a third of a piece of land or whatever, they move it into the LLC, under your scenario that would not be a Transfer Act --

GREG SHARP: Right.

REP. HEAGNEY: Now, two of those partners transfer their interest to the third --

GREG SHARP: Right.

REP. HEAGNEY: -- they're out of it. That person then transfers his interest to, within the LLC, to a fourth party, okay?

GREG SHARP: Right.

REP. HEAGNEY: Now, the first three are out, fourth party would be the responsible party?

GREG SHARP: Well, first of all, there is an exemption

that already exists that says that if you transfer internally, less than a majority share, that's an exempt transfer. The implication of that would be if you transferred a majority share within the LLC, that probably would be caught at that point.

It'd be -- the possibility, I suppose, would exist -- no, the way this would be drafted, this is drafted, I should say, it requires that the same partners who convey into the LLC, are the same after the formation of (inaudible)

REP. HEAGNEY: Right. But it doesn't require permanently thereafter, so that --

GREG SHARP: No, that's true.

REP. HEAGNEY: -- if you have the three, one conveys to the other two or one conveys an interest to one of the other parties, that's only a third, so that wouldn't transfer anything.

GREG SHARP: That's right.

REP. HEAGNEY: Then the remaining partner who has the third, he conveys to the one with two-thirds, that's not a conveyance. Now, two people are out and one's holding the bag, is that correct?

GREG SHARP: That would be true, except that why would the one person be holding the bag? Presumably if he's one of the players in the beginning, he already knows about the condition of the property and he's been involved in all these transactions.

REP. HEAGNEY: Maybe he just thinks he is, you know, holding a business entity and he's not thinking that they're getting out of their environmental liability. I mean --

GREG SHARP: That's possible. But I'm not sure --

REP. HEAGNEY: Or maybe he's the bankrupt party.

GREG SHARP: Well, I'm not sure at that point, in terms of sympathy, he doesn't get my sympathy if he's the bankrupt party. That's a bigger concern, I believe.

REP. HEAGNEY: All right. Thank you.

REP. WIDLITZ: Any other questions?

Thank you, very much.

GREG SHARP: Thank you.

REP. WIDLITZ: Arnold Baer.

ARNOLD BAER: Good morning, Representative Widlitz, members of the Committee. My name is Arnold Baer.

I'm the Director of the New England Regional Office of the Humane Society of the United States.

And I'm here representing over 30,000 members in Connecticut. It's good to see you all that are still here and happy new year and look forward to a productive session. SB990

I'm here on a couple of bills today and I'd like to start off with maybe the most difficult one, which is 6627, An Act Concerning Murder of a Conservation Officer.

As some of you know, I sat on the Governor's Task Force on Hunting and Public Safety a couple years ago. We made a number of recommendations in our report that for various reasons, were not able to be carried out by the legislature.

Our top recommendation was increasing the number of conservation officers and making things easier for them to carry out their jobs. I know there will be another bill in the future addressing that, but I certainly support and our organization supports the toughening of the penalty as outlined in 6627.

And I hope as the other bills come up we will increase support for the conservation officers through numbers and whatever equipment and whatever else they might need.

The second bill is 989, which talked about the Act Concerning Interstate Fish and Game Law Enforcement. Again, I fully -- our organization fully supports the idea of prohibiting licensing someone if their license is revoked in another

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of the Committee.

SEN. DAILY: Good afternoon.

JOHN BREAKELL: I shall try to be brief. If you have my speech, it says good morning; it's good afternoon.

My name is John Breakell and I am the President of the Connecticut Association of Conservation Districts. I'm here to support the legislative proposal of the DEP, specifically the HB 6621, which is a request for minor technical amendments to the soil and water conservation district enabling statutes.

The change inserts the word "four" to identify the new number of conservation districts proposed in our reorganization plan.

Since state support to conservation districts was slashed by over \$130,000 nearly eight years ago, we, the districts have struggled to find alternative funding sources and methods of maintaining service to our local land owners, municipal land use commissions and farmers.

Perhaps influenced some by the reinventing government concept and the general mood of corporate downsizing, districts made the decision to investigate and reassess the condition, position and the role of districts in serving their clientele.

For three years we have conferred, proposed and opposed, debated and equated, drafted, redrafted and finally decided. And I might add, not with some -- without some emotional trauma, to move forward.

Our plan focuses on consolidating the eight county districts into four areas roughly approximating the three major river basins and the coastal zone, modified somewhat by other natural resource issues.

The framework for providing increased technical assistance was developed in cooperation with DEP and our USDA partners and aims to address a balanced service for community-based, locally led

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solutions to natural resource issues.

The reorganization envisions a stronger, professional role with greater local responsibilities. To that end, we intend to seek reinstatement of the district funding adjusted to meet our current needs.

The attached memo, which was distributed, I believe earlier this morning, provides the basic elements of the reorganization and I thank you for your patience and attention and would be happy to answer any questions if you have any.

SEN. DAILY: Thank you very much.

Are there questions?

Thank you, Mr. Breakell. Ed Mitchell -- Representative Prelli, you have a question?

REP. PRELLI: I just wanted to point out to the Chair that that's the shortest I've ever heard John speak.

(Laughter)

JOHN BREAKELL: Thank you, Representative Prelli.

SEN. DAILY: (inaudible - microphone not on.)

Ed Mitchell, followed by Nan Zyla.

ED MITCHELL: Senator Daily, honorable members of the Committee, my name is Ed Mitchell and I'm the Chair of the DEP Fisheries Advisory Council.

We advise the DEP Fisheries Division on a wide range of issues. We are diverse in nature. We represent charter boat captains, commercial fishermen, leaders of angling organizations and fishery scientists.

I'm here to support a number of bills. I'm going to make most of my comments to support the motor boat fuels bill, which I presented some written testimony to you.

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SB 213

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Falconry Bill we passed last year.

Most important, however, is the Section 2 dealing with the unfunded motor boat fuel tax, which increases the current amount to deposit in the Conservation Fund from 500,000 to a million for support of fishing and boating activities.

We strongly urge your support and we have noted that those fees are going to -- those -- that the previous appropriations are going to the right places.

We would also -- I also sit on the Fisheries Advisory Council.

We would also like to thank the Chairman and the members of the Committee for their past support in this Committee and also for supporting in legislation and in debate for the last three years.

Previously allocated funding, as I said, have gone to the right places.

I'd be more than glad to answer any questions.

SEN. DAILY: Are there questions?

(Inaudible - microphone not on) Thank you.

ROBERT CROOK: You're welcome.

SEN. DAILY: Okay. Next speaker is David Sutherland, followed by Martin Overton.

DAVID SUTHERLAND: Good afternoon. My name is --

SEN. DAILY: Good afternoon.

