

Legislative History for Connecticut Act

Act Number: 08-94
Bill Number: 5145
Senate Pages: 4022, 4375-4377

House Pages: 3514-3592

Committee: Environment: 321, 324, 384-402, 433-438, 455-456,
478-479, 480, 517-520, 521-522, 534, 609, 670-675,
677-690 Energy & Tech.: 147-149, 157-162, 200-
203

4
79

73

Page Total:

156

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

Connecticut State Library
Compiled 2016

S-569

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2008

VOL. 51
PART 13
3817-4158

jmk

113

Senate

May 5, 2008

Motion is on Consent. Hearing and seeing no objections, so ordered, Sir.

SEN. LOONEY:

Thank you, Mr. President. Calendar 509, House Bill 5145, Mr. President, move to place this item on the Consent Calendar.

THE CHAIR:

Motion is on Consent. Hearing and seeing no objection, Sir, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar 510, House Bill 5447, Mr. President, would move to place this item on the Consent Calendar.

THE CHAIR:

Motion is on Consent. Hearing and seeing no objections, so ordered, Sir.

SEN. LOONEY:

S-570

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2008

VOL. 51
PART 14
4159-4475

jmk

466

Senate

May 5, 2008

Calendar Page 5, Calendar 424, Substitute for
Senate Bill 25.

Calendar Page 11, Calendar 508, Substitute for
House Bill 5127.

Calendar Page 12, Calendar 509, Substitute for
House Bill 5145.

Calendar 510, Substitute for House Bill 5447.

Calendar 511, House Bill 5513.

Calendar Page 13, Calendar 514, Substitute for
House Bill 5610.

Calendar 518, Substitute for House Bill 5708.

Calendar Page 14, Calendar 523, House Bill 5918.

Calendar 525, Substitute for House Bill 5746.

Calendar Page 17, Calendar 536, Substitute for
House Bill 5841.

Calendar 537, Substitute for House Bill 5133.

Calendar 45, Senate Bill 125.

Calendar Page 18, Calendar 96, Substitute for
Senate Bill 175.

jmk

467

Senate

May 5, 2008

Calendar Page 19, Calendar 148, Substitute for
Senate Bill 478.

Calendar Page 18, Calendar 218, Substitute for
Senate Bill 126.

Calendar Page 22, Calendar 348, Substitute for
Senate Bill 601.

Calendar Page 23, Calendar 350, Substitute for
Senate Bill 605.

Mr. President, that completes those items placed
on the Consent Calendar.

THE CHAIR:

Machine is open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber.

jmk

468

Senate

May 5, 2008

THE CHAIR:

Members, please check the board to see that your vote is properly recorded. If all Senators have voted, the machine will be locked, and the Clerk will take a tally.

THE CLERK:

Motion is on adoption of the Consent Calendar.

Total number voting, 36; those necessary for adoption, 19. Those voting "yea", 36; those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is passed. Are there announcements or points of personal privilege?
Senator Williams.

SEN. WILLIAMS:

Thank you, Mr. President. I rise for the purpose of an announcement. It's usually the custom for us to allow the Clerk to announce that there will be a

H-1024

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2008

VOL. 51
PART 11
3433-3778

pat

58

House of Representatives

April 29, 2008

CLERK:

House Bill Number 5730, as amended by House
Amendment Schedule "A".

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER ALTOBELLO:

The bill as amended is passed.

Would the Clerk please call Calendar Number 63.

CLERK:

On Page 21, Calendar Number 63, Substitute for
House Bill Number 5145, AN ACT CONCERNING
ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE
COMMUNITIES, Favorable Report of the Committee on
Energy and Technology.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy of the 127th, you have the
floor, Sir.

REP. HENNESSY: (127th)

pat

59

House of Representatives

April 29, 2008

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

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of the bill. Please proceed, Sir.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. Mr. Speaker, the bill before us has gone through many changes, the environmental justice bill.

What it seeks to do is to define an environmental justice community and afford it certain rights so that it can participate in its future.

As I said, there are many changes involved in it, so Mr. Speaker, the Clerk is in possession of LCO Number 5001. I ask that he call it and I be allowed to summarize.

DEPUTY SPEAKER ALTOBELLO:

Would the Clerk please call LCO Number 5001.

CLERK:

pat

60

House of Representatives

April 29, 2008

LCO Number 5001, House "A", offered by
Representatives Hennessy and Mushinsky.

DEPUTY SPEAKER ALTOBELLO:

Designated House "A". Would you remark on House
"A"? Representative Hennessy.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. Mr. Speaker, the
effective date for this bill would be January 1, 2009.
That's significant in that it's involving the permit
application before the Department of Environmental
Protection and deciding counsel that after this date,
if there is a new facility that is being built or a
facility that is going to be expanded, and that is a
facility that will be identified as an affecting
facility, and that is basically a large multi-town
facility that creates pollution, that the first thing
that they have to do is to negotiate a plan to inform
the neighborhood that this facility will be cited in,
in which a public meeting occurs and the neighboring,
the neighborhood can come to this meeting and hear
from the applicant what exactly is being proposed to
be built.

pat

61

House of Representatives

April 29, 2008

The environmental justice community will be identified as a distressed municipality. Presently there's 25 that are identified as distressed municipalities by DECD, so all those municipalities will be included, plus a United States Census Block Group that has 30% or more of its population consisting of low-income people.

And this Census Block group is basically the smallest Census grouping that our United States Census Tract does and it is sensitive to neighborhoods.

So these are neighborhoods that are identified as low income. In Connecticut here, what we do is in the last 20 years we have basically stopped our neighborhood facilities and we've gone into multi-town facilities in which a host municipality cites a facility and the accumulation of pollutants in these areas are detrimental to the health of the population and unfortunately the populations of these neighborhoods are low income.

So low-income families, unfortunately, have health concerns. They have poor nutrition and lack of healthcare, so their immunity systems are low.

pat

62

House of Representatives

April 29, 2008

I move adoption of the amendment.

DEPUTY SPEAKER ALTOBELLO:

The question is on adoption of House "A". Will you remark further on House "A"? Representative Chapin of the 67th, you have the floor, Sir.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. A couple of questions through you, to the proponent, please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. In Line 5 of the amendment, it appears we're changing in Line 8 of the file copy, we're striking the word tract and inserting block group.

Could the gentleman explain to me the difference between those two terms? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. A block group is a smaller entity and it is sensitive to neighborhoods.

pat

63

House of Representatives

April 29, 2008

The intent of the Census Block Group is to retain neighborhood identity, so it basically consists of a neighborhood that has similar demographics of income and housing quality and the like.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. And again, through you, is the block group during a Census, is that the smallest unit that's identified through the Census?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, yes, that's correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker, and again, through you, it's my understanding as to how, when the Census is done in block, block groups are identified. The actual boundary line of that block group may be a

pat

64

House of Representatives

April 29, 2008

stream or a street or a railroad track, so that if we're, am I correct in assuming that it could then definitely be smaller than perhaps a city block?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, yes, I believe that's correct to the best of my knowledge.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. And again through you, so in my own community if I had one Census block, one block group, which was the smallest unit identified during the Census that had, that reached the threshold of I believe the amendment seeks to change it from 50% to 30% of those below the federal poverty level, does the entire community then fall under the definition of an environmental justice community?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

65

House of Representatives

April 29, 2008

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, no. It pertains to the block group. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. And again, through you, so if I did have one or two block groups in my own community but there was a proposed facility elsewhere in the community, would my community be required to go through the steps in this bill were it to become law?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, no. It is directly affecting the identified environmental justice communities. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

pat

66

House of Representatives

April 29, 2008

Thank you, Mr. Speaker. It was my understanding that the environmental justice communities, I'm sorry, that for purposes of a clarification, we're taking environmentally distressed communities out of this with the amendment.

Is that correct, through you, Mr. Speaker?

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, that is correct. We're dealing specifically with United States Census Block Group and correlating it to low-income levels.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. And again, through you, I believe the gentleman had mentioned that now we're moving to, I believe it's the DECD's definition of a distressed municipality, which includes 25 municipalities.

pat

67

House of Representatives

April 29, 2008

Are we also including additional towns through the language in the amendment?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, we're taking the distressed municipalities as defined by DECD and increasing them with environmental justice communities based on block group tract low income.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker, and again, through you, do we know how many additional towns would fall in the category of environmental justice communities above and beyond the distressed municipalities?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

pat

68

House of Representatives

April 29, 2008

Through you, Mr. Speaker, they're identified as 55 at this time. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. And again, through you, that's 55 in addition to the 25, so would it be roughly 80 towns? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, that's correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. And again, through you, the original file, which did talk about environmentally distressed municipalities, could the gentleman tell me how many towns that would have included? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

pat

69

House of Representatives

April 29, 2008

REP. HENNESSY: (127th)

Through you, Mr. Speaker, it would have been significantly more. I don't recall the number, but it would have been a lot more.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker, and I thank the gentleman for his answers.

I have a concern, Mr. Speaker, that the number of communities that this bill, if this amendment were to pass, would involve, is a substantial number of communities, but in recognition that this amendment actually lowers the number of communities affected through the, from the file copy, I think that that's a step in the right direction and I will be supporting the amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Chapin. Further on House "A"? Representative Williams of the 68th, you have the floor, Sir.

pat

70

House of Representatives

April 29, 2008

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker and good afternoon. Through you, if I might, a few questions to the proponent of the amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker, and through you to Representative Hennessy, in Lines 33 through 41, we're discussing the issue of meaningful public participation, and in Subsection (b) of that Section, it dictates that the public's participation may influence the regulatory agency's decision.

Through you, Mr. Speaker, I'm curious. This appears to have changed slightly from the file copy originally in the sense that, and I could be wrong, and I would ask Representative Hennessy to correct me, but it had been my understanding that sort of a genesis in the requirements of this bill were to simply allow the residents of an environmentally distressed community or an environmental justice

pat

71

House of Representatives

April 29, 2008

community to be given the opportunity to have a meeting with the applicant of a proposed facility.

And now it seems that, unless I'm wrong, that meaningful public participation would mean that the public's participation could greatly influence the final outcome of an application.

So, through you, Mr. Speaker, I'm curious as to how this came about and if my interpretation of this is incorrect?

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the meaningful public participation is an informal meeting in which the permitting applicant presents to the environmental justice group its plans exactly what it intends to do, and in that meeting the people have an opportunity to weigh in, to comment on it, and within it, they have the opportunity to influence the regulatory agency's decision.

pat

72

House of Representatives

April 29, 2008

It's not mandating it. It's just saying that they're at the table and they can weigh in on how the facility is going to be located, size, etc.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. I thank the gentleman for his answer.

And through you, in Lines 56 through 59, it dictates that an applicant after January 1 of 2009 needs to file a meaningful public participation plan with the Department, and they must obtain the Department's or the Siting Council's approval of the plan before they file their permit.

Through you, Mr. Speaker, I'm curious as to what the timeline would be on that, and if the gentleman could point to how long that would take, or if there's a limit on how much time it could take?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

pat

73

House of Representatives

April 29, 2008

REP. HENNESSY: (127th)

Through you, Mr. Speaker, I'm not really sure of the question. What exactly [inaudible]. Could you rephrase your question?

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Yes, thank you, Mr. Speaker, and through you to Representative Hennessy.

My question is, if an applicant has to file the public participation plan with the Department or with the Council, is there anywhere in this Section or in the underlying bill that says that it must be done within a certain amount of time and secondly, that the Department must approve the plan within a certain amount of time? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, I think I understand the question. There is no timeline set within this because this is in fact the first initial application

pat

74

House of Representatives

April 29, 2008

towards a permit. It's the start of a process, so it's when the applicant first files and as far as DEP recognizing it, there is no timeline.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker, and I thank the gentleman for his answer.

I guess furthermore, then, I'm concerned, and maybe the gentleman can allay my concerns, that an applicant could file a meaningful public participation plan with the Department or with the Siting Council and then it could take several months before the Department approves the plan, in which case that would delay the implementation of a power plant, for example.

And I'm concerned that because we haven't set a timeline, that within 30 days or 60 days or 90 days that the Department must approve the plan, I'm concerned that that could delay the siting and building of new generation projects, for example, here

pat

75

House of Representatives

April 29, 2008

in Connecticut, which most people agree we sorely need.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, I believe that there's no time limits right now. So this is how DEP operates and I don't really see it as a problem.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. I thank the gentleman for his answers. I guess I would disagree that I don't see a problem with that, but I will, I guess I have some further questions on the underlying bill and so I will wait for the vote on the amendment to ask those questions. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

76

House of Representatives

April 29, 2008

Thank you, Representative Williams. Further on House "A"? Representative Fontana of the 87th District, you have the floor, Sir.

REP. FONTANA: (87th)

Thank you, Mr. Speaker. I would just rise to support the amendment. I have some comments I'd like to offer on the bill itself if and when it's amended, so I'll reserve those comments until that time, but I support the amendment. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Fontana.

Further on House "A"? If not, I'll try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed? The amendment is adopted.

Further on the bill as amended? Further on the bill as amended? Representative Hennessy, for what purpose do you rise, Sir?

REP. HENNESSY: (127th)

pat

77

House of Representatives

April 29, 2008

Mr. Speaker, for the purpose of legislative intent.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. For the purpose of legislative intent, I would like to clarify that in Section 1, Subsection 2(d) the combined monthly volume in excess of 25 tons applies to intermediate processing centers and volume reduction facilities.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Sir. Further on the bill as amended? Representative Roy of the 119th, you have the floor, Sir.

REP. ROY: (119th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO Number 4398. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER ALTOBELLO:

Would the Clerk please call LCO Number 4398, designated House Amendment Schedule "B".

pat

78

House of Representatives

April 29, 2008

CLERK:

LCO Number 4398, House "B", offered by
Representative Roy et al.

DEPUTY SPEAKER ALTOBELLO:

Representative Roy.

REP. ROY: (119th)

Thank you, Mr. Speaker. Mr. Speaker, what this does is prohibits a person or government agency to permanent place, deposit, dispose of or store more than 1,000 cubic yards of soil consisting of asbestos containing material from another site to a site that abuts or adjoins residential property, and at a height of more than four feet above the existing grade of land without the approval of two-thirds of the legislative body of that municipality.

For purposes of this Section, asbestos containing material shall have the same meaning as in Section 19(a) 332 of the General Statutes.

I move adoption.

DEPUTY SPEAKER ALTOBELLO:

The question is on adoption of House "B". Will you remark further? Further on House "B"?

pat

79

House of Representatives

April 29, 2008

Representative Harkins of the 120th District, you have the floor, Sir.

REP. HARKINS: (120th)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the amendment. Most of all, I'd like to thank Representative Roy for his help on this particular issue and his taking the time and commitment to support the folks in the Town of Stratford.

So I would urge my colleagues to support the amendment as well. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Harkins. Further on House "B"? Representative Williams, do you care to comment on House "B"? Representative Miller on House "B".

REP. MILLER: (122nd)

Thank you, Mr. Speaker. I also rise in support of the amendment. I think it's something that really has to be approved to help the people in the Town of Stratford.

pat

80

House of Representatives

April 29, 2008

They've had years and years of problems with asbestos, and this may help them. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Sir. Representative Sharkey.

REP. SHARKEY: (88th)

Thank you, Mr. Speaker. Mr. Speaker, through you, just a question to the proponent of the amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir. Please proceed, Representative Sharkey.

REP. SHARKEY: (89th)

Thank you, Mr. Speaker. Mr. Speaker, through you, I just wanted to know, is the intent of this amendment to be prospective, meaning that henceforth a municipality may not store this type of debris or soil with asbestos materials from this point forward, or is it also meant to apply to perhaps existing storages of this type of material?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

To Representative Roy.

pat

81

House of Representatives

April 29, 2008

REP. ROY: (119th)

Thank you, Mr. Speaker. Mr. Speaker, it does not go back. This is prospective, from this point forward that this would be a prohibited activity.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY: (88th)

Thank you, Mr. Speaker. Mr. Speaker, then given that, I certainly support this amendment and I applaud Representative Roy for his leadership on this.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sharkey. Further on the amendment? Further on the amendment?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed? The Ayes have it. The amendment is adopted. Further on the bill as amended?

pat

82

House of Representatives

April 29, 2008

Representative Fontana of the 87th, you have the floor, Sir.

REP. FONTANA: (87th)

Thank you, Mr. Speaker. Just briefly, I rise to support this bill.

In the Energy and Technology Committee over the past couple of years we've had the opportunity to hold public hearings on this type of proposal. In fact, there's a bill in the Senate currently on this topic, and it's one that we've taken a great interest in.

I would be remiss if I didn't first thank Representative Hennessy for his hard work on this, because I think what he's done is, he's taken a good idea and made a great bill out of it.