DAVID SUTHERLAND: -- David Sutherland. I'm the Director of Government Relations for the Nature Conservancy, a private non-profit. And I'm here today to testify in support of Section 15 of bill 6621, that's the bill that makes minor corrections to some of the environmental protection statutes.

And this provision Section 15, would enable the DEP to utilize the stewardship account under the

Recreation and Natural Heritage Trust Program in order to fund planning and implementation of management initiatives at natural area preserves.

We would be concerned about this if it was using funds from the Recreation and Natural Heritage Trust Fund itself in order to do this, because we think those should be used just for acquisition and related costs.

But we feel that using the stewardship account is a very, very appropriate use.

The Nature Conservancy in effect manages private natural area preserves. The criteria that the DEP uses to select these areas that they designated as natural area preserves is fairly similar to the criteria that our private organization uses to select the areas that we go out to acquire and then to manage as nature preserves.

And we've been very anxious to see this natural area preserves program get off the ground. It's been on the state statutes for about 20 years now, but through much of the 1980's, five percent of one staff person's time was devoted to this program. So basically, nothing happened with this program.

Under the current administration, they have a half-time staff person working on the program now who's made some very impressive progress. They've been using a little bit of money from the tax check-off program.

But they need a steady consistent source of funding in order to really implement this program.

Natural area preserves are the real jewels of Connecticut's landscapes. These are properties that are already owned by DEP, but that are designated as natural area preserves so that they are managed first and foremost to protect rare species or other unusual or spectacular natural features.

Most DEP properties are managed for intensive recreational use or logging. These uses would not be necessarily prohibited natural area preserves,

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but they would only be allowed in such a way or if they're not going to harm the targeted species.

I can testify from -- as a -- representing a group that manages these types of properties that you do need at least some modest level of funding in order to manage them correctly. And this provision would provide that modest level of funding. So we urge your support.

Thank you.

SEN. DAILY: Thank you very much.

Are there questions?

Thank you, David.

Martin Overton, followed by Derek Oatis.

MARTIN OVERTON: Good afternoon, Madam Chairman, members of the Environment Committee. I'm here in support generally of Raised Bill 6624 concerning nitrogen training.

My name is Martin Overton. I work for the City of Norwalk. I'm a member of the Long Island Sound Assemblies and the Citizens Advisory Board to the Long Island Sound Management Committee.

I've been fortunate to have worked extensively over the past three years with EPA's Long Island Sound office, their trading work group and on the Connecticut Trading Program with the DEP Clean Water Fund manager, and also with Bob Moore, who was here earlier to support the bill, but had to leave.

I enthusiastically support the proposed law for establishing a general permit for discharge of nitrogen and especially the establishment of a trading program, because it has great number of benefits to the state, the participating municipalities and to the Sound.

Firstly, it will allow the state's financial resources to be targeted to construction that accomplishes the most environmental benefit in

DEREK OATIS: Thank you, members.

SEN. DAILY: The next speaker is John Hibbard, followed by Beverly Lauterbach.

JOHN HIBBARD: Senator Daily, members of the Committee, my name is John Hibbard. I'm Executive Director of the Connecticut Forestry Park --

(Laughter)

JOHN HIBBARD: -- and I want to speak briefly on a few bills before you, the first being SB 994, An Act Concerning Forest Fire Management.

This recommendation comes to you through the efforts of the Committee that looked at the forest fire laws and recommended changes. I think you can give favorable consideration to the suggestions offered by the Connecticut Water Works Association.

Also, I'd like to speak in favor of HB 6623 concerning DEP fees and revenue. I think the need to put more money into the Conservation Fund from the motor fuels tax has been demonstrated previously and the need to have a fee to administer the falconry legislation passed last session has also been underlined.

We support the boating safety bill, which is SB 993 and HB 6622 regarding operation of a vessel while under the influence. We have historically supported legislation to increase the enforcement of the hunting laws in the state. So in that vein, we support SB 989 and also HB 6627 and also SB 991.

I would like to go on record in favor of HB 6621, particularly Section 5, which notwithstanding Representative Prelli's remarks represents a lot of work on the part of Breakell and the soil conservation districts and I think they have taken a very forward step in looking at the situation, the downsizing of the federal agencies, etcetera.

And also Section 15 relating to taking the balance in the stewardship account and allowing that to be used for management of natural area preserves.

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There has not been any new funding added to the stewardship account for several years, because of the problems with bonding and arbitrage for that.

So that balance that's remaining should be spent for worthwhile purposes and certainly natural areas preserves is a good place to put that money to use.

I'd be willing to answer any questions that the Committee might have.

SEN. DAILY: Thank you very much Mr. Hibbard.

Are there any questions?

Thanks again.

Beverly Lauterbach (inaudible - microphone not on) followed by Lisa Santacroce.

BEVERLY LAUTERBACH: Good afternoon everybody. My name is Lauterbach.

SEN. DAILY: (Inaudible)

BEVERLY LAUTERBACH: And you can blame my handwriting for that mispronunciation.

I'm neither a scientist, nor biologist, nor an expert, nor a lobbyist. I'm an ordinary citizen with grave concerns about SB 990.

I do not know what originally motivated the framers of Section 26-86f to prohibit the killing of fawns, but I'm among many people who are glad that they did.

Of course, that has not always protected the fawn from being killed, as Mr. Oatis pointed out, 54 fawns were killed in the '96 hunt at Bluff Point. Out of 233 deer, 54 were fawns, a whopping 23 percent. It's hard to believe that that many fawn deaths were accidents.

DEP has historically considered a deer up to a year a fawn -- it became -- it was a fawn until it became a yearling. And despite what Mr. Crook has said, I, an average citizen, have been fortunate to

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THE CONNECTICUT WATER WORKS ASSOCIATION, INC.
LEGISLATIVE COMMITTEE

Larry Bingaman, *Co-Chair*
BHC Company
835 Main Street
Bridgeport, CT 06510
(203) 336-7626
Fax (203) 336-5639

Robert J. Young, *Co-Chair*
Manchester Water & Sewer Dept.
41 Center Street
Manchester, CT 06040-0191
(860) 647-3115
Fax (860) 647-3150

Carlene Kulisch, *Secretary*
Regional Water Authority
90 Sargent Drive
New Haven, CT 06511
(203) 624-6671
Fax (203) 624-6129

Thomas F. Villa, *President*
Norwalk Second Tax District
164 Waters Street
South Norwalk, CT 06854
(203) 762-7884, ext. 301
Fax (203) 834-0578

Testimony to the Environment Committee Regarding:
Raised Bill No. 994, AAC Forest Fire Management
and

Raised Bill No. 6621, AAC Minor Revisions to Certain Environmental Protection Statutes

February 5, 1999

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or a population of about 2 1/2 million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. There are currently 19 publicly owned and 15 investor-owned water utilities in the Association. As purveyors of public water supplies, our members have an obligation to provide sufficient quantities of high quality water at a reasonable cost to consumers of the communities served. As an association, CWWA and its members are keenly interested in the laws and regulations that will help protect the watershed and aquifers and our water supply.

CWWA would like to provide comments regarding Raised Bill 994, *An Act Concerning Forest Fire Management*. CWWA supports the use of water from fire hydrants, wells, watercourses or other bodies of water by state forest fire control personnel and fire wardens, to fight forest fires. However, we would suggest the following addition to Sec. 4(c), line 73, to provide protection for the water bodies:

control of any fire. Gasoline storage and re-fueling of pumps used to withdraw water from any watercourse shall occur at a safe distance from the watercourse and in no case less than ten feet away from any watercourse.

The quality of our public water supplies is directly related to the land uses within their respective watersheds and aquifers. A single gasoline or oil spill can contaminate our public water supply. Our recommended addition to Raised Bill 994 would provide protection to the state's water resources while forest fires are being extinguished.

Sections 3 and 4 of Raised Bill 6621, *An Act Concerning Minor Revisions to Certain Environmental Protection Statutes*, will make minor revisions to the notification process of a voluntary site remediation. CWWA suggests that public water companies be included in the notification requirements when the remediation site is on a water supply watershed or aquifer protection area. Such notice will strengthen the proposed statutes and enable water companies to more effectively ensure the safety of the public water supply. Our recommended changes are as follows:

Line 80-81:

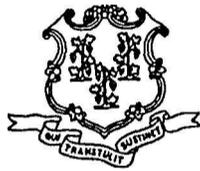
(2) notify the director of health of the municipality where the parcel is located and any water company as defined in section 25-32a if the parcel is on a water supply watershed or aquifer protection area as delineated pursuant to section 22a-354c; and

Line 113-114:

(2) notify the director of health of the municipality where the parcel is located and any water company as defined in section 25-32a if the parcel is on a water supply watershed or aquifer protection area as delineated pursuant to section 22a-354c; and (3)

CWWA appreciates the opportunity to provide our comments and suggestions to the committee. Its members will be glad to provide any additional information that may be necessary.

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing --February 5, 1999
Environment Committee

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

Raised Bill # 6621

AAC Minor Revisions to Certain Environmental Protection Statutes

The Department of Environmental Protection supports this proposal as it makes a number of minor changes in various programs that are detailed by section below.

Section 1. 22a-178(g), concerning recording of orders of the Commissioner on land records. This subsection is proposed to clarify that the filing of administrative enforcement orders of the Commissioner on land records occur after expiration of a reasonable appeal period or until the order is finally adjudicated if appealed. This proposal is consistent with constitutional standards and reflects current practice of the Department.

Section 2. 22a-174(f) concerning open burning. The statute currently allows municipalities to open burn brush at municipal landfills by permit from the Commissioner. The amendment allows for municipalities to also obtain permits to open burn brush at transfer stations and recycling centers. The amendment merely reflects the fact that municipal landfills have been closing as Connecticut has moved towards resource recovery and recycling. The amendment should not be construed as an expansion on the ability of municipalities to open burn brush. The Department remains committed to working with municipalities towards minimizing and eliminating the open burning of brush.

Section 3. Subsection (b) of section 22a-133y. The proposed amendment would provide requirements for public notification which are consistent with those currently contained in CGS §22a-134a (Transfer Act). Specifically, the amendment would require property owners, prior to commencement of remedial action, to notify the director of health of the municipality where the property is located.

Section 4. Section 22a-133x new subsection (g). The proposed amendment would create a requirement that parties conducting remediation pursuant to section 22a-133x (Investigation and remediation of contaminated real property by owner) provide notice to the public of the remedial action plan prior to its implementation. These changes are intended to make this section

consistent with sections 22a-133y (Voluntary site remediation in GB and GC areas) and 22a-134a (Transfer of hazardous waste establishments) which already require a responsible party to provide public notice prior to initiating site remediation. The public notice provision will insure that the public has the same opportunity to comment on remedial actions performed pursuant to this voluntary remediation program as they do for remediation projects performed pursuant to sections 22a-133y and 22a-134.

Section 5. Section 12-63f. The Department supports this revision to the language of the existing law in order to clarify circumstances under which municipalities are required to pay a portion of the increase in real property taxes to the State Treasurer for deposit into the Special Contaminated Property Remediation and Insurance Fund. The law requires municipalities to make payments into the fund based on a percentage of increases in taxes it receives when the assessed value of a property is greater following clean up of the site.

The revised changes will clarify the following issues: (1) delinquent taxes paid to the town, or other payments made for assessments which predate the three years prior to approval or filing will not be included in calculating tax payments; (2) delinquent taxes paid to the town for the three years prior to such approval or filing will be included in calculating tax payments, even if made after the approval or filing; (3) time frames will be based on fiscal years; and (4) the law will be applicable only to the 169 towns.

These clarifications are needed to allow implementation of the program to be initiated in a clear manner, without assumptions being made that may be subject to challenges by the municipalities.

Section 6. Subsection (a) of section 22a-315. The Department of Environmental Protection supports and has proposed this bill in an effort to enhance the operations of the Connecticut's soil and water conservation districts to benefit the conservation of land and water resources. Recent study by the Soil and Water Conservation Districts determined that the existing, county oriented soil and water conservation district system is not organized to effectively deliver services for watershed initiatives as county boundaries have little relationship with natural resources.

As recommended in the study, the legislative proposal would reorganize the eight county district structure to four watershed oriented districts. Such a change can facilitate greater local stewardship of natural resources, improve technical assistance to municipalities and agricultural producers on matters related to soil and water conservation, aid the Department's watershed management initiatives, result in more efficient administration of district operations, and help to foster financial stability throughout Connecticut's soil and water conservation district system.

Our suggestions include streamlining the district organization by reducing eight districts to four or five districts taking into consideration the management needs of the Housatonic River Basin, the Connecticut River Basin, the Quinebaug/Shetucket Basin and lands otherwise tributary to Long Island Sound. Such an organization should foster greater working relations with DEP regarding resource needs for improved erosion and sediment controls; inland wetlands and watercourse training programs; stormwater management; and farm resource management

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planning in aquifer protection areas.

Section 7 sections 22a-134a to 22a-134d inclusive. (3) The proposed change is a clarification of the exemption for "remediation activities" contained in the definition of "Establishment". The exemption was intended to be limited to the generation of hazardous waste resulting from the remediation of polluted soil. As currently written, the exemption could be construed more broadly than intended.