Frankly, Mr. Speaker, this is about doing some reasonable permissive and enabling things to help people in certain communities respond to new facility proposals or proposals to expand certain facilities.

There are 59 communities as I understand it, as Representative Hennessy may have remarked. Many communities in the state are not affected at all.

pat

83

House of Representatives

April 29, 2008

I look on a map that I have, which I can share with my colleagues, and while North Haven has a couple of Census tracts that would be impacted, I notice for instance that the Town of Watertown does not appear to have any. The Town of New Milford does not appear to have any.

The Town of Waterbury does appear to have some, but the point is, Mr. Speaker, this is a way of, as the bill indicates, providing meaningful participation to people in those communities in allowing for the creation of community environmental benefit agreements.

If you read through the bill you'll see at every opportunity, Representative Hennessy and the authors of the bill have talked about making reasonable and good faith efforts, reasonable and public opportunities. Using the word may indicates that they are permissive or enabling.

In short, Mr. Speaker, I think it's a great bill. I support it, and I would ask my colleagues to do likewise. Thank you.

DEPUTY SPEAKER ALTOBELLO:

pat

84

House of Representatives

April 29, 2008

Thank you, Representative Fontana.

Representative Miller of the 122nd, you have the floor,
Sir.

REP. MILLER: (122nd)

Thank you, Mr. Speaker. The Clerk has an
Amendment, LCO Number 4607. Would he please call and
I be allowed to summarize.

DEPUTY SPEAKER ALTOBELLO:

Would the Clerk please call LCO Number 4607
designated House Amendment Schedule "C".

CLERK:

LCO Number 4607, House "C", offered by
Representative Miller.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

Thank you, Mr. Speaker. What this does is
assures the safety of occupants of any housing in the
state, especially when the fire marshal has deemed
that there's some problems with the application for
that particular housing proposal, and I move for
adoption.

pat

85

House of Representatives

April 29, 2008

DEPUTY SPEAKER ALTOBELLO:

The question is on adoption of House "C".

Representative Mushinsky, on House "C"?

Representative Mushinsky, do you wish to comment on House "C"?

REP. MUSHINSKY: (85th)

Mr. Speaker, I wish to comment on the bill as amended, so I will wait. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Madam. Please set your microphone button again so your name is extinguished from my list here. Thank you.

REP. MILLER: (122nd)

Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

Thank you, Mr. Speaker. With more than 4,000 fire debts per year, and tens of thousands of fire related injuries, the United States has one of the worst fire records in the industrialized world.

pat

86

House of Representatives

April 29, 2008

More than 750,000 structures are destroyed by fire each year costing billions of dollars. The most effective solution to the fire problem is to adopt a well-designed building and fire code, and just the other day, Mr. Speaker, Representative Reynolds, who was talking about the fire code here in this Chamber, and we adopted that.

However, what happens is, courts, because of the high cost of property and land, many of our proposals, housing proposals, which may be defeated by local planning and zoning boards or denied, are taken to the courts, and in the courts, while the Legislature makes the laws, and the courts should administer them, the courts are overstepping their boundaries and undermining the fire marshals comments in many of these applications and overruling the towns' concerns for the safety and well being of the people that may occupy those particular housing units.

And I would tell you that fire prevention control has historically been in the hands of government, local government.

pat

87

House of Representatives

April 29, 2008

So when the courts rule on these particular applications and overrule the town, they really are putting people in jeopardy. They're putting their lives in danger in case of fires.

Now, I would point out that in the Town of Trumbull a number of years ago, because the courts overruled the Town's Planning and Zoning Commission, they built a number of buildings. The Planning and Zoning Commission wanted fire lanes, not a big deal, wanted fire lanes behind the buildings.

The courts overruled the Town. The buildings got built, and voila, a fire occurs. Four or five different towns had to respond. Couldn't get to the fire because there no fire lands. Thanks to the courts.

The building burned down. Fortunately, it happened when most of the people were out of the building. This happened in the evening. Somebody surely would have been injured or probably would have passed away because of the smoke inhalation.

pat

88

House of Representatives

April 29, 2008

Now we have another project where the courts have overturned a local planning and zoning denial, and I'm afraid we're going to have the same situation.

Again, we make the laws and the courts should administrate them, not change them in any way. So I think this amendment would go a long way in preserving the power of the local fire marshals, protecting the lives of the people that may be occupying these buildings, and I think it's the right thing for us to do, and I thank you very much, Mr. Speaker. I hope the Assembly feels the same way as I do.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller. Further on House "C". Representative Feltman.

REP. FELTMAN: (6th)

I'm sorry, Mr. Speaker. I'm going to speak on the main Bill, so I don't seek the floor at this time.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Feltman.
Representative Hennessy, do you care to comment on House "C"?

pat

39

House of Representatives

April 29, 2008

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. Mr. Speaker, I view this as an unfriendly Amendment and I ask the Chamber to oppose it.

What this amendment does is, it shifts the burden of proof and within this one particular incident of a fire marshal and I don't think that's, well, that's not consistent with statute and I ask that the Assembly oppose it. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hennessy. Further on House "C"? Further on House "C"?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed?

REPRESENTATIVES:

No.

DEPUTY SPEAKER ALTOBELLO:

House "C" is defeated.

pat

90

House of Representatives

April 29, 2008

Now, further on the bill as amended?

Representative Feltman, of the 6th District, you have the floor.

REP. FELTMAN: (6th)

Thank you, Mr. Speaker. Mr. Speaker, as many know, this bill was a long time in the making and I think it goes a long way towards making real the right of the people to seek redress of grievances.

Health concerns that people have, their lungs, their ability to breathe, the health of their families, it knows no boundaries. Everyone of every income, of every geography should have the same right to advocate for and protect themselves with respect to their health.

I think this bill accomplishes it by lowering some barriers to people who may not easily have access to those who make decisions that affect their lives.

I think this is a great Bill and I'm pleased to support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Feltman. On the bill as amended? Representative Roy. No en casa.

pat

91

House of Representatives

April 29, 2008

Representative Williams of the 68th, you have the floor, Sir.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker, on the bill, just a few questions, through you to the proponent of the bill, please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. Through you to Representative Hennessy, could you please identify or define for us what an environmentally stressed community, is it environmentally stressed community or environmental justice community? I'm sorry, the name has changed.

Can you please define for us what type of a community would fit that category? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

pat

92

House of Representatives

April 29, 2008

Thank you, Mr. Speaker. I believe the question is what constitutes a distressed community and an environmentally stressed community, so distressed community is in statute based on United States Department of Housing and Urban Development that meets certain criteria of income and other factors related to low, to high unemployment and the like and the Department of Economic Community and Development evaluates the findings.

As far as the environmentally stressed, environmental, we have struck environmentally stressed communities from the bill to say environmental justice committee based on Census tract income levels.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you. Through you, Mr. Speaker, it had been my understanding that in previous iterations of this bill that 30% of the community needed to be at or below poverty level in order to meet this

pat

93

House of Representatives

April 29, 2008

qualification and it appears that we changed that in the amendment to 50%.

Am I correct in that understanding, through you, Mr. Speaker?

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the amendment changes it to 30% of the population consisting of low-income people at or below 200% of the federal poverty level.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. Through you to Representative Hennessy, so I guess, would it be fair to say that the genesis or the broad features of this bill would require that enhanced notification be given to the residents of an environmental justice community, and that the applicant is required to hold a meeting or forum with the residents of that community if they so choose, if the residents so

pat

94

House of Representatives

April 29, 2008

choose to attend, and that's really the genesis of the broad reach of this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Hennessy.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Williams.

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, yes. Basically it's enhanced notification. Unfortunately in the past, a lot of these neighborhoods don't hear about what's going on until the process has moved, progressed quite a lot.

So this starts off with advanced notification, an informal public hearing in which everyone finds out what's going on, and the potential for a, some type of benefit to the community.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

95

House of Representatives

April 29, 2008

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker, and through you to Representative Hennessey, I'm curious as to what the rationale is for providing enhanced notification for some communities rather than other communities.

You know, for example, where Representative Hennessey represents Bridgeport versus where I represent Watertown or Woodbury, why they would receive an additional benefit or an enhanced notification and some other community may not?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessey.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, these areas are being negatively impacted. A lot of times the populations within are not that informed as to what's going on so basically this bill protects a population that's vulnerable to health concerns that other parts of the state don't. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

96

House of Representatives

April 29, 2008

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker, and I thank the gentleman for his answer.

Through you to Representative Hennessy, is the number 30% in terms of the low-income residents, is that an arbitrary number or how did we arrive at the number 30%? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, we decided on 30% as a good number that would indicate a propensity, a preponderance of low income. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. And through you to Representative Hennessy, I actually understand the rationale, the background behind this, and I'm not necessarily opposed to giving enhanced notification to

pat

97

House of Representatives

April 29, 2008

residents regarding the possibility that a power plant or a sewage treatment plant, or some other potentially undesirable facility may be coming to your community.

But I guess I don't understand why we're saying only certain communities get that benefit. If it's not of any harm to a non-environmental justice community to also extend this benefit, why are we providing this benefit to only one type of a community rather than to another type?

You know, if we had a bill that said every community gets enhanced notification and must have a, the applicant must have a meeting with the residents or offer the ability to have a meeting with the residents, what would be the harm in that?

Why are we segregating out certain communities to give this benefit? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. Through you, Mr. Speaker, the point of this bill is to protect low-income distressed communities. It would be marvelous

pat

98

House of Representatives

April 29, 2008

to expand this next Session to include all communities if that's what this Chamber would like.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Williams.

REP. WILLIAMS: (68th)

Well, if we could do Amendments by voice, I would certainly offer one, through you to Representative Hennessy, but I guess, you know, I just don't, I don't understand the idea of segregating out certain communities and what the rationale was.

We had very little opposition in the Energy Committee. I know this is a Bill that we're debating today. It was generated out of the Environment Committee.

We had very little opposition from the power plants, from power companies, utilities, power producers, etc., so you know, I'll have to think about, actually I haven't quite made up my mind. I don't know how I'll vote on this. I'll have to listen to the rest of the debate.

pat

99

House of Representatives

April 29, 2008

But I guess I would just alert the Chamber that you know, we are creating a segregated benefit for certain types of communities and that we could be passing this bill today in a way that would benefit all communities rather than just some.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Williams.

Representative Mushinsky of the 85th, you have the floor, Madam.

REP. MUSHINSKY: (85th)

Thank you, Mr. Speaker. I rise to support the bill as amended. I'd like to thank Representative Hennessy for being so patient and persistent on this bill and Dr. Mark Mitchell, who's been in the halls for trying to get this bill passed for at least six years or maybe more.

This bill does recognize the impact of combined facilities on certain neighborhoods and certain communities, and I think that we have to be honest here and recognize, especially if you have a copy of this map, you have to recognize that a few communities

pat

100

House of Representatives

April 29, 2008

do the heavy lifting on the facilities that all of us need for power production, waste handling and so forth.

I have the good fortune to live in one of these neighborhoods, and I do have combined facilities in my neighborhood, and am on this map of distressed neighborhoods.

So what this map is recognizing is that a few communities are doing the workload for all the state and these folks are hard-working folks. They're working multiple jobs. They may not even be home at night for a public hearing, never mind be aware of it, because they're at their second job.

So what this bill recognizes is that there's a special effort being made to reach out to these communities that have multiple facilities affecting their quality of life and reaching out to these people to see, make sure they understand the facility or the expansion, and make sure they get their chance to express the need for community benefits to offset the facility, such as perhaps reducing diesel pollution or

pat

101

House of Representatives

April 29, 2008

expanding parks or some benefit that will help offset the impact of this community.

So that's really why it's here. It's a recognition that in Connecticut some communities are doing more than others and so we should be respectful to them and allow their members to get the information they need and to express their need for mitigation to offset the facilities that are doing the job for everyone else.

So I hope you will recognize that some communities are carrying this load, and whether or not your community is one of them, I hope you will have empathy for the communities that are carrying the load and support this bill as amended, and congrats to the folks who have tried so hard to rework this bill.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Mushinsky.

Representative Miller of the 122nd, do you care to comment on the bill as amended?

REP. MILLER: (122nd)

Thank you, Mr. Speaker. I have a few questions on the bill, through you, Mr. Speaker.

pat

102

House of Representatives

April 29, 2008

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir. Representative Hennessy,
please prepare yourself.

REP. MILLER: (122nd)

Through you, Mr. Speaker to Representative
Hennessy, I wonder if you might give me a little more
detail as to what an informal town meeting might
include? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

I'm sorry, Mr. Speaker, I didn't hear the
question.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller, would you care to repeat
your query?

REP. MILLER: (122nd)

Absolutely, Mr. Speaker. In the bill it calls
for an informal public meeting, and I'm just inquiring
as to what would that include?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

103

House of Representatives

April 29, 2008

Representative Hennessy.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. I heard the question. The informal public meeting would be the permit applicant presenting to the environmental justice community their plans as to what they intend to do.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

Thank you. And through you, Mr. Speaker, the environmental community, and who would that include? Who would be the authoritative body in that meeting?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, this would be putting notices in newspapers and anyone that would like to, I mean, it's open to the public, but it's specifically designed to the affected neighborhoods.

Through you, Mr. Speaker.

pat

104

House of Representatives

April 29, 2008

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

And through you, Mr. Speaker, so if the generator in the City of Bridgeport wanted to expand his business, he would have to have an informal meeting with the community.

Who would run the meeting? Who would be the people in charge of it?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the permit applicant is in charge of the meeting. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

And through you, Mr. Speaker, would he have to have an engineering staff with him? Would he have to have the principals of the company? Who would be the

pat

105

House of Representatives

April 29, 2008

people that would be required to be at the meeting and to present their side of the application?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. Through you, Mr. Speaker, the presentation would have to be detailed with the charts and maps so it would be similar to presenting it in front of a land use board.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

The reason, through you, Mr. Speaker, the reason I inquired, quite often, as you said, the planning and zoning boards when an applicant makes a presentation, he may come with a half a dozen people and the expense for the lawyers and the consultants, the experts, you could have maybe \$25,000, \$35,000 worth of expenses, and that's not unheard of today.

pat

106

House of Representatives

April 29, 2008

Through you, Mr. Speaker, and I just want to be sure that we weren't going to mandate that these companies now spend an awful lot of money to make an informal presentation to the community.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, was that a question? Could you please ask Mr. Miller to repeat the question.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

Through you, Mr. Speaker, I just want to be assured that these applicants wouldn't be forced to spend huge amounts of money for an informal type of town meeting, and if you could tell me that they don't have to, that would be an answer to that question.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

pat

107

House of Representatives

April 29, 2008

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. Actually, it's going to save them money because it gets the whole plan in the front and everybody gets to know what's going on, and it should prove to facilitate the whole process.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hennessy. Further, Representative Miller?

REP. MILLER: (122nd)

Yes, I do. Thank you, Mr. Speaker, through you. Now, would this be a preliminary type of meeting before a formal application would be presented to the planning and zoning boards?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, this is at the beginning of a process and it provides an overview of the plan going forward. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

108

House of Representatives

April 29, 2008

Representative Miller.

REP. MILLER: (122nd)

So through you, it's kind of a preliminary type of meeting before it does go to a formal process?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

Thank you, Mr. Speaker. I have some other questions. Through you, Mr. Speaker, if the generator in Bridgeport would like to put a 25-foot addition on to his office complex where the engineers are located, would he have to have an informal meeting with the townspeople? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, no.

pat

109

House of Representatives

April 29, 2008

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

And through you, Mr. Speaker, if the same generator were going to upgrade his equipment and put on some pollution controlling devices, would he have to go to the process of an informal meeting with the townspeople? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, to decrease pollution it would not trigger this, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

The bill also, through you, Mr. Speaker, the bill also talks about sludge and sewage treatment plants.

If the City of Bridgeport wanted to remodel its sewage facility either on the East Side or down on Bostwick Avenue, would they have to have a meeting with the townspeople in an informal meeting?

pat

110

House of Representatives

April 29, 2008

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, if it was to increase its capacity, it would. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

And through you, Mr. Speaker, if the townspeople had a negative feeling on this particular upgrade of the plan, what effect would that have when they went to the City administration to get approval?