(13) The proposed change allows a Form IV to be filed pending the recording of an environmental land use restriction allowing more flexibility for parties who want to file a Form IV (certifying party demonstrates that site has been investigated and remediated) rather than a Form III (site contaminated -certifying party agrees to investigate). (see also consolidated comments for sections 7,8 &9 below)

Section 8. Subsection (f) of section 22a-134a. (see consolidated comments for sections 7,8 &9 below)

Section 9. Subsection (m) of section 22a-134a. The proposed change clarifies compliance requirements with sections 22a-134 to 22a-134e regarding a previously filed Form I or Form II.

(see also consolidated comments for sections 7,8 & 9 below)

Section 10. Subsection (b) of section 22a-134e. The proposed change corrects an erroneous statutory reference to subsection (n)

Section 11. Subsection (f) of section 22a-134e. The proposed change adds a statutory reference to subsection (p)

Section 12. Subsections (o) and (p) of section 22a-134e

(o) The proposed change clarifies the statute by adding a reference to subsection (p) of the section

(p) The proposed change corrects an erroneous statutory reference to CGS §22a-133w

Sections 7,8 &9. The proposed changes to sections 22a-134a to 22a-134e of the CGS would clarify definitions and correct erroneous statutory references and provide a consistent verification standard for Licensed Environmental Professionals when verifying that site investigation and remediation is complete.

The Department has several concerns in respect to specific proposed language contained in Raised Bill No. 6621. The language proposes a requirement that the environmental investigation performed in association with the filing of forms pursuant to the transfer statute would be conducted in accordance with regulations to be adopted by the commissioner.

The Department is not averse to promulgating regulations, however, we would express two concerns: First, that almost every site presents some unique characteristics requiring a

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flexible approach, and second, because the regulations would need to cover all circumstances, they, by necessity, would be lengthy and complex taking the agency significant time to write and adopt. Further, because the technology of site remediation is changing daily. Regulations, while providing certainty, are likely to be too rigid, not providing the flexibility to take advantage of the latest technology or nuances at individual sites. Please consider instead legislative or regulatory adoption of existing published standards, such as Connecticut's Transfer Act Site Assessment guidance document and the American Society for Testing and Materials Phase I and Phase II guidance documents.

Section 13. 22a-174e concerning regulations to implement the stage II vapor control program. This subsection is proposed in order to authorize the commissioner to issue regulations that require periodic testing of stage II vapor control equipment at gasoline stations dispensing more than 10,000 gallons per month are conducted in accordance with test methods approved by the state of California Air Resources Board (CARB). CARB is such a leader in this field that the U.S. Environmental Protection Agency no longer issues stage II testing guidance and defers to CARB expertise in this field. This amendment will allow the Department to keep pace with the latest testing methods in order to assure that air quality goals are met by the proper function of this equipment.

Section 14 of the proposed bill addresses an outdated statutory reference in section 22a-98 of the General Statutes, which requires all regulatory programs administered by the Commissioner of Environmental Protection to be consistent with the goals and policies of the Coastal Management Act, chapter 444. Several such programs are listed, including "the regulation of the erection of structures or the placement of fill in tidal, coastal or navigable waters pursuant to sections 22a-359 to 22a-363, inclusive." This citation is now incomplete, since it has not been updated to reflect the addition of dredging (by P.A. 87-495) and the certificate of permission process (by P.A. 90-111) to the structures, dredging and fill regulatory program. The proposed legislation would correct the statutory reference, thereby removing any possibility for uncertainty or confusion. This proposal is a technical clarification only and will not affect regulatory jurisdiction or practice in any way.

Section 15. The Commissioner of Environmental Protection is responsible for the selection, care, control, supervision and management of Natural Area Preserves. These are state lands with the most fragile natural communities. At this time, there are no accounts or funds specifically set aside that the Commissioner can utilize to assure this statutory mandate is met. Section 23-79 did however authorize establishment of a Stewardship Account to ensure that lands acquired through the Recreation and Natural Heritage Trust Program would receive proper management.

This request for use of the Stewardship Account will allow the Department of Environmental Protection to meet its statutory mandate and will ensure a Preserve's Protected Resources receive the care they deserve. Use of the Account will not affect the Recreation and Natural Heritage Trust Fund; money designated for land acquisition. This request is solely to authorize access to the separate Stewardship Account, originally established in 1986 as a unique, non lapsing fund specifically set aside for land management.

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CONNECTICUT ASSOCIATION OF CONSERVATION DISTRICTS INC.
1185 New Litchfield Street Torrington, CT 06790 Phone 860-626-8258 FAX 860-626-8850

Environment Committee

February 5, 1999

HB 6621

Good Morning. My name is John Breakell and I am the President of the Connecticut Association of Conservation Districts. I am here to support the legislative proposal of the D.E.P. and specifically the request for a minor technical amendment to the soil and water conservation district enabling statutes. The change inserts the word "four" to identify the new number of Conservation Districts proposed in our reorganization plan. Since state support to Conservation Districts was slashed by over \$130,000.00 nearly eight years ago, we have struggled to find alternative funding sources and methods of maintaining service to local land owners, municipal land use commissions and farmers.

Perhaps influenced some by the "reinventing government concept" and the general mood of corporate down-sizing, Districts made the decision to investigate and reassess the condition, position and role of Districts in servicing their clientele. For three years we have studied, conferred, proposed and opposed, debated, equated, drafted and redrafted and finally decided (and not without some

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emotional trauma) to move forward. Our plan focuses on consolidating the eight "county" districts into four areas roughly approximating the three major river basins and the coastal zone - modified somewhat by other natural resource issues. The framework for providing increased technical assistance was developed in cooperation with DEP and USDA partners and aims to address a balanced service for community based, locally led solutions to natural resource issues.

The reorganization envisions a stronger professional role with greater local responsibilities. To that end we intend to seek reinstatement of district funding adjusted to meet current needs.

The attached memo provides the background of basic elements of the reorganization.

Thank you for your attention.

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CONNECTICUT ASSOCIATION OF CONSERVATION DISTRICTS INC.
1185 New Litchfield Street Torrington, CT 06790 Phone 860-626-8258 FAX 860-626-8850

SOIL AND WATER CONSERVATION DISTRICTS: A REORGANIZATION BRIEFING PAPER

INTRODUCTION

Local Stewardship the key to Watershed Restoration and Protection

Natural resource protection in Connecticut, especially the cleanup of our state's waters, is at a crossroads. Federal and state agencies have accomplished a great deal in the last 30 years, yet there is much more work to do—especially to control polluted runoff. Still, a full 35% of Connecticut's waterways still are not fishable or swimmable. Pollution from factories and sewage treatment plants and wetland losses have been dramatically reduced. But runoff from city streets, rural areas, and other sources continues to degrade the environment and puts drinking water at risk. Further work needs to be done and it needs to be done in full collaboration with local entities. This is the message of the Clean Water Action Plan: Local stewardship and watershed approaches are needed to build upon the successes of past efforts to restore and protect state waters.

Conservation Districts Facilitate Watershed Management

The Soil and Water Conservation Districts in Connecticut are uniquely situated to provide those local services that will be needed for the next generation of natural resource protection. They have over 50 years of experience in the environmental field, delivering technical assistance to municipalities and private landowners. Districts have been recognized by the Connecticut legislature and the Connecticut Department of Environmental Protection (DEP) for their ability to provide local service in a timely and consistent manner.

To address the need to maintain and improve the critical link between the CT Department of Environmental protection and municipalities, agricultural producers and other private landowners, Districts, in cooperation with the DEP and NRCS, have developed a plan to expand consistent and timely technical service within a watershed framework. We propose to change the geographic boundaries of districts from the eight county alignments to four natural resource based districts. The districts would be staffed to provide statewide consistency for carrying out the roles and functions of districts as proposed below. This will facilitate a statewide program for districts to deliver consistent services, and assist the DEP in carrying out its strategic plan for watershed management.

Districts provide local solutions to local problems in watersheds.

Working at the watershed level, districts are ideally situated to encourage the public to get involved in efforts to restore and protect water resources and are the foundation for building local partnerships to continue the cleanup of our state's waters. This can be done with improved technical assistance using existing state-mandated programs, delivering services to municipalities and citizens within a watershed framework. The watershed approach focuses resource protection efforts on the resources and the Soil and Water Conservation Districts focus efforts on local solutions to local problems in watersheds.

DISTRICT LEGISLATED RESPONSIBILITIES

Districts link landowners with federal and state agencies.

- Established by the Connecticut legislature in 1945 to provide a link between federal and state agencies to meet the needs of private landowners. By 1953 eight Soil and Water Conservation Districts were formed along county lines.
- Conservation district boards were established with membership elected from landowners and residents of each respective county to help shape the conservation agenda for the county.
- Memoranda of Understanding were signed with various state and federal agencies for cooperative programs.
- Districts were co-located with USDA-Natural Resource Conservation Service (NRCS, formally Soil Conservation Service); NRCS staff provided the technical services for each county, the Districts provided administrative staff and guidance for assisting county landowners.
- The State of Connecticut began monetary support of districts in 1947, providing, through legislation, \$1000 per district.
- The Connecticut Department Agriculture and Natural Resources' Soil Conservation Division oversaw district programs, with an emphasis on agriculturally related natural resource problems.

Districts Established to Assist Department of Environmental Protection

- In 1972, the CT Department of Environmental Protection was established and the state's Inland Wetland Act was passed. Soils were used to define wetlands and regulations were to be administered at the municipal level.
- State conservation leaders recognized the districts' work in cooperation with NRCS in completing the state soil survey and in providing training to wetland commissions and private consultants prior to the state mandated education programs.

- These activities were instrumental in the passage of Public Act 74-325, which reauthorized districts under the DEP to assist the commissioner in identifying and remedying the problems of soil and water erosion, and directed the commissioner to establish soil and water conservation districts and boards by regulation.
- In 1976 regulations were approved establishing districts along eight county boundaries and the legislature increased the grants to each district to \$6000.
- Districts established Memoranda of Understanding with municipalities to assist with the requirements of the Inland Wetland Act, as well as other technical assistance and education.

District Soil Erosion and Sedimentation Responsibilities.

- In 1983 Public Act 83-388, "An Act Concerning Soil Erosion and Sediment Control" established a statewide coordinated erosion and sediment control program: The Act mandated that municipalities develop and implement a formal erosion and sedimentation control program and greatly expanded district responsibilities to erosion and sediment control.
- The E&S law caused districts to expand their Memoranda of Understanding with municipalities to include E&S. NRCS agreed to provide technical support to the conservation districts for a period of time.
- In 1985 and 1986 the legislature, recognizing the expanded responsibility of districts, increased district funding to \$16,500 per district. This allowed districts to begin hiring part time technical staff to review E & S plans for municipalities and provide training opportunities for municipalities and consultants.

District Local and Statewide Service is Reduced

- In 1991, state budget cuts reduced annual funding to districts to \$125.00 per district.
- Reduction in funding, along with a nationwide reduction in NRCS staff and their increased role in implementing federally mandated programs, reduced the district ability to provide consistent and timely service to municipalities and landowners.
- Districts, supported by funds from Section 319 grants of the federal Clean Water Act, began to assist DEP and EPA in implementing watershed demonstration projects to control polluted runoff.
- Timely and consistent local technical service for E&S and other programs was not restored because 319 grants were focused on restoring priority watersheds.

District Responsibilities for Drinking Water Protection.

- In 1993, "An Act Concerning Aquifer Protection", once again asked the Soil and Water Conservation Districts to assist in the implementation of the act by coordinating the appropriate teams for agricultural resource planning over aquifer protection areas.
- Districts completed a statewide inventory and mapping of agricultural operations in recharge areas. Land use changes will require additional inventory and farm resource plans need to be developed in accordance with the Act.

DISTRICTS AS EFFECTIVE COLLABORATORS IN WATERSHED MANAGEMENT

- Districts have the communication network and the administrative experience necessary to assist locally based land use decision-makers.
- Districts, NRCS, and the DEP have a proven history of effective partnering for addressing the state's soil and water problems, with districts providing the critical day-to-day technical assistance and communication link to the strongly "home rule" communities.
- USDA-NRCS, EPA, and the CTDEP have moved aggressively to develop protection programs that are watershed based. These efforts can be improved with the assistance of Soil and Water Conservation Districts – local partners for natural resource stewardship.
- Establishment of four (4) natural resource based districts, with adequate staffing and support will provide consistent and timely technical service and assist the DEP in carrying out its strategic plan for watershed management.
- To provide technical assistance to the 40-45 towns in each district will require, 2 full time technical positions (Environmental Analyst I), an Executive Director (Fiscal/ Administrative Assistant), and an Office Assistant.
- The operating expenses for each district is estimated at \$220,800: Administrative Staff=\$79,000; Technical Staff=\$104,400; Overhead=\$37,000).

DISTRICT TECHNICAL ASSISTANCE FOR EROSION AND SEDIMENTATION CONTROL, STORMWATER MANAGEMENT AND WETLANDS PROTECTION

Districts provide timely and consistent technical information and assistance to enable local commissions to make the best land use decisions for their communities and local natural resources within a watershed context. Districts provide technical services for natural resource protection priorities identified at the local level. District functions will be carried out in collaboration with conservation partners, including the DEP, NRCS, University of Connecticut Cooperative Extension System, Connecticut Department of Agriculture, and watershed associations.