Would that have any effect on what the Town would do? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the intent is that the neighborhood can weigh in on the proposed development so it may, in fact, affect the plans as it goes forward. Through you, Mr. Speaker.

pat

111

House of Representatives

April 29, 2008

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

Through you, Mr. Speaker, would that in any way incentivize someone from making an upgrade in the City of Bridgeport knowing that the Town Committee and in the formal meeting will have negative effects on this and jeopardize their application in the future?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

And, through you, Mr. Speaker, we have several, there are several hospitals in the City of Bridgeport, and if they burn medical waste, are there any restrictions as to how much they can burn? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

112

House of Representatives

April 29, 2008

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

And through you, Mr. Speaker, if St. Vincent's Hospital, which put on a new wing, wanted to put up a larger incinerator, they would have to go through the process of an informal meeting with the townspeople and the neighborhood?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER: (122nd)

I have a lot more questions, but I think at this time it's sufficient.

pat

113

House of Representatives

April 29, 2008

Thank you, Mr. Speaker, and I thank the Representative for his answers.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller. Representative McCrory of the 7th, you have the floor, Sir.

REP. MCCRORY: (7th)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this piece of legislation.

First, I want to thank Dr. Mitchell who has been doing yeoman's work in communities across Connecticut to safeguard those communities against environmental unfriendly conditions that exist in many of the urban areas in our state.

If anyone drives down I-91 when they come into the City of Hartford, the first thing you're greeted with is a stench that reeks for miles and miles because of the plant that's located in Hartford, and the young people and adults who live in the City have to, you know, breathe in this stench, and have been doing it for a number of years.

We know that it's directly related to the high amount of asthma that our young children have in our

pat

114

House of Representatives

April 29, 2008

City, and anything we can do to inform our communities in regards to either expanding these operations or closing them down, I would strongly encourage my colleagues to support this bill.

It has come to a point that we just have to stop sliding things through these communities at the crack of dawn, or when communities are not available and not aware of what's going on so 10, 15 years later they find out their kids are suffering from diseases that are caused by some of these environmentally unfriendly facilities that we have mainly located in certain areas of our state.

I think it's high time that we start providing people opportunities to know what's going on and start passing the torch or letting other communities also have the opportunity to take part in having some of these facilities in their community.

So with that, I'll encourage my colleagues to support this piece of legislation.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

115

House of Representatives

April 29, 2008

Thank you, Representative McCrory.

Representative Berger of the 73rd District, you have the floor, Sir.

REP. BERGER: (73rd)

Thank you, Mr. Speaker, good afternoon. I'm going to have, through you, Mr. Speaker, a couple of questions to help establish legislative intent and direction of the, now the bill before us as amended.

And I congratulate the Chairs and Co-Chairs for increasing public involvement in this process, because certainly in the City of Waterbury, as in many other communities throughout the state, as we proceed forward in the generation of electricity, the expansion of our ability to be able to be competitive as a state, many of these facilities, as important as they are to be sited, also in the same breath, we must also consider the public hazard involved, and also then to public involvement.

If we can increase that level of public involvement, increase that level of public participation, I think that we increase the likelihood

pat

116

House of Representatives

April 29, 2008

of success of the project and ownership of all of those involved in moving forward.

If I can, through you, Mr. Speaker, a couple of questions to the proponent of the bill as amended.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. BERGER: (73rd)

Yes, Mr. Speaker, in Lines 97 through 109 of the bill continuing over to Lines 110 and 114, there is certain language in here that talks about mitigation, on-site improvements and activities involved in a site.

Is it the intent of the Legislator to include potential mitigation of brownfields remediation on a specific site? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker, yes, that is a potential. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

pat

117

House of Representatives

April 29, 2008

REP. BERGER: (73rd)

Yes, thank you, Mr. Speaker. I do not see that included in the context of the language, and I appreciate the Representative expanding on that, clarifying the importance of the potential for some of these sites to have a brownfields remediation component attached to them.

And through you, Mr. Speaker, is it the intent of this legislation although I see the Department of Environmental Protection included in here, and obviously the Committees of Cognizance within this General Assembly, is it also the intent to include brownfields, the Office of Brownfield Remediation and Development through the Department of Economic and Community Development? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER: (73rd)

pat

118

House of Representatives

April 29, 2008

Thank you, Mr. Speaker. And there has been some talk about the prospectiveness of this bill, retroactivity of this bill, and I'd just like to have some clarification on that.

If there is a current application, through you, Mr. Speaker, to the proponent of the bill, if there is a current application approved by the sitting council in a municipality, would this bill and what we do here today as amended, affect that already approved site by the sitting council? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER: (73rd)

And I thank the Representative for his answer, and one last question. If there is an application current before the sitting council that has not been fully approved on or before the enacting of this,

pat

119

House of Representatives

April 29, 2008

final passage of this bill, would this bill then affect that current application?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, could you ask Representative Berger to ask the question again?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger, would you care to repeat your question?

REP. BERGER: (73rd)

Yes, Mr. Speaker. Just to ask again, through you to the Representative.

If there is an application that is not fully approved by the sitting council, an application that is ongoing but is not fully approved through its process, would this legislation impact that current application before the sitting council prior to its final approval. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

pat

120

House of Representatives

April 29, 2008

REP. HENNESSY: (127th)

Through you, Mr. Speaker. This is involving permit applications before the Department of Environmental Protection. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER: (73rd)

Okay, I'm sorry, Mr. Speaker. I wasn't quite clear on that, so, it would then affect an application currently before the Siting Council. Correct or not?

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker. The application is before DEP so I don't really see how a municipal city council triggers or doesn't trigger this.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER: (73rd)

So, through you, Mr. Speaker, it would not affect that? Through you.

pat

121

House of Representatives

April 29, 2008

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER: (73rd)

Okay. Again, thank you. Thank you for the clarification of the intent of the Siting Council applications and/or process and I think the Representative and the hard work that the Committee on Environment has done on this and continues to do, and I appreciate the passage of this bill. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Berger, and off to the 72nd District of Waterbury, Representative Butler, you have the floor, Sir.

REP. BUTLER: (72nd)

Thank you, Mr. Chairman. I rise in support of this amended bill. I'd like to thank Representative Hennessy for bringing it forward.

pat

122

House of Representatives

April 29, 2008

Coming from the City of Waterbury that has a couple of plants that are being considered, I can tell you that listening to some of the earlier questions about the informal hearing process that that's a much needed process.

During that time, I've actually sat in front of one of these hearings and seen the information that was presented, and the information that's presented forms the baseline to the community of the impact it's going to have, and I think that's very important.

And I'm very happy that the community, the [inaudible] here who actually have this enhanced notification.

It is so important to get this information early because the Committee then could look at the information that's presented and kind of determine whether or not this plant may be a detriment.

It could also look at this information as well and say well, we think this is a great idea and it's acceptable.

But more than anything else, I really accept this because it gives the community that enhanced

pat

123

House of Representatives

April 29, 2008

notification process, and gives them a chance to weigh in early, and that's more important than anything else.

So again, I'd like to thank the Representative for bringing this forward, and I would actually ask that my colleagues support this bill as amended.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Butler. And Representative Chapin of the 67th District, you have the floor, Sir.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. The proponent of the bill as amended almost has me over the hurdle. He's done a wonderful job answering everybody's questions, but I have a few more that I don't think have been addressed, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Then please proceed, Sir.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. The last Section of the bill as amended deals with community environmental

pat

124

House of Representatives

April 29, 2008

benefit agreements, and in Line 107 it indicates that any municipality, owner or developer may enter into a community environmental benefit agreement.

Would my interpretation that that means that that agreement would be between the municipality or the owner, or the municipality and the developer? Would that interpretation be correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, yes. It's through the developer and chief elected official. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker, and again, through you, it talks about what funds from that agreement may, what the monies from that agreement may fund, the activities such as environmental education, diesel pollution reduction and so on.

pat

125

House of Representatives

April 29, 2008

It doesn't really state that they can solely be used for those purposes. Is it contemplated that those funds would be used for other purposes?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the environmental justice community can decide what it is that they want if it is say, for instance, to retrofit buses that they will see as a decrease in the carbon [inaudible] so that there will be less pollution in the air, they could work for that, or for some kind of abatement to pollution, some kind of improvement that they feel will benefit their community.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker, and again through you. So this agreement that would be reached between let's say the developer and the chief elected official would

pat

126

House of Representatives

April 29, 2008

involve money going from the developer to the municipality?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the benefit would be a real estate improvement that the developer would commit to investing in. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. Again, through you, so the agreement then would be the municipality saying to the developer, we'd like you to improve an additional property or the property that's contemplated to be developed? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the improvement would be relative to the justice, environmental justice

pat

127

House of Representatives

April 29, 2008

community, so it would be contiguous to that group with the environmental justice community approval and backing. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. So then, for the purposes of further clarification, in Line 111 that talks about the funding, where does that funding come through? Come from? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the permit applicant. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. So would that funding then that's coming from the applicant, would it go directly to the communities that are affected for

pat

128

House of Representatives

April 29, 2008

those communities to decide how that money should be spent? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, the funding would go to the construction of real property.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. The gentleman's last answer, I believe he said the funding, the funding would go to the development of the property?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Thank you, Mr. Speaker. I guess I wasn't clear. Whatever it is agreed upon improvement is where the money would go and it would be a negotiated agreement.

pat

129

House of Representatives

April 29, 2008

Of course the intent is that this money does not go into the general fund or go elsewhere to an area that's not going to benefit the community.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. I think I'm becoming clearer as to that agreement and the way the funding mechanism is intended to work.

So it would seem then, that while a negotiation is taking place between the developer and the municipality, it's at that point that it would be determined how much money would be used for these purposes as part of the agreement that they were trying to reach.

Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

Through you, Mr. Speaker, yes. This agreement is a negotiated agreement between the municipality and

pat

130

House of Representatives

April 29, 2008

the permit applicant and they would have to come to an accord with it.

The option that no improvement be occurred if the municipalities decide that it's something that they really want, so it is open.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. So in the event that either party, either the municipality or the developer chose not to enter into an agreement, then I assume no funding for any of these improvements would take place.

Is there any recourse on either party's part to coerce the other party into some sort of an agreement?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hennessy.

REP. HENNESSY: (127th)

pat

131

House of Representatives

April 29, 2008

Through you, Mr. Speaker, DEP is going to be involved in the permitting, so they're going to be interested in pursuing their mandate.

Statute 22a-1 specifies that the Department of Environmental Protection protect the population of Connecticut from air, land and water pollution.

So it is within statute that we seek to reduce the intense pollution in these areas, so they're interested in having this enforced.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker, and I thank the gentleman for his answers.

DEPUTY SPEAKER ALTOBELLO:

Representative Kirkley-Bey of the 5th District.
You have the floor, Madam.

REP. KIRKLEY-BEY: (5th)

Thank you, Mr. Speaker, I'm very glad. Good afternoon. I just wanted to speak a little bit to the merits of this bill.

pat

132

House of Representatives

April 29, 2008

I remember several years ago when we were in here and we debated the Dirty Six and there was so much information that was presented on how the quality of air that was being transmitted from those buildings and factories were polluting the air and all kinds of toxic waste were getting into children and there were very high asthmatic counts and respiratory counts.

I'm going to speak mostly to the landfill that is in the City of Hartford that is in my District. It has been an annoyance to people for a long time. It has caused many health problems and exceeded some of the things that we thought would happen because some of the respiratory problems led to heart attacks and strokes.

It will be one of the happiest days of my life when they finally close it down and we don't have to worry about it, and I hope with all my heart that God, they never put another one in the City of Hartford. We have more than our fair share.

But I also listened to the debate we had yesterday about global warming, and I just want to say that I believe it is the responsibility of all of us

pat

133

House of Representatives

April 29, 2008

who serve in the House of Representatives to ensure that we leave this world a better place than it was before we came.

And closing down these landfills throughout the state that are causing problems for individuals, and trying to think of more unique ways or better ways to do this would be very ingenious on our part.

This has been a bill long in trying to get its place on the floor of the House. I want to say to Dr. Mark Mitchell, I really appreciate the hard work that he's put into this bill as well as the individuals from the Environment Committee.

And I hope that all of my colleagues will give a concern, be concerned enough that they vote yes.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Deputy Speaker Kirkley-Bey. Representative Clemons of the 124th, you have the floor, Sir.

REP. CLEMONS: (124th)

Thank you, good afternoon, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat

134

House of Representatives

April 29, 2008

Good afternoon, Sir.

REP. CLEMONS: (124th)

I'm going to be brief. I stand here as my colleague, Marie, in support of this bill, and speaking to the merits of it.

I live, as everybody knows, Bridgeport, represent Bridgeport and my community specifically in Fairfield County as a whole, we have one of the worst air quality problems I would venture to say, not only in the state, but in New England.

And also along with that, comes a plethora of health concerns in specifically our children. Of course, we have one of the highest incident rates of asthma and other related health concerns.

So I want to ask my colleagues to support this bill. Thank you, Sir.

DEPUTY SPEAKER ALTOBELLO:

Thank you very much, Representative Clemons. Further on the bill as amended by House "A" and House "B"? Further on the bill as amended?

pat

135

House of Representatives

April 29, 2008

If not, staff and guests please retire to the Well of the House. Members, prepare yourselves to vote. The machine will be opened.

CLERK:

The House of Representative is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER ALTOBELLO:

Have all Members voted? Have all Members voted? Please check the board to make sure your vote is properly cast.

If all Members have voted the machine will be locked. Will the Clerk please take a tally.

And would the Clerk kindly announce the tally.

CLERK:

House Bill Number 5145, as amended by House Amendment Schedules "A" and "B".

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	139
Those voting Nay	9

pat

136

House of Representatives

April 29, 2008

Those absent and not voting 3

DEPUTY SPEAKER ALTOBELLO:

The bill as amended passes.

Are there any introductions or points of personal privilege? Representative Cafero.

REP. CAFERO: (142nd)

Thank you, Mr. Speaker. Ladies and gentlemen of the Chamber, we are so fortunate to have some very special guests. They hail from the Town of Norwalk, Connecticut.

We have former Athletic Director of Norwalk High School, my alma mater, my former phys ed teacher and coach, along with his lovely wife and granddaughter, and I would like to introduce to the Chamber a dear friend that I've know for a long, long time, and quite a person who's done so much for our City of Norwalk, Mr. Pat Spinola, his wife Patty, and his grandson Amy Alfson, granddaughter, excuse me.

And if we could give them a warm welcome.

(APPLAUSE)

And Mr. Speaker, I'd like to yield to Representative Perone, if I may.

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT

PART 2
312-630

2008

jmk

ENVIRONMENT

February 25, 2008
10:30 a.m.

PRESIDING CHAIRMEN: Senator Meyer
 Representative Roy

COMMITTEE MEMBERS PRESENT:

SENATORS: Maynard, McKinney

REPRESENTATIVES: Davis, Chapin, Greene,
 Hennessy, Hurlburt, Jutila,
 Kalinowski, Megna, Miller,
 Miner, Moukawsher,
 Mushinsky, O'Rourke,
 Piscopo, Spallone, Urban,
 Wilber, Willis, Wright

REPRESENTATIVE ROY: The public hearing for the Environment Committee, February 25, 2008, is now convened. We will devote the first hour to public officials, and then we will open it up to the public.

So first official signed up is Edith Prague, but I believe she is not present, so we will call her when she arrives in. The next speaker on the list is Commissioner Gina McCarthy of the DEP. Hope you don't mind being that far away.

COMMISSIONER GINA MCCARTHY: Mr. Chairman, Senator Meyer, Members of the Committee, I really appreciate an opportunity to be here today.

S1324
4B5145

4
jmk

ENVIRONMENT

February 25, 2008

you have been so good to us over the past couple of years.

And the second issue that I'd like to touch on is Raised House Bill 5145, AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES, and just point out that the Department of Environmental Protection has been very committed to the issue of environmental justice.

We are equally committed to working with the stakeholders and the advocates who are wishing to pass legislation this year, relative to environmental justice.

While we have raised some concerns with the bill, as it's currently proposed, we do know that it continues to become revised to address those concerns.

And we are anxious and willing to meet with the constituents, as well as Members of the Committee, to see that we have an environmental justice bill that can meet the needs of these communities, as well as serve the interests and mission of the agency that I serve.

There are other bills that you will see before you today. Many of them have great merit. I thought I would limit my specific comments to those two bills and then be here to answer any questions that you might have.

REP. ROY: Thank you, Commissioner, and certainly, you know, I've been a supporter of the state

64
jmk

ENVIRONMENT

February 25, 2008

REP. ROY: Thank you. Any other questions or comments? Ellen, thank you very much. I want to remind people also that you have three minutes, so a bell will ring. And when that happens, please conclude your testimony.

And certainly, if the Committee has questions or comments with regard to your testimony, you'll be up there much longer. Okay.

John Stewart has graciously changed places with Franklin Sykes and gone down a few rungs on the speakers' list. So if Franklin Sykes would come forward, followed by Dr. Mark Mitchell.

FRANKLIN SYKES: Thank you for inviting us today and having this public hearing. And I also thank you for raising this bill, Raised House Bill 5145, AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES.