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Project Review for Erosion and Sediment Control and Stormwater Management

- Districts facilitate inter-town cooperation to understand cumulative impacts on a watershed basis.
- Districts review and field check project proposals, providing comments and recommendations on erosion and sedimentation control and storm water management.
- District staff work closely with towns to make sure recommendations are implemented.
- Districts provide technical follow-up for the NEMO program (Non-point Source Education for Municipal Officials).
- Districts assist in providing technical assistance and information on reducing the impact of municipal road sanding on wetlands and watercourses.
- Districts participate in the Environmental Review Team Program to provide comment and recommendations on E&S control and storm water management.

Technical Training Forums for Municipalities, Contractors, and Landowners

- Technical workshops are organized on a watershed basis to address technical issues concerning natural resource conservation and protection.
- Districts will conduct workshops on the use of the (NEW) E&S Handbook and provide periodic training on the handbook.
- Districts will implement on-site demonstration projects for storm water management.
- Districts will assist in providing technical training to local land use decision-makers in the use of performance standards that conserve natural values and diversity and encourage the preservation of natural open space within development.

District Technical Assistance for Wetlands Issues

- Districts augment DEP's wetland training program by facilitating and implementing training programs on a watershed basis.
- Districts provide annual summaries of the wetland training at commission meetings.
- Districts provide technical training on off-site impacts of cumulative project applications on watershed management.
- Districts will assist with the technical aspects of riparian management.
- Districts provide technical assistance for evaluating the function and value of wetlands.

DISTRICT TECHNICAL ASSISTANCE FOR AGRICULTURE ISSUES

Districts, in partnership with the USDA Natural Resource Conservation Service, have historically assisted agriculture producers in implementing farm management resource plans using best management practices. The Connecticut Aquifer Protection Act identified districts as lead agents for development of farm resource management plans. Implementation of this legislation will now require new surveys and plans to accommodate changes in land use. Districts also have been given responsibility to assist agriculture in the 1997 CT-DEP Nonpoint Source Management Plan.

District Assistance to Agriculture

- Districts will identify and implement assistance for agriculture needs on a watershed basis.
- Districts will carry out their responsibilities for development of farm resource plans, as required by the state's Aquifer Protection Act.
- Districts will continue to assist in ensuring that technical assistance provided to farmers is consistent with BMPs.
- Districts will continue NPS educational assistance to farmers using the Manual of Best Management Practices.
- Districts will assist in supporting efforts to secure additional funding for fertilizer and animal waste management outreach to farmers, including June nitrate testing with field and laboratory assistance.

SUPPORT REFERENCES FOR THIS DOCUMENT

Specific references to support this proposal are available on request. Reference documents included the following:

- Clean Water Action Plan: Restoring and Protecting America's Waters
- The Connecticut State Statues
- Conservation and Development: Policies Plan for Connecticut 1998-2003
- CT-DEP Nonpoint Source Management Plan 1997
- Office of Legislative Research: Survey of all State Inland Wetland Commissions 1996
- An Inland Wetland Commissioner's Guide to Site Plan Review

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Support references for expanding District role and function within a watershed context.

Conservation and Development: Policies Plan for Connecticut 1998-2003

Environmental Quality (pg. 19)

Science-based standards that protect human health and the environment have been the foundation of environmental quality programs.

The agencies need to work with communities and non-profit organizations to help build local decision-making capacity so that communities can begin to integrate economic and environmental strategies that work throughout the entire community (pg. 20)

Water Quality (pg. 21)

Assuring the long-term protection of CT's water resources are important goals of this plan.

A redirection of resources is occurring and the gradual shift of fiscal and personnel resources towards greater watershed management programs must continue. Attention to existing and potential non-point sources of pollution must be integrated into everyday planning and land use management

Pollution prevention plans and best management practices must be a consideration in both existing and future land uses.

Wetlands and Watercourses (pg. 22)

Continuing education and training are essential---

Improved guidance is needed to better integrate wetland protection with surrounding upland areas and from the potentially supportive or adverse impacts of stormwater management practices.

Non-point sources of pollution are the principal sources of undesired nutrients and contaminants of recreational lakes.

A Framework for the Future (pg. 26)

Information, made widely available will become increasingly important as greater responsibility is placed on individuals and the private sector to work cooperatively with in making decisions that promote a balance among economic, environmental, and social issues.

Food Production (pg. 69-70)

Enhance the economics of agriculture as a means of improving its competitive position—by—Maintain state agriculture and vocational programs and support

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direct technical assistance to farms. Involve the agriculture community in resource planning offered by active agriculture support organizations. Encourage the use of soil and water conservation practices in order to retain productivity and to lessen the on-site impacts of erosion and sedimentation, and animal wastes. Assist farms located in aquifer protection areas in the development of resource management plans.

Environmental quality—water (pg. 79)

Aggressively correct non-point sources of pollution through regulatory and nonregulatory methods, including BMPs. Educate local decision-makers—

Build capacity for municipalities to take appropriate actions to prevent and control nonpoint pollution through provision of technical support and training to municipalities and the development of local nonpoint pollution control programs. As a part of these programs also have municipalities address stream hydrology, aquifer recharge, and storm water quality. Provide incentives, wherever feasible for municipalities to develop programs to address these issues.

Continue to improve implementation of state regulations through clearly stated requirements, timely permit processing, proper enforcement, and provision of technical assistance.

Move the aquifer protection program forward---

Improve storm water management by use of natural systems---

Natural and Cultural Resources (pg. 104)

Complete the formulation of a state policy and strategies for river and watershed management that will plan, manage, and regulate water resources on a watershed basis.

CT-DEP Nonpoint Source Management Plan 1997

Responsibilities assigned to SWCDs.

Watershed Planning (pg. 98)

Reorganize Soil and water Conservation Districts along watershed boundary lines.

Agriculture (pg. 55-57)

Continue educational assistance to farmers using the Manual of Best Management Practices.

Ensure that technical assistance being provided to farmers is consistent with BMPs.

Support efforts to secure additional funding for fertilizer and animal waste management outreach to farmers, including use of June nitrate test with field and laboratory assistance.

Construction (pg. 61-62)

Improve municipal erosion and sedimentation control implementation: a-e

Identify training program needs and objectives and enhance training programs for key parties involved in control techniques and enforcement: a-c.

Land Development (pg. 75)

Provide technical assistance, education and training to local and other land use decision-makers in the use of performance standards that conserve natural values and diversity and encourage the preservation of natural open space within development.

Urban Runoff (pg.93-95)

Complete case studies on urban effects on surface waters through the Fenger Brook, Jordan Cove, and Still River projects.

Use CWA section 319 grants and other efforts to emphasize management in high priority, urban basins identified by the LISS for nitrogen and other pollutant control.

Support and promote public education and citizen involvement activities for better nonpoint source management of urban and suburban areas, including a-f.

Develop a standard, state-approved manual or guidance for stormwater best management practices for municipalities in developing their local requirements.

State of Connecticut Legislation

Legislation that assigns responsibilities to SWCD, as per the CT General Statutes.

Sec. 22a-315. Statue authorizing SWCD to assist DEP Commissioner in matters relating to soil and water conservation.

Sec. 22a-325. Soil Erosion and Sedimentation Act: Sections 22a-325 to 22a-329 inclusive.

Sec. 22a-354m. Aquifer Protection Act: Farm resource management plans.

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Legislation that recognizes SWCD assistance to municipalities.

Sec. 22a-317. State grants to SWCD. Enabling authority for the DEP Commissioner to provide annual grants.

Sec. 22a-27j. "The Fee Bill". Establishes a fee for municipal planning, zoning, and wetlands land use applications to support SWCD.

Legislation that establishes tasks that SWCD could assist in carrying out.

Sec. 22a-42 (d). Inland Wetlands and Watercourses: "Each inland wetlands agency shall hold a meeting at least once annually at which information is presented to the members of the agency which summarizes the provisions of the training program." Reference is made to "the comprehensive training program developed by the commissioner.

An Inland Wetland Commissioner's Guide to Site Plan Review

Areas in which SWCD can, and do assist.

Chapter Four—Best Management Practices.

Storm/Water Pollution Controls

Detention basin

Retention basin

Stormwater Runoff Management

E&S Controls

Office of Legislative Research: Survey of all state inland wetland commissions 1996

In response to a question regarding agencies commissions called for assistance 71.2 % stated they used SWCD. 54% of the 169 municipalities responded to the questionnaire.

Clean Water Action Plan

Districts can have a strategic role in carrying out the ten principles for restoring and protecting America's waters.

3. Watershed management: The key to the future
4. Restore watersheds not meeting clean water goals
5. Build bridges between water quality and natural resource programs
6. Prevent polluted runoff
9. Improve water information and citizens' right to know

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MURTHA, CULLINA, RICHTER AND PINNEY LLP
CITYPLACE I
185 ASYLUM STREET
HARTFORD, CONNECTICUT 06103-3469

TELEPHONE (860) 240-6000
FACSIMILE (860) 240-6150

NEW HAVEN OFFICE
WHITNEY GROVE SQUARE
TWO WHITNEY AVENUE
P. O. BOX 704
NEW HAVEN, CT 06503-0704
TELEPHONE (203) 772-7700

GREGORY A. SHARP
(860) 240-6046
GSHARP@MCRP.COM

February 5, 1999

HAND DELIVERED

Senator Eileen Daily, Co-Chair
Representative Jessie Stratton, Co-Chair
The Environment Committee
General Assembly
Legislative Office Building
Hartford, Connecticut 06106

Re: Amendment to Raised Committee Bill No. 6621

Dear Senator Daily and Representative Stratton:

I am offering the attached amendment to Section 7 of Raised Committee Bill No. 6621 to exempt certain transfers of partnership property from the definition of "Transfer of Establishment" in the Transfer Act, specifically Section 22a-134, C.G.S.

As a member of former Commissioner Sidney Holbrook's Transfer Act Task Force, I was involved in the preparation of the comprehensive revision of the Transfer Act which was adopted by the General Assembly in 1995. In that legislation, the definition of "Transfer of Establishment" was re-structured to provide a long list of exemptions from the requirements of the original 1985 Transfer Act. These exemptions were crafted for transactions which ten years of experience with the statute had demonstrated were not necessary to further the original goals of the legislation, or were otherwise problematic.

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MURTHA, CULLINA, RICHTER AND PINNEY LLP

Senator Eileen Daily, Co-Chair
Representative Jessie Stratton, Co-Chair
February 5, 1999
Page 2

The Transfer Act is premised on two primary policy goals:

First, to provide notice to a purchaser of property at which hazardous wastes have been generated or handled of the environmental condition of the property.

Second, to clearly assign the liability for any clean-up that might be required prior to the time the property changes hands.

Unfortunately, subsequent experience has shown that not all of the types of transactions which should have been exempted were addressed in the 1995 legislation, hence the 1996 exemption in sub-paragraph (N) for service stations, the 1997 exemption in sub-paragraph (O) for residential property, and the 1998 exemption in sub-paragraph (P) for transfers to urban rehabilitation agencies, municipalities, etc.

The three narrowly drawn exemptions I am proposing today are appropriate, because they involve transfers which neither require notice to protect an unwitting buyer, nor assignment of liability prior to the transfer. They are, therefore, similar to the corporate reorganization exemption set forth in sub-paragraph (I), and the intra-family transfer exemption set forth in sub-paragraph (L).

The first is to codify what I believe is the Department of Environmental Protection's position that a conversion of a general partnership, which owns or operates an establishment, to a limited liability company ("LLC"), pursuant to Section 34-199, C.G.S. does not constitute a "transfer of establishment." It is my understanding that the agency has taken this position because of the language in Section 34-200, C.G.S. which states that the entity converted "shall be deemed for all purposes the same entity that existed before the conversion..." Clearly, neither notice nor an assignment of liability is required, because the individuals involved in the conversion are the same, before and after the change.

The second change is similar and is proposed to exempt transfers of partnership property from the names of the

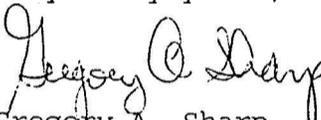
Senator Eileen Daily, Co-Chair
Representative Jessie Stratton, Co-Chair
February 5, 1999
Page 3

individual general partners to the partnership. Again, there is no need for notice or an assignment of liabilities to the acquiring partnership from its own partners.

The third and final change is proposed to exempt transfers of partnership property held in the names of all of its general partners to an LLC which shall include as members immediately after the transfer all of the same persons as were partners immediately prior to the transfer. Again, the individual participants are the same before and after the transaction.

I appreciate your consideration of the foregoing amendments.

Very truly yours,


Gregory A. Sharp

Enclosure

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February 5, 1999

Proposed Amendment to Raised Committee Bill No. 6621.

Amend Sec. 7 as follows:

Delete "or" in Line 194.

Add the following after the word "authority" in Line 198:

(Q) the conversion of a general or limited partnership to a limited liability company pursuant to Section 34-199, (R) the transfer of partnership property held in the names of all of its general partners to the name of a partnership which shall include as general partners immediately after the transfer all of the same persons as were general partners immediately prior to the transfer, and (S) the transfer of partnership property held in the names of all of its general partners to a limited liability company which shall include as members immediately after the transfer all of the same persons as were partners immediately prior to the transfer.

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55 High Street
Middletown, Connecticut
06457-3788

International Headquarters
Arlington, Virginia

TEL 860 344-0716
FAX 860 344-1334

TESTIMONY OF DAVID SUTHERLAND - DIRECTOR OF GOVERNMENT RELATIONS
BEFORE THE ENVIRONMENT COMMITTEE - FEBRUARY 5, 1999

On behalf of The Nature Conservancy and its 18,000 members in Connecticut, I am here today to testify **in favor of Section 15 of Raised Bill # 6621, AAC Minor Revisions to Certain Environmental Protection Statutes**, and to stress the importance that our organization places on the **Natural Area Preserves program**.