So good afternoon, Senator Meyer, Representative Roy, and Members of this Committee. My name is Frank Sykes, and I'm the Legislative Analyst with the African-American Affairs Commission.

Our commission is an independent, nonpartisan state agency committed to advocating on behalf of the African-American community.

And we are also partners with the Connecticut Coalition for Environmental Justice, a group of organizations that is committed to improving the environment we live in.

And I'm obviously speaking in support of Raised House Bill 5145. Over the years, the commission has been an advocate for cleaner environments because we recognize that there is a strong correlation between the environment and the quality of our health.

And it is a fact that nationally, three out of five African and Latino Americans live in communities with abandoned waste sites.

In our state today, residents in urban communities bear a disproportionate number of pollution produced in facilities.

Actually, here in Connecticut, we have identified 71 towns as towns that are environmentally stressed, meaning that these towns have 3 or more pollution facilities within a 1-mile radius.

It is also a fact that residents in urban communities tend to suffer from a variety of respiratory illnesses most commonly associated with environmental hazards.

For instance, it's no coincidence that the hospitalization rates for asthma in the state are much higher for African-Americans, and as a group, they're twice likely to die from asthma than whites.

Similar outcomes are reported for lung cancer, where studies show higher lung cancer rates in cities with higher levels of pollution.

66
jmk

ENVIRONMENT

February 25, 2008

In view of these disparities, it is the hope that the legislation before us, if enacted, should provide at least a process whereby residents of overburdened communities have an opportunity to work with designated state agencies to control pollution in these neighborhoods.

Involving impacted communities in environmental decision making is key in achieving equity and fairness. Secondly, it should establish a provision whereby towns have the ability to negotiate environmental benefits.

And finally, it should strengthen the enforcement of environmental laws for existing environmental-affecting facilities.

I'll just end right here. In summary, the bill before us is really a bill that deals with the fact that no group of people in the state should bear a disproportionate share of the negative environmental consequences, regardless of race, income, culture, or social class.

I thank you for this opportunity to testify, and I hope that this bill has your support for this bill. Thank you.

REP. ROY: Thank you, Mr. Sykes. Any questions or comments from Members of the Committee?
Representative Miner.

REP. MINER: Thank you, Mr. Chairman. How do you see this working, once this bill is enacted?

67
jmk

ENVIRONMENT

February 25, 2008

FRANKLIN SYKES: That's a good question. I mean, the bill is still, you know, the construction is still settling some. There's improvements we need to do to the bill.

But, I mean, essentially, the main focus really is to provide equity and fairness to all citizens, whereby they basically have a voice in determining what facilities come to their neighborhood, and basically empowering them to have a voice in the environmental decisions that affect their lives. That's essential.

I mean, it's still a work in progress. There's certainly certain aspects of the bill that can be tweaked here and there. The next speaker after me, Mark Mitchell, will give some further insight into that too.

REP. MINER: Last year, I think we had this public hearing during a snowstorm. And we had a great conversation because we had plenty of time, and there weren't a lot of people here.

But this is a work in progress? So this is not the finished document. This is as you see it being voted on by this body.

FRANK SYKES: Right. So, you know, we're still going to improve on it.

REP. MINER: Is there something that you could tell me that's not in here that you'd like to see in here?

FRANK SYKES: I'm not really in a position to comment on that. The next speaker will really

68
jmk

ENVIRONMENT

February 25, 2008

take more, you know, will delve into that in more detail.

REP. MINER: Thank you. Thank you, Mr. Chairman.

REP. ROY: Any other questions or comments from Members of the Committee? Seeing none, thank you. Oh, Representative Miller.

REP. MILLER: Thank you, Mr. Chairman. I know what you're trying to accomplish. But the fact of the matter is that when this state was being populated, it's the cities on the coast that's where the populations grew

And that's where the utilities grew because that's where the customers would be. And unfortunately, today, the cities have gotten bigger, and there are major population areas today.

But these utilities didn't go there to get even with anybody. They were there because that's where they started.

As a kid, I remember Bridgeport, and I would get up many a morning and have to wipe off the [inaudible] everything in Bridgeport, they were using coal. And it wasn't to get even with anybody.

And the fact of the matter, we have a major problem with asthma, and many other types of diseases, because we are at the gateway to New England.

69
jmk

ENVIRONMENT

February 25, 2008

The traffic that comes through our state is incredible on 91, on 95, 84, Route 8. Granted, something could be done to help make these industries that are still located, the big utilities that are still located in Bridgeport, New Haven, Hartford, and Stamford, to make them burn, you know, there are things that are being done to make them burn cleaner type of fuels, better scrubbers on the stacks to make less pollution coming out of those stacks.

But it's a difficult thing to, now, to change where these utilities are. The siting process, the amount of land that they require, the fact that they're coastal, and that's where they get their boats from, their ships from, their barges.

You can't bring a barge up to Winsted or into Manchester. You just don't have the facility there. So all I'm saying is that nothing was ever done intentionally to harm anybody's health.

And a lot of it has to do with our traffic situation. But I always suggested to maybe not expand the utilities anymore in the cities but to have people put in distributive generation, onsite generation, in other parts of the state.

Maybe they wouldn't increase the amount of pollution from what's existing, just by way of comment. I remember these things because I was a kid many years ago in Bridgeport, and I know what it was like growing up there. Thank you.

70
jmk

ENVIRONMENT

February 25, 2008

FRANK SYKES: All right. I hear your comments, you know, and it's not really an issue even only with the urban communities. There are certainly a number of some urban communities that also have these facilities, and I recognize that.

You know, that's why we're advocating that, you know, you at least have a process whereby citizens can actually engage in, or be involved in, determining where these facilities are finally being placed. That's sort of what can create a level playing field, somewhat.

REP. MILLER: Well, I hope you support me with distributive generation throughout the state so that we don't expand the things that are in major population areas.

REP. ROY: Thank you. Representative Willis.

REP. WILLIS: Thank you very much. A question for you, and you touched on it briefly. The 71 communities, I assume, are distributed throughout the state. Do you have a list of those, or does Marc have a list?

FRANK SYKES: Yes, we do have a list of [Gap in testimony. Changing from Tape 1B to Tape 2A.]

--the next speaker has detailed information on the maps and whatnot, and he will be more than glad to share that with the Committee.

REP. WILLIS: Are some of those sites up in like Torrington, Winsted area?

71
jmk

ENVIRONMENT

February 25, 2008

FRANK SYKES: I believe there were some sites that were there, yes, that we did know that. I don't have the map in front of me, but, yes, I can recall that there were some sites there in those 71 towns, right.

REP. WILLIS: Thank you.

FRANK SYKES: Thank you.

REP. ROY: Thank you. Any other questions from Members of the Committee? Seeing none, thank you very much, Mr. Sykes.

FRANK SYKES: Thank you.

REP. ROY: Dr. Mark Mitchell, followed by Nancy Alderman.

DR. MARK MITCHELL: Good afternoon, Senator Meyer, Representative Roy, Members of the Committee. My name is Mark Mitchell. I'm a public health physician and President of the Connecticut Coalition for Environmental Justice.

I'm glad to testify on this, my birthday, in support of Raised House Bill 5145, AN ACT CONCERNING ENVIRONMENTAL JUSTICE, as drafted by the Environmental Committee with a number of modifications.

This bill is the bill that was proposed last year. We've been meeting with the coalition of organizations and the Connecticut Department of Environmental Protection to strengthen this bill from last year's version and have

72
jmk

ENVIRONMENT

February 25, 2008

suggestions for language changes, which I will submit separately.

Major pollution sources are often concentrated in urban communities in Connecticut. But they are also found in one or two neighborhoods in many suburban and rural towns.

While it may make sense in some cases that these facilities be co-located, currently, state regulatory agencies cannot consider other local facilities when a new facility is sited.

Nor can they consider their proximity to homes, schools, hospitals, senior centers, or other sensitive populations.

Many times, neighbors have no say in proposals to build additional polluting facilities or for expansion of existing facilities in their community.

Yet, they may suffer health effects and reduced quality of life from these facilities. In addition, there's often no incentives for older polluting companies to upgrade their facilities in order to reduce pollution.

This legislation recognizes certain neighborhoods, within not only urban communities but 69 towns that have 3 or more major polluting sources within a 1-mile radius, and designate them as environmentally stressed communities.

In my testimony, I've included a map of these communities and the list of towns on the

73
jmk

ENVIRONMENT

February 25, 2008

reverse side of the testimony. You can take a look.

When expansion of current or new facilities are proposed in environmentally stressed communities, this bill will allow for three things.

One, it will allow for the enhanced public notification and public participation in the regulatory processes involving these facilities in these communities.

Two, it will allow DEP, DPUC, and the siting council to consider the proximity of new facilities to existing facilities and populations when conducting their regulatory reviews.

And three, it will allow for the provision of environmental benefits by the facility owners to balance out any environmental degradation that may occur in environmentally stressed communities.

And again, we have definitions of environmentally stressed communities, and we have a list of nine types of facilities that we are concerned about.

This bill should not prohibit any facilities, only allow more scrutiny by the state agencies and communities when siting and regulating these facilities in environmentally stressed communities.

74
jmk

ENVIRONMENT

February 25, 2008

And this bill will provide benefits to businesses, to towns, to environment, and to the public health by preserving and enhancing the environment health, property values, and the quality of life for community residents and therefore attracting new customers and new businesses to town.

We need to continue to reduce air pollution in Connecticut to reduce asthma and other diseases.

If I only had one birthday wish to come true this year, it would be to pass this legislation. Thank for this opportunity to testify. I'll be willing to answer any questions that you may have.

SEN. MEYER: Dr. Mitchell, this is a little bit unusual legislation in that it doesn't look to me like it's very operative, in the sense of actually regulating or prohibiting.

It's more in the way of what might be called an environmental impact statement in giving information. And that is sufficient for your purposes?

DR. MARK MITCHELL: That's the minimum that we should require. There are many communities that don't know when something is being proposed.

You know, if they're going to be proposing a major trash facility across the street from you, or a power plant, right now, the only requirements are if it's less than 25 tons, the

75
jmk

ENVIRONMENT

February 25, 2008

only requirements, of air pollution, the only requirements are that they have a legal notice in the paper any day, any page.

And now they also have to put a sign on the site, saying that there's a proposal on this site. And we believe that the community really should be notified and should be able to participate--

SEN. MEYER: Okay. But this bill doesn't really have much of a notice requirement. It just has a general, very abstract provision in it that says there will be procedures, which include enhanced public notification.

So it doesn't prescribe the kind of notice. What I'm really wondering is what does this bill really accomplish?

DR. MARK MITCHELL: Right. The State Department of Environmental Protection already has enhanced notification requirements for solid waste facilities that are being put in environmental justice communities.

We're trying to codify that. And the department also has some concern that it's not specific enough as to how to do it, and we're trying to work with them on that language to make it clear.

But what we're just trying to do is to codify what DEP is doing and to also put those kinds of requirements on the DPUC and the siting council.

76
jmk

ENVIRONMENT

February 25, 2008

SEN. MEYER: Thank you. Are there any questions or comments from Members of the Committee?
Representative Megna.

REP. MEGNA: Thank you, Mr. Chairman. Happy birthday, Mark. I just wanted to commend you for working in this issue. To me, it's a very important issue.

I know in New Haven, my district, is probably one of the most stressed in the states. And you've been working on it for eight or ten years or so. And I'm hoping maybe before your next birthday, it will become law.

I know that the DEP seemed somewhat supportive of it. I just had a few issues that I pointed out earlier with their testimony. But essentially, I just wanted to commend you on it, and I hope it does become law one day.
Thank you.

DR. MARK MITCHELL: Yeah. I mean, I think DEP has been supportive in trying to do that and, again, trying to get the proper language to address some of these issues.

REP. MEGNA: Thank you. Thank you, Mr. Chairman.

SEN. MEYER: Yes, Representative Hennessy.

REP. HENNESSY: Thank you, Mr. Chairman. Dr. Mitchell, I also agree with Representative Megna that this is a good bill.

We unfortunately have two Connecticuts, and this bill seeks to address the fact that there

77
jmk

ENVIRONMENT

February 25, 2008

are many of our populations that are suffering from living in the urban areas. And this bill seeks to address that specifically.

And hopefully, we'll move forward on this this year and come up with something that will give us the tools to get cleaner air, cleaner water, and better environment for our inner cities.

I represent Bridgeport, and like Representative Megna, it's an area that unfortunately, all the things that the State of Connecticut doesn't like, they get pushed into the urban areas, through zoning and the like, and, you know, it's just the way it is. And we have to try to ameliorate the impact on that. So thank you.

DR. MARK MITCHELL: Yes, Representative Hennessy, and thank you for your support in this. And again, this is not only an urban issue. It also affects suburban and rural districts.

But obviously, the number of facilities in urban centers are much greater. You know, our map talks about if you have three or more major polluting facilities, and you see it's all over the state, but in urban areas, you may have ten or more within a one-mile radius.

And these are not only the historic issues in historic places that we talk about. But even today, new laws and policies are disproportionately putting pollution in low-income communities.

For example, the State Department of Public Utilities just announced a few months ago

78
jmk

ENVIRONMENT

February 25, 2008

locations for three new power plants, and they're all in low-income communities of color in the State of Connecticut.

And there's really no reason for that. I'm including a new facility in Waterbury, where there's never been a power plant before.

What we would like to see is that they go to places like Bridgeport and New Haven and retrofit those old, dirty power plants.

They can make them produce five times the power and less than one tenth of the pollution, because they did it in Bridgeport. They did it with a natural gas power plant.

Our goal is to try to have some kind of incentives, some kind of a review process that will encourage companies to do that.

REP. HENNESSY: Thank you, Dr. Mitchell. Thank you, Mr. Chairman.

SEN. MEYER: Thank you, Representative Hennessy. Representative Miner.

REP. MINER: Thank you, Mr. Chairman. Just so I can be clear on this, the bill as it's currently drafted is not what you're hoping comes out of this Committee.

DR. MARK MITCHELL: That's correct.

REP. MINER: What you're hoping comes out of this Committee will include a much more defined

79
jmk

ENVIRONMENT

February 25, 2008

hearing process for the siting of any of these types of facilities.

DR. MARK MITCHELL: Yes. That's what we're trying to work out. What the State DEP does now is requires that there be a public meeting in the town where they're proposing this, and they require that there be a significant number of community folks at that meeting.

REP. MINER: Right. And so is that all that you're hoping this bill does when it comes out of this Committee?

DR. MARK MITCHELL: No. There are two other provisions, besides the enhanced notification, and that is that it will allow for the provision of environmental benefits to these communities, to at least try to balance out some of the environmental degradation that's going to the communities.

And we would also like the agencies to be able to consider that there are current facilities in place when there's a new facility proposed.

So those are the three things that we'd like to see, because right now, if it's not a major source of air pollution, they don't have to consider how many other facilities.

There could be ten facilities in that one-mile radius, and they don't have to consider those facilities at all. They're not allowed to consider those facilities at all when a new facility is being proposed.

80
jmk

ENVIRONMENT

February 25, 2008

REP. MINER: And to go to the issue of environmental benefits, what is that?

DR. MARK MITCHELL: What is that? Well, again, in practice, it's, for me, it's easier to say in practice what it is, rather than the correct language.

But things like, for example, in Hartford, we negotiated with the Connecticut Resources Recovery Authority that they would provide, that they would retrofit all of the garbage trucks in the city and that they would provide funding for recycling education for the City of Hartford, in return for the landfill, the issues around the landfill that we had, and also issues around the expansion of the recycling facility in Hartford.

So those are kinds of things that we are looking for. But they could be other things like enhanced green space and park rangers and those kind of things.

Those are the kinds of environmental benefits that we're looking for, not just cash going into the city treasury, because the residents don't see that.

You know, we're not saying that there shouldn't be cash going into the treasury, but there should be environmental benefits, something tangible, that residents can see.

REP. MINER: And in terms of trying to establish what that environmental benefit would be, who would that be left up to?

81
jmk

ENVIRONMENT

February 25, 2008

DR. MARK MITCHELL: Right. Well, there were two provisions in the bill. One would be that it would be a negotiated benefit between the owners of a facility and the community, as probably represented through the town.

And then the other would be for, well, that's the provision that we certainly want there. There's also been talk, although we're not sure that we're going to do that, about making sure that these communities get priority for state funding for things like brown fields or remediation and economic development, although that's not as clear that we're going to push for that this year.

REP. MINER: Thank you. Thank you, Mr. Chairman.

SEN. MEYER: Thank you, Representative Miner. Any other questions? Representative Wilber.

REP. WILBER: Thank you very much, Mr. Chairman. One of the things that I can see, in talking about your environmental impacts and trying to get something, is we should be working on an urban forestry program.

And I've had a bill in, I don't know if it's going to get heard or not, but, you know, to look at a pilot program for New Haven, Bridgeport, and Hartford in regards to urban forestry.

You know, trees take in the CO2, and they give off oxygen. But it has to be something that

82
jmk

ENVIRONMENT

February 25, 2008

has to be brought up. It has to be cooperated with in the community.

And there are some other methodologies to counterbalance it, as you have brought out environmental impacts to counterbalance some of these things that some facilities should be doing.

And that's where I think we ought to be looking into that. And you mentioned park rangers and these types of things. That's where I would think it would be beneficial to the community all the way around.

DR. MARK MITCHELL: Right. And those are the kinds of ideas that we were talking about for environmental benefits, negotiating environmental benefits.

SEN. MEYER: Okay. Are there any other questions? Thank you, Dr. Mitchell. You were very helpful.

DR. MARK MITCHELL: Thank you, Senator.

SEN. MEYER: Our next witness is the distinguished Nancy Alderman.

NANCY ALDERMAN: I'm a witness? I'm here to testify on Raised Senate Bill 123, AN ACT PROHIBITING THE IDLING OF MOTOR VEHICLES.

Chair Ed Meyer, Representative Richard Roy, who's not quite here, and Members of the Environment Committee, my name is Nancy Alderman. I'm President of Environment and

113
jmk

ENVIRONMENT

February 25, 2008

DIANA MARTINEZ: Okay. I'm on there as number 36, so you already have my name on there. It's Diana Martinez.

REP. ROY: Okay, but Dan has given up his right now?

DIANA MARTINEZ: Yes, he has.

REP. ROY: Okay.

DIANA MARTINEZ: Good afternoon, Ladies and Gentlemen, and thank you for having me here today. As I said, my name is Diana Martinez, and I'm here today not only as a member of the Connecticut Coalition for Environmental Justice.

I'm also here as a representative of the growing number of environmentally concerned citizens throughout the state.

And I would like to express my support for the Environmentally Stressed Communities Act, which is House Bill 5145, and would encourage you all to do the same. And I'm asking you today to do the same.

Right now, currently, throughout the state, urban communities, such as Hartford, Bristol, Bridgeport, Waterbury, New Haven, are disproportionately holding the majority of environmental stress that's been caused by polluting facilities in those towns.

114
jmk

ENVIRONMENT

February 25, 2008

And, as I said, Bristol is one of these communities, which is where I'm from. That's my hometown.

And as the child of someone who suffers severely from asthma, I can tell you that just having one additional facility put into a town really can make such a difference.

My mother, who has to use her nebulizer every day before she goes to work and every day when she gets home from work, if we were to have another, you know, polluting facility introduced into our area, that would be a major concern for her health.

And it concerns me because I know that there are a lot of people in the area that maybe aren't as educated or maybe aren't as aware about this sort of information that's out there.

So it's really important, I think, for this effort to be made, for people to have this extra information, and for the community really to be embraced in the process of making these decisions.

So as I said, such health risks that are caused from environmentally stressed communities are asthma, but other results of having these facilities in their area is increased traffic, visual blight, and decrease of property value.

And the environmentally stressed communities development funds would give aid to such environmentally stressed communities and would

115
jmk

ENVIRONMENT

February 25, 2008

give enhanced notice, would encourage active participation, and would give these communities the opportunity to create sustainable energy options, which I think is really the most important part here. I'm all set.

REP. ROY: Thank you, Diana.

DIANA MARTINEZ: Okay. Thank you very much.

REP. ROY: Are there any questions from Members of the Committee? Seeing none, thank you.

DIANA MARTINEZ: All right. Well, thank you, and I appreciate your support, thanks.

REP. ROY: John Stewart, followed by Naomi Schiff Myers.

DR. JOHN STEWART: Good afternoon, Senator Meyer, Representative Roy, and Members of the Environmental Committee. My name is John Stewart.

I'm here to support House Bill 5145, the Environmentally Stressed and Environmental Justice Communities Bill.

I am a Professor of Sociology at University of Hartford, and I'd like to comment briefly about some of the research I've done on this topic.

My written testimony has some graphs in it, so I will have to summarize those as much as I can.

116
jmk

ENVIRONMENT

February 25, 2008

As you know, during the last 20 years or so, Connecticut has gone through a transition on how it disposes of its trash from many, many local landfills in each town to regional facilities that are collecting trash from many different towns and recycle it, burn it, or bury it.

These are often managed by different quasi public agencies, such as the Connecticut Resource Recovery Authority.

About ten years ago, CRRA asked a center at my school to do some studies about whether they were locating these facilities in minority neighborhoods, predominantly.

Well, when they found out our report was answering affirmatively, they burned and buried it by labeling that report draft so you can't see it from Freedom of Information Act.

So my colleague and I got data from the DEP, did an analysis for the entire state. And basically, as you might have guessed, we did find some support for this thesis, that before we had these widely dispersed local town dumps, and now we have it, about 50 major facilities, resource recovery facilities, that burn the trash, ash landfills, intermediate processing centers, about 50 of them.

And they're basically concentrated in minority areas. The second study that I did was looking at something we couldn't answer with that question.

117
jmk

ENVIRONMENT

February 25, 2008

Do it harm you to have these facilities next door to you? A student and I got a hold of an EPA-funded health survey done in the Hartford area, and we combined it with EPA data on the pollution sources in the Hartford area.

We took into account the amount of pollution from these sources, diffused it downwind to the various residences that were in this health survey.

And we added up the pollution, and we correlated that with the health reports that these people gave us.

And the results, again, were fairly striking of some concern. For example, if you took 25% of the people living in the lowest pollution and compared them to the 25% in the highest, to make a very brief point, you move from an as-doctor-diagnosed rate of around 7% to three times higher in the higher levels. So these facilities do have some consequences for the health of the local residents.

REP. ROY: John, thank you. I don't know if you heard the--

DR. JOHN STEWART: I did. I'm done.

REP. ROY: You did, okay. Any comments or questions? Representative Moukawsher.

REP. MOUKAWSHER: Thank you, Mr. Chairman. Has your research found, say, in general, in Connecticut, or even nationwide, an increased rate of respiratory problems, asthma, allergies

118
jmk

ENVIRONMENT

February 25, 2008

in the last, say, 10, 15, 20 years? Do you have any information on that?

DR. JOHN STEWART: I can't say that I have that in there, but I know the literature indicates that the rates are increasing. I haven't done actual time-series studies myself. That isn't particularly my area.

REP. MOUKAWSHER: I think what you were saying was from your analysis or research, that in certain areas, these incidences of asthma or respiratory problems are higher in this state than in others?

DR. JOHN STEWART: I think, I've got some data, I think in New England, the rate is around 9%. Nationally, it's around 7%. In the Hartford area, as I said, in some of these higher pollution areas, it was getting up in the 25%, 30%.

REP. MOUKAWSHER: I noticed myself, just, you know, anecdotally, that it seems that people with allergies and asthma, it seems like it's a much greater problem than it was.

And I was just curious about the overall trend, in addition to the fact that there are higher rates in certain areas in the state.

DR. JOHN STEWART: I don't know of any of my relatives that have asthma, but my daughter does, and it's very scary what she does to herself, in terms of during these. The emergency inhaler will not even work for her. It actually makes it worse.

135
jmk

ENVIRONMENT

February 25, 2008

SEN. MEYER: But I do think it needs to be brought to a wider audience that would include other Members of the General Assembly, particularly the Appropriations Committee, and to the Executive Chamber, and probably to your own membership so that your membership and the membership of all the park associations in Connecticut will communicate with their legislators and make a difference.

EILEEN GRANT: Well, it should. I mean, overall, in our membership, we have close to 6,000 people. We've been working hard, but apparently, we can work harder.

REP. ROY: Thank you. Any other questions from Members of the Committee, or comments? Thank you very much.

I just want to point out for those of you who don't come here on a regular basis that you see people coming and going that are on the Committee.

There are multiple meetings going on. All legislators are on multiple Committees, so they're trying to make all of their appointments. With that, Ruby Dempson, followed by Bruce G., Jr., thank you.

RUBY DEMPSON: Good evening to all [inaudible] I'm Ruby Dempson, and I am a proud member of Connecticut Coalition for Environmental Justice.

I am here to testify in favor of AN ACT
CONCERNING ENVIRONMENTAL STRESSED COMMUNITIES

AB 5145
SB 118

136
jmk

ENVIRONMENT

February 25, 2008

AND ENVIRONMENTAL JUSTICE COMMUNITIES, House Bill 5145, and AN ACT CONCERNING ENVIRONMENTAL JUSTICE, Senate Bill 118.

I am concerned about the high number of polluted facilities in Hartford and in our low-income areas and community of color throughout the state and nation.

These polluting facilities aggravate many health problems for neighborhood residents. The additional pollution contributes to the high rate of asthma, cancer, and breathing problems in our communities.

I myself know many Hartford residents who are suffering from asthma, and we are affected by the high level of pollution in our community. We carry an unfair burden of pollution for our region.

Yet, we are least able to correct this unfair burden because of the many social, economic, and health problems we have already [Gap in testimony. Changing from Tape 2B to Tape 3A.]

--be adequately informed when an additional pollution wanted to move into our community. We are asking that we be included in the decision making process. We also ask that the state help us with this pollution reduction. In summary I ask that our health be protected. Thank you.

REP. ROY: Thank you, Ruby. Are there any questions or comments from Members of the Committee? Thank you very much. Bruce G. followed by

158
jmk

ENVIRONMENT

February 25, 2008

your time. You realize that the two of you have a total of three minutes. Thank you.

MARTHA KELLY: I understand. Thank you. I am Martha Kelly and this is Kathleen Henry. We are both members of the Connecticut Coalition for Environmental Justice. We come before you today to speak on Raised House Bill 5145, AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES.

HB5141

We are both residents of the City of Hartford. We are here to testify in favor of this act and urge that you move it along because the community really needs this assistance.

We need the advanced warning that this Bill provides for because we've already got too many polluting facilities in our city and it's causing us health effects.

I apologized earlier. I was a little embarrassed because I know how annoying it is to listen to me cough. I cough because I have asthma. I developed asthma in my 40's. Asthma is a significant health problem among children. It's the leading chronic illness of children.

In a city like Hartford where we have a tremendously unfavorable educational result right now, any disease that causes missed time in school for elementary school children is a really important social issue.

I believe that addressing this through the Environmental Justice Bill that we have before you would produce some good, ultimately provide

159
jmk

ENVIRONMENT

February 25, 2008

for some health improvements in this overburdened community.

While I'm here I want to comment on another Bill that I didn't prepare advanced testimony for but on which I have some experience to offer you. This is Raised House Bill 5141.

In the 1980s I served as Governor's Appointee, appointed by Governor O'Neill, to the Connecticut Indian Affairs Council. It was a very frustrating task because that council was charged with many responsibilities but it had few resources.

It had no budget at all. It had some support from very, very hardworking DEP staff person who didn't work for the Council per se. I would just like to say even then the fact that some tribes were getting federal recognition was sapping the effectiveness of that organization.

Because once you're in another arena the state council just didn't. I would urge you to look at the testimony that you're getting from the native community.

I am not of Native American heritage. I think the state, however, needs to have those folks. Whether they originate from tribes that are local to Connecticut or not to be represents.

REP. ROY: Thank you. Was Miss Henry going to say anything?

160
jmk

ENVIRONMENT

February 25, 2008

KATHLEEN HENRY: Just a few words. You asked earlier, Representative Roy, that was there an increase. Did anyone know if there was a percentage of increase in the polluting from the facility places that are in Hartford? I don't know the exact figures but Dr. Mitchell could give you more information on that at a later time.

HB 5145

I just wanted to say that there are increases. It might not be causing the problem but it's not helping the problem. I live not too far short of this office and just the things that are around me is not helping my breathing problem.

Yes, there is an increase both in the polluted air percentages and also the things that causes the asthma breathing. I just wanted to give you that information.

REP. ROY: Thank you. Any questions or comments from Members of the Committee? Ladies, thank you very much. Jiff Martin followed by Shannon Schleisser.

JIFF MARTIN: Good afternoon, Representative Roy, Members of the Environment Committee. My name is Jiff Martin. I am the Project Director of Working Lands Alliance. I am also the New England Field Representative for American Farmland Trust.

HB 5137

I wanted to point out that in our testimony, the testimony from American Farmland Trust we provided a six-page document which is

197
jmk

ENVIRONMENT

February 25, 2008

SARAH UHL: Good afternoon, Representative Roy, other Honorable Members of the Committee. My name is Sarah Uhl and I direct the toxic chemicals campaigns that Clean Water Action works on here in Connecticut.

I am pleased to have the opportunity today to testify in support of House Bill 5145, regarding environmental justice in environmentally stressed communities.

Environmental justice is one of the core values of our organization. We represent 22,000 members here in Connecticut and about a million members across the country.

I just wanted to share with you one example that I feel really underscores why this legislation is needed. Currently there are multiple power plants proposed for Waterbury to go inside the city limits.

One of the provisions in this legislation would make sure that our state agencies have formal procedures for considering environmental justice and the location of stressed communities when citing new facilities.

And that's critical because right now in Waterbury conceivably all of these power plant could land right near each other, right inside the city lines perhaps next to a school or a community center or a hospital.

So that is really why Clean Water Action is supporting this legislation and we encourage

198
jmk

ENVIRONMENT

February 25, 2008

you to take swift action on it this Session.
Thank you.

REP. ROY: Thank you, Sarah. Any questions?
Representative Moukawsher.

REP. MOUKAWSHER: Really more like a remark. If we had say power plants and they were being sited and they the technology that would not emit effluents that cause people problems in breathing, I mean, will we not need this sort of, or even need to consider this. I mean is that part of the problem, what we allow to be--

SARAH UHL: Yes, the problem is that toxic emissions from the power plants would be concentrated in a small area. So for instance, right, this wouldn't need to be taken into consideration if it were a solar PV system or a windmill that didn't have toxic emissions. That's correct.

REP. MOUKAWSHER: Is there technology with a power plant nowadays that's, whether it's expensive or not, available that would eliminate a lot of this problem of what is discharged by them?

SARAH UHL: My understanding is that there is no technology to make a fossil fuel plant entirely clean.

REP. MOUKAWSHER: The other thing I just happened to notice. There was a report, I'm not sure what organization, publishes the amount of pollutants that are emitted statewide. What we actually permit.

199
jmk

ENVIRONMENT

February 25, 2008

Can we do a little better on what we permit? It seems to me if we're allowing millions of tons of chemicals to be emitted we maybe need to look at that a little more closely. Do you have a feeling about that?

SARAH UHL: Absolutely, yes. We should be looking at that and we should definitely be preparing our companies to meet stricter standards in terms of chemical emissions.

REP. MOUKAWSHER: We have a bill today about idling motor vehicles and yet we have plants that are emitting millions of tons of hazardous, really, chemicals. I just wanted to get your perspective on that. Thanks.

SARAH UHL: Sure. It's all additive, essentially. What we're looking to do with this piece of legislation is reduce the burden or prevent the burden from getting worse for communities where the toxic emissions are very concentrated. So that's really the goal here.

Clean Water Action would of course support the idling legislation to limit that and anything that reduces our overall toxic load here in the state. Thank you for the questions.

REP. ROY: Any other comments or questions from Members of the Committee? Sarah, as always, thank you. Martin Mador followed by Mike Morrisey.

MARTIN MADOR: Good afternoon, Members of the Committee. Let me just say briefly that Sierra is a Member of the Coalition for Safe and

SB123
HB5137
HB5145

200
jmk

ENVIRONMENT

February 25, 2008

Healthy Connecticut that Sarah coordinates and I am honored to be able to follow her to talk to you this afternoon.

I am Martin Mador. I am the Legislative and Political Chair for the Connecticut Sierra Clubs. I am here today representing our 10,000 members who live in the state. I also possess a master's degree of environmental management from the Yale School of Forestry and Environmental Studies.

I am here to talk about three bills on the agenda which the Sierra Club strongly endorses. I will just be very brief. I'm basically here to give you the Sierra's endorsement of these three bills.

It is recognized that extended motor vehicle idling creates excessive air pollution because the engine is operating far below its designed temperature while it is idling.

Senate Bill 123 will serve to alert the public about the consequences of extended motor vehicle idling and will enable local officials to enforce the idling limits so that the intended mitigation pollution will be realized.

The bill contains appropriate exclusionary conditions for circumstance where idling really is appropriate. So we endorse this bill and urge you to pass it.

Connecticut has a standing credit toward corporate taxes for donation of open space

201
jmk

ENVIRONMENT

February 25, 2008

land. House Bill 5137 extends this credit to donation by individuals.