The Natural Area Preserves program, which is very active and popular in many other states, was established in Connecticut's statutes 20 years ago. Until the past few years, however, it was a very weak and dormant program.

Under the program, the Department of Environmental Protection identifies and designates as Natural Area Preserves (NAPs) those properties, or portions of properties, it owns which are the most significant from an ecological perspective. This significance might be due to the presence of rare plant or animal species, unusual assemblages or communities of species, or other unusual or spectacular natural features. These selected areas are then managed to protect the critical features, and as much as possible are left in a natural and wild condition.

Most State Parks and Forests are managed for intensive recreational use or for timber harvesting. These types of uses are not necessarily prohibited at NAP's, but are only allowed if, or in such a way that, they do not harm the targeted species or features.

One could get the wrong impression that it would not cost any money to manage lands that are primarily left in a natural condition. As a representative of an organization which owns a wide network of nature preserves, I can strongly attest that responsibly managing natural lands does require at least some financial expenditure. Particularly when public access is allowed, it is critical to conduct basic research and planning to most appropriately direct this access. As another example, with some of our native plant communities, natural fires played a critical role in sustaining them. In a state like ours, we can no longer allow natural fires to burn unchecked, but with proper research and management, controlled burns or other measures may serve the same function. Nuisance weed or pest species introduced from other continents may threaten to overrun native species, unless controlled by effective measures. These types of management initiatives require at least a modest amount of funding.

The NAP Program has struggled from its beginning with no or very little funding. The current administration has assigned a part-time person to the program which has been a big, but still insufficient, step forward. Section 15 of this bill would provide a modest amount of funds, for planning and management, in an appropriate way. The Stewardship account of the Recreation and Natural Heritage Trust program (RNHT) was established to enable the DEP to better manage its lands. We maintain that there are no lands more deserving of at least some minimal attention than these Natural Area Preserves, our state's most critical ecological treasures.

JOINT
STANDING
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HEARINGS

ENVIRONMENT
PART 6
1667-1889

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- SEN. DAILY: So that anything else that is captured already is not captured, but what we're doing is adding the to the recycling mix?
- JANE STAHL: That we're both adding to the recycling mix and not undermining some of the market benefits of source separation.
- SEN. DAILY: I'd like to ask you about another thing that's not on here, or part of this Bill, but that we heard before and that's recycling of the cartridges for printers? Would that, too, be just as feasible as the electronic equipment, or wouldn't you know?
- JANE STAHL: I don't know. I'm sorry.
- SEN. DAILY: And would there by any way to know or judge how much goes into the waste stream now?
- JANE STAHL: Of cartridges? Let me check on that for you. I don't know.
- SEN. DAILY: Okay, thank you.
- REP. STRATTON: Any other questions? If not, thank you very much. I believe that's the only individual signed up in this category, so for a change, we can move expeditiously into the Public portion. And the first person signed up to testify is Carolyn Hughes, followed by Bob Young.
- CAROLYN HUGHES: Good morning Senator Daily and Representative Stratton and other members of the Committee. My name is Carolyn Hughes and with the Connecticut Fund for the Environment, a non-profit environmental organization in New Haven, Connecticut with three thousand members State-wide.

SB 1360
HB 6621

I'm here today to strongly support the purpose and intent of Raised Bill number 1358 AN ACT CONCERNING NOTICE OF ELECTRIC UTILITY OPEN SPACE LAND SALES. And what this Bill would do would be to expand the notification of the sale of electric company lands to land conservation organizations who have registered under Section 1650 of the General Statutes.

Basically, I think that expanding notification requirements for sale of these lands to non-profit land conservation organizations will enhance our ability to preserve the most important of these lands for their natural resources, ecological and recreational values.

I think that in addition to the notification, it would be helpful that if we could put in place some kind of a land sale plan and forecast similar to that which we have for water company lands at this point. And what that would do is allow the State municipalities and non-profit land conservation organizations to have notification of the sale at the earliest planning stages and enhance their ability to put in place the resources they need to protect those lands.

I'm also suggesting in my testimony a technical clarification of the land trust registration under Section 1650C of the General Statutes. And that would be just to clarify that land trusts do not need to re-register with DPUC every year unless there's been a change to their contact person, name, address, phone number, that type of thing.

And so I thank you for the opportunity to comment on this Bill. CFE has also signed onto the comments of the Connecticut River Watershed Council, Farmington River Watershed Association, Housatonic Valley Association, and the Rivers Alliance on Bill number 1360, and so we're endorsing and supporting those comments. Thank you.

REP. STRATTON: Thank you very much, Carolyn, and just your, your comment about the registration of land trusts is already included in a bill that the Committee voted out two weeks ago, a technical revisory bill, I think it was 6621.

CAROLYN HUGHES: Right, and I have that in front of me, and unless I've read it wrong, or there's a more up-to-date version, I don't see that amendment in here. I was under the impression that it was supposed to be there, but I don't see it.

REP. STRATTON: You may have the file copy rather than the JF version. I don't know, but at any rate it is in that Bill. But it always pays to keep watch just in case (laughter). Are there any other questions. Thank you very much. Bob Young followed by Kevin Case.

KEVIN CASE: Good morning Senator Daily and Representative Stratton. My name is Bob Young. I am the Superintendent of the town of Manchester Sewer and Water Department. I am also here in my capacity as the legislative co-chairman of the Connecticut Water Works Association to address this Committee concerning Raised Bill number 1360.

The Connecticut Water Works Association is an association of public water suppliers serving about two and a half million people located throughout the state of Connecticut. As purveyors of public water supplies, our members have an obligation to provide sufficient quantities of high quality water at reasonable cost to our consumers in the communities we serve. As an association, CWWA and it's members have a keen interest in meaningful public regulation of public water supplies.

CWWA has repeatedly expressed it's concerns relative to the current water diversion policy act and the challenges it represents to public water suppliers throughout the State. We are grateful that the Committee has raised Bill 1360 to review the issues pertaining to public water supply sources and programs throughout the State.

The last legislative session, CWWA supported the adoption of Public Act 98224 AND ACT CONCERNING WATER DIVERSION POLICY AND THE TASK FORCE ON THE PROVISION OF EMERGENCY MEDICAL SERVICES. That Act directed the DEP to complete certain diversion related tasks by January 1st in the year 2000.

This included preparing a diversion inventory and a consult in consultation with the Allocation Task Force of the Rivers Advisory Committee making recommendations to this Committee as to the adequacy of State water allocation policies.