Let me just say that we believe it's good public policy to use tax incentives to achieve good public ends. We think this is particularly appropriate for a number of reasons.

One of them is that it can help us preserve agricultural land which is endangering Connecticut, extremely important to our quality of life and desperately needs whatever protection we can give it.

The genius about this bill is it leverages a few dollars of public money to give us far more open space protection than we would simply get by relying on people to buy it or allocating bond money to purchase the property.

By using a few dollars of tax money we incent the owners to donate this land for open space purposes. The appropriate protections are in the bill that the land is going to have to be permanently protected as open space.

We exclude land which really has very little value as open space such as golf courses, so it's a good bill. It's for a good purpose. It uses a good policy to achieve appropriate public ends and we endorse this bill fully.

Facilities which degrade a community's environmental quality of life are in no way equitably distributed around the state. House Bill 5145 requires that the DEP, DPUC, the

202
jmk

ENVIRONMENT

February 25, 2008

Citing Council and DOT develop policies to address the consequences of these facilities.

We feel this is important. As Sarah said there are significant problems to the community in many ways from things like power plants.

Not only the emissions they produce but ancillary problems such as intense truck traffic going to and from a facility which also have consequences for the neighborhood. So we endorse House Bill 5145 as well. Thank you.

REP. ROY: Thank you, Martin. Any questions or comments for Martin? Senator Meyer.

SEN. MEYER: I thank you for your advocacy. You are terrific. As a new Co-Chair of the Senate I particularly appreciate your coming to see me and informing me about Sierra's positions on various issues before us.

I do think that with respect to your support of the idling bill, or no idling bill, you are going to need to carry that advocacy to the Transportation Committee and explain to them that with the numerous exemptions we're making there that it will not hurt traffic in the State of Connecticut. Fight for us there, if you will.

SB123

MARTIN MADOR: That sounds like good advice and we will follow up on it.

REP. ROY: Thank you. Any other questions or comments? Representative Moukawsher.

214
jmk

ENVIRONMENT

February 25, 2008

ROSALIND BECKHAM: I've learned to be patient. I grew up in a family of 11 children. My name is Rosalind Beckham and I'm proud member of the Connecticut Coalition for Environmental Justice, and in addition to being a member of the North End Seniors in Action.

I am a resident of an environmentally stressed community and I live in close proximity to the Hartford landfill and the incinerator. I breathe in toxic chemicals every day that are much greater than people who live in the suburbs.

The children in my neighborhood breathe in these same toxic chemicals that threaten their future wellbeing.

Our neighborhood cannot, I repeat, cannot continue to be the dumping grounds for the waste of the region. The health of our neighborhood needs to be protected from unchecked growth and additional polluting facilities.

Please pass the environmental justice legislation so poor neighborhoods can breathe a little better. I didn't mention the name or the number of the bill, Raised House Bill 5145 and environmental justice, Senate Bill 118.

REP. ROY: Thank you, Rosalind.

ROSALIND BECKHAM: Thank you.

REP. ROY: Any questions or comments from Members of the Committee? You're all set. Thank you.



*Connecticut Chapter
645 Farmington Ave.
Hartford, Connecticut 06105
www.connecticut.sierraclub.org*

Environment Committee

February 25, 2007

Testimony of Martin Mador

In Support of

SB 123 AA Prohibiting the Idling of Motor Vehicles

HB 5137 AA Creating a Conservation Tax Credit for Individuals

HB 5145 AAC Environmentally Stressed and Environmental Justice Communities

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment. I possess a Master's of Environmental Management degree from Yale.

The Connecticut Sierra Club strongly endorses these three bills, and urges their passage.

It has long been recognized that extended motor vehicle idling creates excessive air pollution because the engine is not operating far below its design temperature. SB 123 will serve to alert the public about the consequences of motor vehicle idling, and will enable local law officials to enforce limits so that the intended mitigation of pollution will be realized. The bill contains appropriate exclusionary conditions.

Connecticut has a standing credit towards corporate taxes for donation of open space land. HB 5137 extends the credit to donations by individuals. It is appropriate that the land in question must be permanently preserved, and particularly appropriate that it can be as agricultural land. This bill will help stem the loss of farmland, a critical need for the state. As we strive to preserve open space land which otherwise would be permanently lost, we feel it is good public policy to use tax incentives.

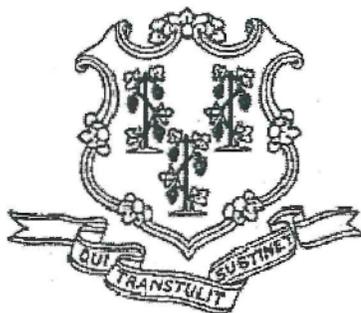
Facilities which degrade a community's environmental quality of life are in no way equitably distributed around the state. HB 5145 requires that DEP, DPUC, the Siting Council and DOT develop policies to address the consequences of these facilities on environmentally stressed and affected communities, both in the decision making process and in designing remediation strategies.

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT

PART3
631-955

2008



**AFRICAN-AMERICAN AFFAIRS COMMISSION
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
(860) 240-8555
FAX (860) 240-8444**

Testimony before the Environment Committee

Monday, February 25th, 2008

RM 1D,

10.30 AM

Good morning/afternoon Senator Meyer, Representative Roy and members of this Committee. My name is Frank Sykes and I am the Legislative Analyst with the African-American Affairs Commission (AAAC). The Commission is an independent, non-partisan state agency committed to advocating on behalf of the African-American community. The Commission also partners with the Connecticut Coalition for Environmental Justice a group of organizations committed to improving the environment we live in. Today I m speaking in support of

Raised Bill 5145 – AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES.

Over the years our Commission has been an advocate for cleaner environments recognizing that there is a strong correlation between the environment and the quality of our health. It is a fact that nationally 3 out of 5 African and Latino Americans live in communities with abandoned waste sites.¹ In our state today residents in urban communities bear a disproportionate number of pollution producing facilities. Here in Connecticut 71 towns have been identified as towns that are environmentally stressed meaning these towns have 3 or more pollution facilities within a one mile radius.² It is also a fact that residents in urban communities tend to suffer from a variety of respiratory illnesses most commonly associated with environmental hazards. For instance hospitalization rates for asthma in the state are much higher for African-Americans and as a group are twice likely to die from asthma than whites.³ Similar outcomes are reported for lung cancer where studies show higher lung cancer rates in cities with higher levels of pollution.

In view of these disparities it is the hope that this legislation if enacted should provide at least a process whereby residents of overburdened communities have an opportunity to work with designated state agencies to control pollution in their neighborhoods. Involving impacted communities in environmental decision making is key in achieving equity and fairness. Secondly it should establish a provision whereby towns have the ability to negotiate environmental benefits. Finally it should strengthen the enforcement of environment laws for existing environmental affecting facilities. In summary environmental justice as mentioned in this bill means that no group of people in our state should bear a disproportionate share of the negative environmental consequences regardless of race, income, culture and social class.

Thank you for the opportunity to testify.

¹ Commission for Racial Justice

² Capitol Regional Council of Governments, *Environmentally Stressed Communities*

³ Connecticut Department of Public Health, *Asthma Prevalence in Connecticut 2005, A Surveillance Report*

Testimony of
John Stewart, Ph.D.

Before the Legislative Environment Committee in support of Raised Bill 5145:
AAC Environmentally Stressed and Environmental Justice Communities
February 25, 2008

Good Afternoon Senator Meyer, Representative Roy and members of the Committee, my name is **John Stewart**. I am here to **support HB 5145**. I have degrees in chemistry and sociology and am a professor of sociology at the University of Hartford. I will briefly describe my own and other research over the past decade that relates to this bill.

As you know, during the last twenty or so years, Connecticut has shifted from disposing of trash in the local town landfill to using regional facilities that collect waste from many towns and recycle, burn, or bury it. These regional facilities are managed by quasi-public agencies, one of which is the Connecticut Resources Recovery Authority (CRRA). About ten years ago CRRA hired my colleague, Professor Tim Black, to see if there was any evidence that they tended to site their regional facilities in predominately minority or poor neighborhoods. I did the data analyses for the project.

CRRA required that all reports be stamped "draft" on the front page. When they did not like our results, they paid us and left the report in "draft" status, which means you cannot request it under the Freedom of Information Act.

The CRRA contract did not allow us to use their data in any publications, so we went to the Department of Environmental Protection and obtained data for the **entire state**. We redid the analyses and published our results in the *New England Journal of Public Policy*. So what did we find?

Before I tell you, imagine the old trash system in CT where over 100 town landfills are scattered uniformly across the state..... Now look at the CT map on the last page. It shows census tracts shaded according to the percent minority: the white areas have less than 5% minority and the darkest have over 55% minority. Located on the map are the larger regional facilities: 7 Resource Recovery Facilities that burn trash, 7 Intermediate Processing Centers, 34 volume reduction facilities, and 7 recycling centers. It is clear that the vast majority of facilities are in census tracts with more minorities and almost none are in the low minority tracts.

Only the RRFs produces air pollution by burning trash, but all of these facilities are serviced by many diesel trucks that emit their pollution at ground level. Most of these facilities are defined as "affecting facilities" by the bill.

Our results could not show that physical harm is caused by these facilities. In the CRRA report we had found evidence that property values decreased after these facilities were built, but we could not study health effects with census data. This brings me to a second study that I was involved in.

Robert Van Cott and I obtained data from a health survey of about 1000 Hartford residents, which had been funded by the EPA and collected by Dr. Mark Mitchell. Robert and I combined the health data with EPA data on pollution sources in the Hartford area. We used prevailing wind patterns to diffuse the pollution from each source to the

residences of the survey respondents. This analysis took into account the amount of pollution emitted, the percent of the time the wind blew from the source to each residence, and the distance of the residence from the source. We then added up the pollution from all sources for each resident and correlated that with any health problems. We found some striking results for various breathing problems.

For example, if you compare the 250 residents living at the lower pollution levels with the 250 residents at the highest pollution levels, you find striking increases in reported problems. The incidence of sinus problems, chronic cough, and asthma at least doubled. In particular, at the lower pollution level about 7% had doctor diagnosed asthma, but those living at the higher pollution levels had three times that rate. These changes were associated with sulfur dioxide pollution and are shown in the second graph on the last page. Similar patterns occurred for the other air pollutants that were in the EPA data set.

We are still analyzing the data and controlling for the effects of other factors, such as smoking and living close to a highway—both of which increase health problems—but the sulfur dioxide pollution levels remain a significant predictor of asthma and other problems. Given that the health data come from Hartford, where pollution levels are higher, and exclude residents from the suburbs where pollution is generally lower, our study probably underestimates the health effects of pollution. A review of recent issues of *Environmental Health Perspectives* document health consequences for pollution levels that are common in Connecticut.

Finally, I would like to a recent article in *Environmental Health Perspectives* that justifies the bill's identical treatment for two types of communities: those with low incomes ("environmental justice community") and those with 3 or more affecting facilities ("environmentally stressed communities"). Some people might argue that the only important criterion is the number of facilities and point out some poor areas with no facilities would qualify for benefits under this bill. However, this article by Weiss and Bellinger (2006) documents the growing evidence that pollution levels "interact" with many social conditions. This means that the same pollution level can cause harm in a poor area, but not in a middle class area. For example, a given level of lead exposure will harm a child with inadequate nutrition, but not one with good nutrition. This conclusion supports that **both** poor areas **and** those already bearing the burden of 3 or more polluting facilities deserve benefits when additional facilities are planned and developed.

In summary, I urge you to support this bill. Although it is a modest beginning, it can be strengthened later. If you wait, the number of environmentally stressed communities will only grow and other poor areas may see new polluting facilities.

References

- Black, Tim and John Stewart
 2001 "Burning and Burying in Connecticut: Are Regional Solutions to Solid Waste Disposal Equitable?" *New England Journal of Public Policy*, 16:15-34.
- Weiss, Bernard and David Bellinger
 2006 "Social Ecology of Children's Vulnerability to Environmental Pollutants." *Environmental Health Perspectives*, 114(10): 1479-1485.

**Testimony of
Mark A. Mitchell MD, MPH
Before the Legislative Environment Committee
In support of Raised Bill 5145 AAC Environmentally Stressed and Environmental
Justice Communities
February 25, 2008**

Good Afternoon Senator Meyer, Representative Roy and members of the Committee, my name is Mark Mitchell. I am a public health physician and President of the Connecticut Coalition for Environmental Justice. I am gladly testifying on this, my birthday, in support of Raised Bill 5145, An Act Concerning Environmental Justice as drafted by the Environment Committee with a number of modifications. This bill as drafted is the bill that was proposed last year. We have been meeting with a coalition of organizations and the CT Department of Environmental Protection to strengthen this bill from last year's version and have suggestions for language changes which I will submit separately.

The Connecticut Coalition for Environmental Justice is a statewide coalition of over 60 organizations representing over 30,000 members. We have local affiliates in Hartford, New Haven, and Bridgeport and more than 30 organizational members statewide. Some of our member organizations supporting this legislation include the Sierra Club, League of Conservation Voters, the Archdiocese of Hartford, Clean Water Action, East End Community Council of Bridgeport, Congregations United for Racial Equity and Justice, Working Families Party, and the Inter-religious Eco-Justice Network of CT.

Major pollution sources are often concentrated in urban communities in Connecticut, but they are also found in one or two neighborhoods of many suburban and rural towns. While it may make sense in some cases that these facilities be co-located, currently state regulatory agencies cannot consider other local facilities when a new facility is sited; or consider their proximity to homes, schools, hospitals, senior housing or other sensitive populations. Many times the neighbors have no say in proposals to build additional polluting facilities or for expansion of existing facilities in their communities; yet they may suffer health effects and reduced quality of life from these facilities. In addition, there is often no incentive for older polluting companies to upgrade their facilities in order to reduce pollution.

This legislation recognizes certain neighborhoods within 69 towns that have three or more major pollution sources within a one mile radius and designate them as "Environmentally Stressed Communities". The map of the communities is attached to my testimony and the list of towns is on the reverse side of the map.

When expansions of current or new facilities are proposed in environmentally stressed communities this bill will allow for three things:

1. It will allow for enhanced notification and public participation in regulatory processes involving these facilities in their communities.

2. It will allow DEP, DPUC, and the Siting Council to consider the proximity of new facilities to existing facilities and populations when conducting their regulatory reviews.
3. It will allow for the provision of environmental benefits by the facility owners to balance out any environmental degradation that may occur in "environmentally stressed" communities.

"Environmentally stressed" census block groups are defined as census block groups that have more than 3 "Environmental Affecting Facilities" located within a one mile radius or 2 facilities and a highway within one-half mile of each other. Environmental Affecting Facilities include the following:

1. Power plants
2. Trash or sewage sludge incinerators
3. Large sewage treatment plants
4. Trash transfer facilities
5. Active landfills
6. Multi-town recycling facilities
7. Asphalt or concrete plants
8. Major sources of air pollution as defined by U.S. EPA
9. Air toxic sources listed on the federal Toxic Release Inventory (TRI)

This bill should not prohibit any facilities; only allow more scrutiny by these state agencies and communities when siting and regulating these facilities in environmentally stressed communities.

This bill will provide benefits to business, to towns, to the environment and to public health by preserving and enhancing the environment, health, property values, and the quality of life for community residents and therefore attracting new customers and new businesses to town.

We need to continue to reduce air pollution in Connecticut to reduce asthma and other diseases. If I only had one birthday wish to come true this year, it would be to pass this legislation. Thank you for this opportunity to testify. I will be willing to answer any questions that you may have.



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Public Hearing – February 25, 2008
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

Raised House Bill No. 5145

An Act Concerning Environmentally Stressed and Environmental Justice Communities

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5145. The Department of Environmental Protection (Department) firmly supports the fundamental concept of this bill. However, we have serious concerns about the bill and the difficulty that is likely to be encountered in implementing some of its provisions.

The Department's Equity Policy (established in 1993) states in part: "no segment of the population should, because of its racial or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits". 9B39

The Department's policy calls for public notification efforts in our permitting programs to ensure the public fully participates in a meaningful way in the government process. Also, an Environmental Justice Plan is required from applicants seeking solid and hazardous waste permits in towns listed on the State of Connecticut Department of Economic and Community Development Distressed Municipalities list.

Information about the Department's Environmental Justice Program is available at http://www.ct.gov/dep/cwp/view.asp?a=2688&q=322378&depNav_GID=1511.

The Department is diligent in implementing the tenets of environmental justice through our regulatory and conservation programs. The Department encourages investments in urban areas that support responsible growth, urban open space, compliance and enforcement, remediation and brownfields redevelopment.

We support those portions of the bill that seek to codify our existing practice of "enhanced public notification and outreach to increase public participation" and "enhanced enforcement of environmental laws and regulations for new and existing facilities." We also support the idea of encouraging "investments, remediation and redevelopment," but real action in this arena will require a broad coalition of both private and public sector resources.

Other portions of the bill are problematic; the bill simply does not provide sufficient direction to the agencies to develop the regulations called for in the bill. As a result, the bill would require a significant undertaking by all the identified agencies, yet there are no clear guideposts for such regulatory development.

(Printed on Recycled Paper)

79 Elm Street • Hartford, CT 06106 - 5127

<http://dep.state.ct.us>

An Equal Opportunity Employer

For example, the bill calls for each identified agency to “adopt regulations, . . . that describe the departments' or council's *procedures concerning the consideration of environmental and health effects of all affecting facilities located within one mile of a proposed new or expanded affecting facility* in an environmental justice community or an environmentally stressed community, when granting licenses, permits or authorizations or in other decision-making processes that relate to the proposed new or expanded affecting facility. Such procedures shall include, but not be limited to, enhanced public notification and outreach to increase public participation, *requirements for negotiated environmental benefits* to environmental justice and affected community residents, and enhanced enforcement of environmental laws and regulations for new and existing facilities in environmental justice and environmentally stressed communities.”

For the Department of Environmental Protection, adoption of regulations that describe “*procedures concerning the consideration of environmental and health effects*” would require a complete review of all the statutes, regulations, and policies for all of our regulatory programs. In addition, the Department of Public Health conducts health risk assessments for DEP and these too would need to be reviewed. Thus, the bill as drafted would require extensive agency effort without any prioritization of the types of health impacts or exposure pathways that should be given greatest consideration. A better view would be to look at possible deficiencies in existing regulatory programs and offer amendments to improve those programs.

The bill also calls for procedures to identify “*requirements for negotiated environmental benefits*.” Again, there is no clear indication of how such regulations should be developed. Perhaps a better way to move this portion of the bill forward is to merge the debate about environmentally-stressed communities into the broader discussion of Responsible Growth. For example, section 7 of Senate Bill 39, AAC Responsible Growth includes authorization of a “community benefit agreement.” The Department encourages Environmental Justice advocates to review this provision to see if it addresses their concerns.

We are beginning to implement our Solid Waste Management Plan. Part of that implementation includes re-writing the solid waste regulations. Until those regulations are completed we remain committed to encouraging host community agreements on a case-by-case basis.

The Department welcomes the opportunity to work with the members of the Environment Committee and advocates on this issue to promote environmental justice. We have identified some of our concerns with the bill, but would be happy to discuss these and other issues in greater detail to see if we can find a compromise that all sides can embrace.

Thank you for the opportunity to present DEP's views on Raised Bill No. 5145. If you should require any additional information, please contact Tom Tyler, the DEP Legislative Program Manager, at 424-3099 or Robert La France, Legislative Liaison, at 424-3401.



**CONNECTICUT
CONFERENCE OF
MUNICIPALITIES**

900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2807
Phone (203) 498-3000 • Fax (203) 562-6314 • www.ccm-ct.org

THE VOICE OF LOCAL GOVERNMENT

TESTIMONY
of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
to the
ENVIRONMENT COMMITTEE

February 25, 2008

CCM supports Raised House Bill 5145 - *"An Act Concerning Environmentally Stressed and Environmental Justice Communities"*

This bill would **require regulations to be adopted and procedures put in place to carefully consider applications for certain proposed new or expanded facilities** – for such potentially environmentally hazardous activities as electric generation, sewage treatment, sludge or solid waste incineration, recycling facilities, land fills, etc – **in a community already burdened** with one or more such facilities within a certain proximity.

In addition, this bill would also **require regulations outlining how certain state agencies will engage in identifying opportunities and take appropriate action to encourage investment, remediation, and redevelopment** in such communities described above.

In 1992 the Legislative Program Review and Investigations Committee report entitled *Siting Controversial Land Uses*, among other things, concluded:

- "There is no statewide coordination to avoid over development or promote equity in siting."
- "It is recommended that the Office of Policy and Management shall create and maintain a statewide registry..."
- "Additional facilities to be included in the inventory shall be identified with the advice and assistance of representatives of local cities and towns."

To-date, none of this has happened.

This bill would provide positive mechanisms to ensure careful consideration of where certain types of facilities will be placed. In addition, measures to reinvest and reinvigorate communities already burdened with such facilities are a positive step forward for Connecticut as a whole.

CCM urges the committee to *favorably report* this bill.

##

If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of CCM via email kweaver@ccm-ct.org or via phone (203) 498-3026.



CLEAN WATER ACTION

645 Farmington Ave, 3rd Floor, Hartford, CT 06105 (860)232-6232

Written Testimony of Sarah Uhl on behalf of Clean Water Action
Before the Connecticut General Assembly Environment Committee
February 25, 2008

Testimony in Support of H.B. 5145 AAC Environmentally Stressed and Environmental Justice Communities.

Thank you for the opportunity to testify before this committee. My name is Sarah Uhl, and I am the Environmental Health Coordinator for Clean Water Action in Connecticut.

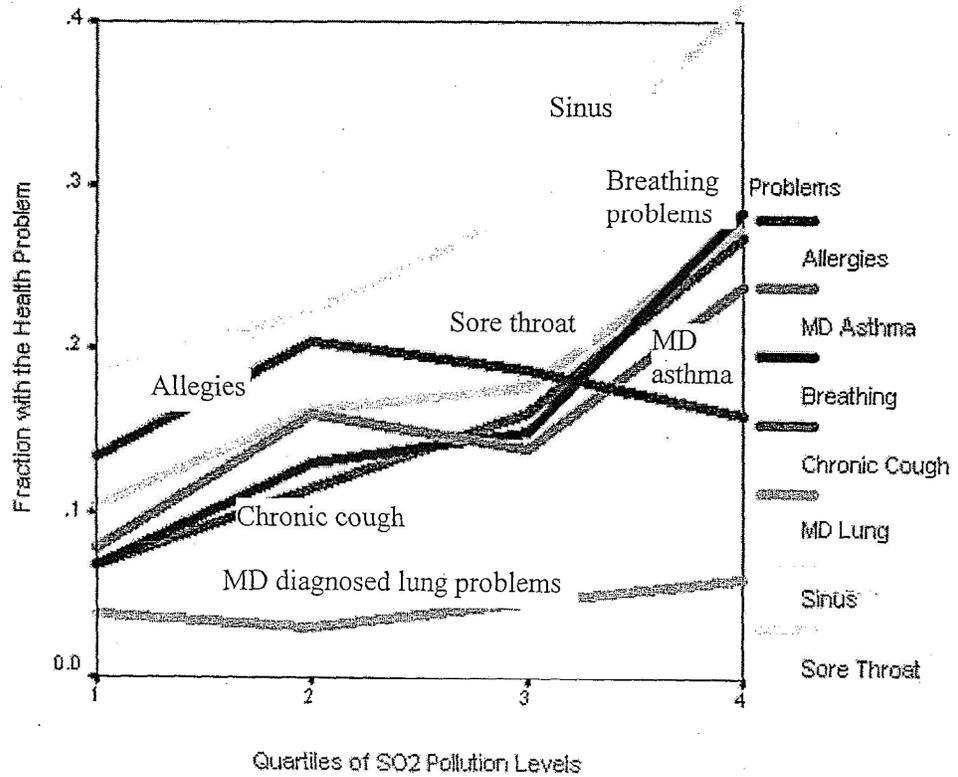
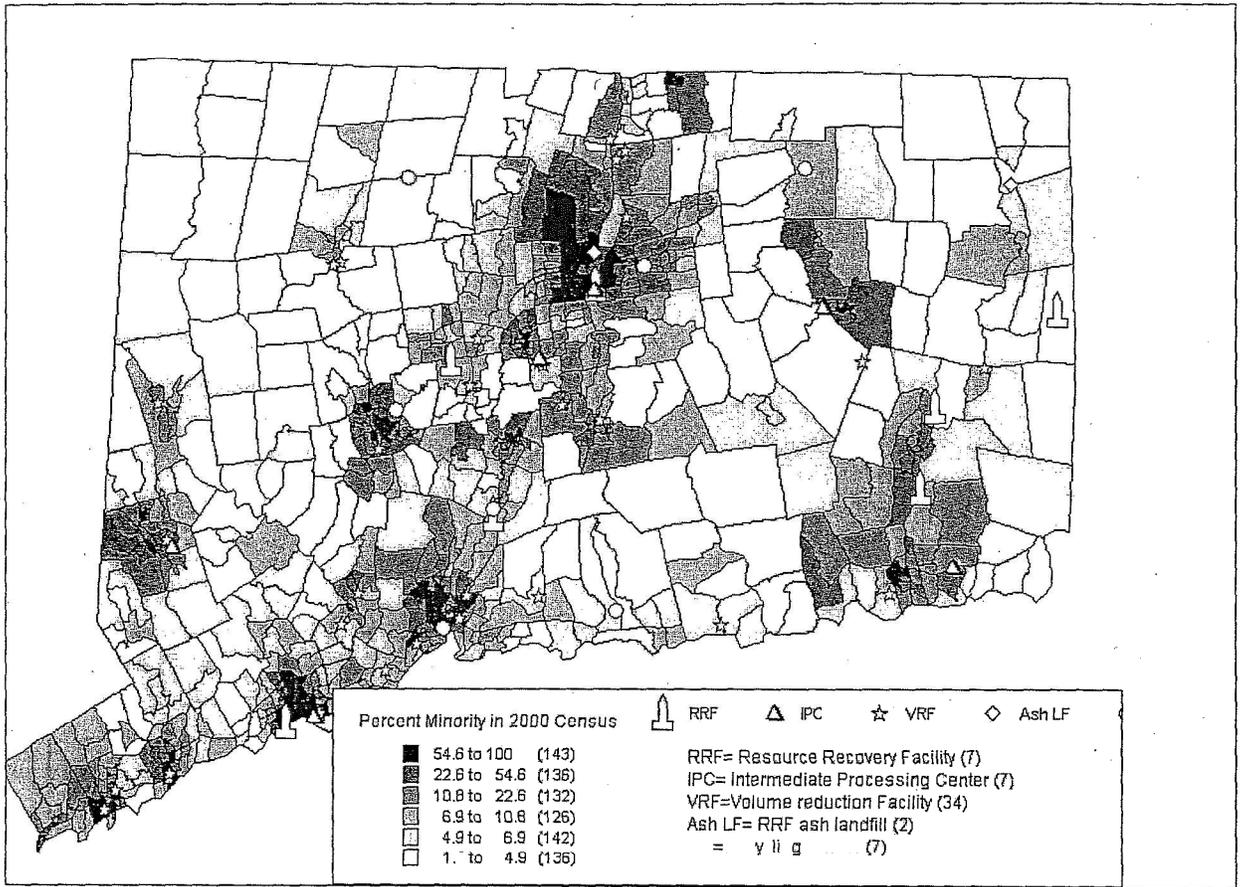
Clean Water Action is a non-profit organization with one million members nationwide and about 22,000 members in Connecticut. Our Hartford-based staff works with local groups and citizen leaders around the state on issues affecting our health, environment and quality of life. We currently coordinate the Connecticut for a Safe & Healthy CT, working to reduce toxic chemicals that contribute to a wide range of chronic diseases and disorders. In line with Clean Water Action's core values, and the mission of the Coalition for a Safe & Healthy CT, I am here today to support HB 5145, AAC Environmentally Stressed and Environmental Justice Communities.

Environmental justice and the location of environmentally stressed communities should be a priority for all siting and permitting decisions. One small example of the need for this type of thinking can be seen in Waterbury. Currently, there are multiple new power plants proposed for Waterbury (inside the city). There is nothing to prevent these power plants from being sited right near each other, or next to schools, community centers, or hospitals. Connecticut's state agencies should have formal procedures for incorporating information about environmentally stressed communities into their decision-making processes, and HB 5145 would make it possible for that to happen in a timely way.

Thank you for considering my comments and for taking leadership on this important public health and environmental issue.

Sarah Uhl
Environmental Health Coordinator
Clean Water Action
645 Farmington Ave., Fl. 3
Hartford, CT 06105

860-232-6232
suhl@cleanwater.org



Testimony on Environmental Justice Legislation
Environment Committee
Connecticut General Assembly
February 25, 2008

I would like to thank the members of this committee for your continued support of environmental justice issues. My name is Nancy Simcox. I live in a small town outside of Hartford, Connecticut. I would like to share with you the reasons why I support environmental justice legislation. I firmly believe that this legislation will correct inequities associated with the large numbers of pollution sources located in areas of low-income and minority communities. Although I do not live in one of these targeted areas with large amounts of pollution, I feel that it is not acceptable to be silent on this issue any longer. The Environmental Protection Agency has documented that low-income and minority communities are more likely to live near potential environmental hazards than whites. In Connecticut, a recent study identified that new regional waste facilities are being disproportionately targeted in areas populated by people of color and of low-income. Our urban areas like Hartford are often targeted, and therefore, these communities are exposed to more industrial pollution and other environmental hazards. Scientific evidence shows that along with these greater amounts of pollution, these communities suffer more adverse health effects, such as cancer and asthma. For example, a study of asthma prevalence in elementary school children in Connecticut by the Environment & Human Health (2003) found that asthma affects more students in urban communities than in suburban and rural communities. Other studies have shown that African American and Hispanic children are five times more likely to visit the emergency room or be admitted compared to Caucasian children. These neighborhoods should not have to struggle for a clean and healthy environment. I feel strongly that it is not acceptable that the urban children like those living in Hartford near my town should have to suffer more environmental pollution and illnesses. The cost of existing environmental burdens must be shared by ALL communities. I urge our state government to support environmental justice legislation and provide equal protection to all communities.

Environmentally Distressed Communities

Data Sources

Environmentally Distressed Communities - Created by The Capitol Region Council of Governments as part of a long term goal to identify and address environmental issues in the Capitol Region. The data was derived from a GIS-based analysis of environmental quality indicators. One such indicator was the presence of environmentally distressed communities. These areas were identified by overlaying the following data layers: areas with elevated highway traffic, areas with elevated air quality, areas with elevated crime rates, areas with elevated unemployment, and areas with elevated poverty rates. The resulting areas are highlighted by the number of indicators that are present in each area.

Environmental Justice Areas - Created by The Capitol Region Council of Governments. CRCOG has developed maps of target areas with elevated environmental justice issues. These areas were identified by overlaying the following data layers: areas with elevated highway traffic, areas with elevated air quality, areas with elevated crime rates, areas with elevated unemployment, and areas with elevated poverty rates. The resulting areas are highlighted by the number of indicators that are present in each area.

Crimes 2008 SF1 F008
Crimes 2007 SF1 F008
Crimes 2006 SF1 F008

Air Emissions - From the Air Permit Monitoring System (AMS) provided by the Connecticut Department of Environmental Protection. Source map used is unknown. This map only shows those with annual average greater than 250.

Asphalt and Concrete Paving - From the Air Permit Monitoring System (AMS) provided by the Connecticut Department of Environmental Protection. Source map used is unknown.

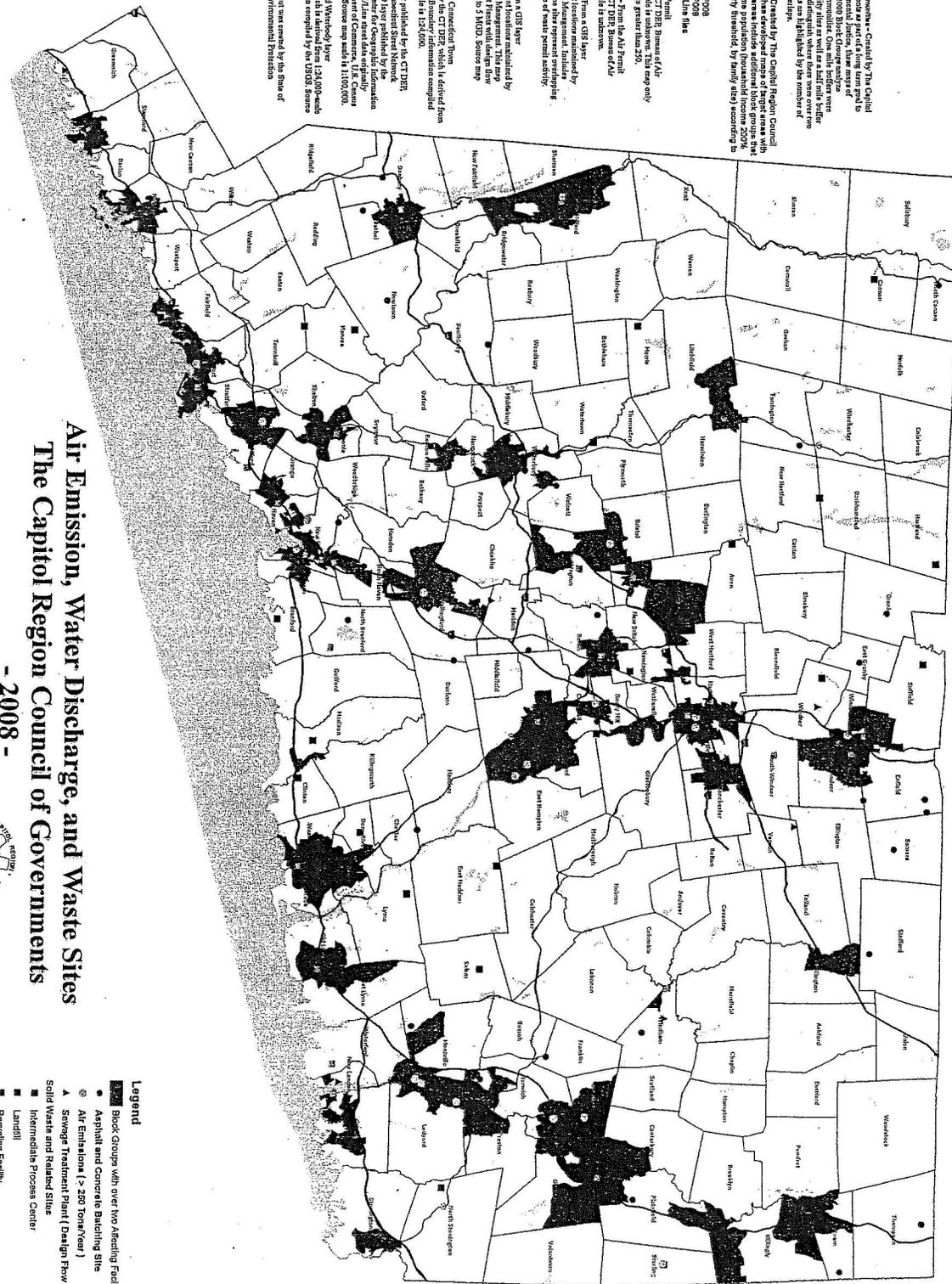
Water Treatment Plants - From a GIS layer provided by the Connecticut Department of Environmental Protection. This map shows the location of water treatment plants with design flow capacity greater than or equal to 5 MGD. Source map used is 12/4/00.

Public Recreation - From the Connecticut Department of Environmental Protection. This map shows the location of public recreation facilities with a design flow capacity greater than or equal to 5 MGD. Source map used is 12/4/00.

Water Treatment Plants - From the Connecticut Department of Environmental Protection. This map shows the location of water treatment plants with design flow capacity greater than or equal to 5 MGD. Source map used is 12/4/00.

Legend

- █ Block Groups with over two Recycling Facilities per 1 mile radius
- Asphalt and Concrete Paving Site
- ▲ Air Emissions (> 250 Tons/Year)
- ▲ Sewage Treatment Plant (Design Flow >= 5 MGD)
- Solid Waste and Related Sites
- Intermediate Process Center
- Landfill
- Recycling Facility
- Resource Recovery Facility
- Sludge
- Volume Reduction Facility



Air Emission, Water Discharge, and Waste Sites
The Capitol Region Council of Governments
 - 2008 -



**Environmentally
Stressed Towns**

ANSONIA
BEACON FALLS
BERLIN
BETHEL
BRIDGEPORT
BRISTOL
CANTERBURY
CROMWELL
DANBURY
DEEP RIVER
DERBY
EAST HARTFORD
EAST HAVEN
EAST LYME
EAST WINDSOR
ENFIELD
ESSEX
FAIRFIELD
FARMINGTON
GRISWOLD
GROTON
HAMDEN
HARTFORD
HARWINTON
KILLINGLY
LEDYARD
LISBON
LITCHFIELD
MADISON
MANCHESTER
MIDDLETOWN
MILFORD
MONTVILLE
NAUGATUCK
NEW BRITAIN
NEW HAVEN
NEW LONDON
NEW MILFORD
NEWINGTON
NORTH HAVEN
NORWALK
NORWICH
OLD LYME
OLD SAYBROOK
ORANGE
PLAINFIELD
PLAINVILLE
PORTLAND
PRESTON
PUTNAM
ROCKY HILL
SHELTON
SOUTHINGTON
SPRAGUE
STAMFORD
STONINGTON
STRATFORD
SUFFIELD
TORRINGTON
WALLINGFORD
WATERBURY
WATERFORD
WEST HARTFORD
WEST HAVEN
WESTBROOK
WETHERSFIELD
WILLINGTON
WINDHAM
WINDSOR LOCKS



Connecticut Construction Industries Association, Inc.

912 SILAS DEANE HIGHWAY, WETHERSFIELD, CT 06109 Phone (860) 529-6855 / FAX (860) 563-0616
 Web: <http://www.ctconstruction.org>

House Bill 5145, An Act Concerning Environmentally Stressed and Environmental Justice Communities
Environment Committee
February 25, 2008

CCIA Position: Opposed

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in Connecticut and is committed to working together to advance and promote a better quality of life for all citizens in the state. CCIA is comprised of more than 350 members, including contractors, subcontractors, suppliers and affiliated organizations representing all aspects of the construction industry.

Connecticut Ready-Mixed Concrete Association (CRMCA), a division of CCIA, promotes the use of ready-mixed concrete products and construction technologies. Connecticut Road Builders Association (CRBA), a division of CCIA, represents contractors, subcontractors, material suppliers, consulting engineers and professionals serving the heavy and highway construction industry. CRMCA and CRBA member companies responsibly operate concrete and asphalt plants in cities and towns across Connecticut to meet the needs of contractors for many facets of construction. The industry is highly regulated; operators must comply with many federal statutes, including the Clean Water Act, Clean Air Act, and the Resource Conservation and Recovery Act. Facilities have programs for dust control, recycling, spill prevention, air quality and noise abatement. Operators must obtain various discharge and other environmental permits.

CCIA is **opposed** to House Bill 5145, An Act Concerning Environmentally Stressed and Environmental Justice Communities and respectfully urges the Environment Committee to not act on the bill. HB 5145 would require several state agencies to adopt regulations to consider the environmental and health effects of asphalt and concrete batching facilities located within one mile of a proposed new or expanded facility in areas with concentrated poverty or that already have several of these facilities, when granting licenses or permits.

CCIA is opposed to House Bill 5145 for several reasons. HB 5145 will lead to increased costs for the industry. Additional regulations are not necessary and will only make it more difficult and costly to operate asphalt and concrete batching facilities in the state. It will force companies to transport products from remote locations, which will impose additional delivery costs on contractors, and create additional environmental hazards (for other communities as well), making construction less efficient.

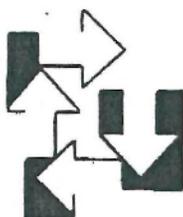


The bill would increase exposure and litigation for the industry. Members of communities who claim inadequate notice or lack of involvement and participation in the process, as required by the bill, will likely seek to enforce environmental laws and other remedies in court, raising costs for facilities and consumers. People may misuse the law as a tactic to delay expansion of legitimate existing or new operations. This, in turn, could lead to a loss of jobs in towns with such a facility.

HB 5145 has vague terms and definitions. The term "environmental justice" includes the "meaningful involvement of all people" in developing, implementing and enforcing environmental laws and regulations. How would this be accomplished? The distances and proximity to facilities in the term "environmentally stressed community" are arbitrary and would be difficult to attain.

HB 5145 presents a one-size-fits-all approach. Asphalt and concrete batching facilities should be regulated on a case-by-case basis. Operators are mindful of the environment and currently adhere to very strict and complex federal and state regulations, and new technology is helping reduce emissions and their impact on surrounding areas.

For additional information, please contact Matthew Hallisey at CCIA, (860) 529-6855.



OFFICE OF URBAN AFFAIRS
OF THE ARCHDIOCESE OF HARTFORD

**Testimony submitted to the Environment Committee of the CT General Assembly,
February 25, 2008**

**Raised Bill No. 5145 An Act Concerning Environmentally Stressed and
Environmental Justice Communities**

My name is Jeanie Graustein. I am testifying on behalf of the Office of Urban Affairs of the Archdiocese of Hartford, in favor of Raised House Bill 5145, An Act Concerning Environmentally Stressed and Environmental Justice Communities.

Pollution emitting facilities such as power plants and waste processing facilities, which provide services and benefits to citizens of many towns, are too often concentrated in particular communities and neighborhoods, which bear the burdens of diminished health and quality of life. Continuing to increase the concentration of such facilities and failing to give affected communities more effective notification and means to participate in such decisions is unjust. Giving towns and selected state regulatory agencies new tools to ensure greater environmental equity and justice would better protect many of Connecticut's most vulnerable citizens.

The U.S. Conference of Catholic Bishops defines Environmental Justice as "the strong link between social justice and environmental protection emphasizing the needs of the poor" and advocates for "solutions to the disproportionate burdens of environmental degradation borne by the poor and people of color. This includes ... the protection of low-income neighborhoods from toxic hazards." [*Renewing the Earth*, 1991] Respect for human life and dignity must include protecting the vulnerable, particularly children born and unborn, the elderly, the ill, and low-income communities from air pollution and exposures to toxic hazards.

Each year we learn more about the effects and unintended consequences of pollutants on human health. It is time to do all we can to reduce exposures of those most affected by pollution emitting facilities. We urge you to support this bill to ensure environmental justice and a healthier future for all Connecticut's citizens. Thank you.

My name is Ruby Dempson and I am a proud member of Connecticut Coalition for Environmental Justice. I am here to testify in favor of An Act Concerning Environmentally Stressed Communities and Environmental Justice Communities HB5145 and Act Concerning Environmental Justice SB 118. I am concerned about the high number of polluting facilities in Hartford and in other low-income areas and communities of color through out the state and nation. These polluting facilities aggravate many health problems for neighborhood residents. The additional pollution contributes to the high rate of asthma, cancer and breathing problems in our communities. I myself know many Hartford residents who are suffering from asthma and we are effected by the high level of pollution in our community. We carry an unfair burden of the pollution for our region, yet we are least able to carry this unfair burden, because of the many social, economic and health problems we have already.

In our proposed legislation we are asking that neighborhood residents be adequately informed when an additional polluter wants to move into our community. We are asking that we be included in the decision making process. We are also asking that the state help us with pollution reduction. In summary, are asking that our health be protected.

Please help us pass this legislation. Together we can convince the Legislature and Governor to protect the health of vulnerable communities.

My name is Rosalind Beckham and I am a proud member of Connecticut Coalition for Environmental Justice. I am here to testify in favor of An Act Concerning Environmentally Stressed Communities and Environmental Justice Communities HB5145 and Act Concerning Environmental Justice SB 118.

I am a resident of an environmentally stressed community and live in all too much close proximity to the Hartford landfill and incinerator. I breath in toxic chemicals every day that are much greater than people who live in West Hartford, Farmington or Simsbury. The children in my neighborhood breath in these same toxic chemicals that threaten their future well being.

Our neighborhood can not continue to be the dumping ground for the waste of the region. The health of our neighborhood needs to be protected from unchecked growth and additional polluting facilities. Please pass environmental justice legislation so poor neighborhoods can breath a little easier.

My name is Kathleen Henry and I am a proud member of Connecticut Coalition for Environmental Justice. I am here to testify in favor of An Act Concerning Environmentally Stressed Communities and Environmental Justice Communities HB5145 and Act Concerning Environmental Justice SB 118. I would like to talk to the part of these bills that call for assistance to Environmentally Stressed Communities.

The high asthma rates among Hartford, New Haven, Waterbury and Bridgeport children attest to the urgent need for the State of Connecticut to assist Environmentally Stressed Communities with pollution reduction. The high level of pollution we are breathing in Hartford is a major contributor to the these high asthma rates as well as other serious health problems. The high asthma rates in turn result in a high level of emergency room visits, increased health costs and an increase in days absent from school.

I believe that assistance with pollution reduction for environmentally stressed communities will protect public health in a way that will save on social costs in many ways.

JOINT
STANDING
COMMITTEE
HEARINGS

ENERGY
AND
TECHNOLOGY
PART 1
1-319

2008
Index

110
amr

ENERGY AND TECHNOLOGY

February 26, 2008

Don, very much. We'll look forward to your testimony on Senate Bill 118 shortly.

With that, we move on to Senate Bill 118 and Dr. Mark Mitchell, who seems to have stepped out. So let me call on Felicity Markham.

FELICITY MARKHAM: Good afternoon, Senator Fonfara, and Representative Fontana, and the rest of the Energy and Technology group. I was going to say good morning. That seems to have gone.

But I'm here because of Senate Bill 118, Environmental Justice and Overstressed Communities, House Bill 5145. My name is Felicity Markham. I live here in Hartford. In Hartford, we have eight facilities that pollute it.

Every day, as a citizen, we see it and smell it and taste it. If you don't live in Hartford, you come in, and as you come in and leave, you might see it or smell it or taste it. Ten, eleven years ago when we came in, it was a couple years later, I came down with asthma.

Now my youngest son has asthma. I live approximately a mile, a mile and a half from the trash-to-energy facility that burns the garbage. I don't live in the north end where we have Mount Hartford, which is just a big garbage dump.

You know, by any other name. When I mention towns like Falls Village or Stonington Borough, Salisbury or Goshen, you should think of bucolic places. When I mention Bridgeport,

111
amr

ENERGY AND TECHNOLOGY

February 26, 2008

Hartford, New Haven, your senses start to stress.

This is normal and how it should be. I am one of many volunteers at the Connecticut Coalition of Environmental Justice.

We expect that you are intelligent enough to know that places that are overstressed communities, and I should not have more than the eight in Hartford, places such as Goshen or Stonington Borough or Village Falls or Salisbury, shouldn't have more than three. This is easy to pass.

It doesn't cost you money. You just say, look, you don't go there. That's all. You don't say, oh, well, this is going to cost a lot of money. There's a Bill to pass, this, that and the other.

There's 169 towns, I mean, come on, that we don't need all these facilities. If you come in from the south into Hartford, you smell MDC. There's no way you don't, unless you're blind, deaf and dumb. That's MDC. There's no way it isn't.

Coming down from Springfield, you know Mount Hartford is a garbage dump. Other towns don't need these things, and we expect that you will be intelligent enough to stop them from coming in other towns. Okay?

I thank you for your undivided attention and I know that you won't have any questions because you're all very intelligent. Thank you.

112

amr

ENERGY AND TECHNOLOGY

February 26, 2008

REP. FONTANA: Thank you, Felicity. You did a good job of pre-empting questions. Is there anybody who's brave enough to have a question for Felicity? Seeing none, we'll do Dr. Mark Mitchell, followed by Commissioner Downes.

DR. MARK MITCHELL: Obviously, there's some very smart people here. Good afternoon, Senator Fonfara, Representative Fontana, and Members of the Committee. My name is Mark Mitchell.

I'm president of the Connecticut Coalition for Environmental Justice. And I'm testifying in support of Raised Senate Bill 118, AN ACT CONCERNING ENVIRONMENTAL JUSTICE. This Bill, we're meeting right now with a coalition of organizations.

And one of the reasons I was out of the room is I'm meeting with the State Department of Environmental Protection right now to continue to work on the language to make the Bill more specific than it is right now. Major polluting sources are often concentrated in one or two neighborhoods of many towns in Connecticut.

While it may make sense, in some cases, that these facilities be co-located, currently state regulatory agencies cannot consider other local facilities when a new facility is sited or consider their proximity to homes, schools, hospitals, senior housing, or other sensitive populations.

120

amr

ENERGY AND TECHNOLOGY

February 26, 2008

COMM. DONALD DOWNES: I thought Felicity did well at this. I guess I've found another key, so thank you very much.

REP. FONTANA: Felicity did well. Thank you, Don. Is Ginny Gerena back? If not, then we'll go with Al Benford, if he's here.

ALAN BENFORD: Good afternoon, Senator Fonfara, Representative Fontana, and Members of the Committee. I thank you for this opportunity to testify today.

My written testimony is labeled relative to Raised House Bill 5145, but that's, I believe, the same as Senate Bill 118. But our testimony's now being heard on. My name is Al Benford. I live in Manchester.

I'm a Unitarian Universalist, and I'm an active participant in Congregations United for Racial and Justice, known as CUREJ. CUREJ is a coalition of congregations formed to combat racism. CUREJ is an institutional member and I am an individual member of the Connecticut Coalition for Environmental Justice, CCEJ.

On behalf of CUREJ and CCEJ, I would like to reiterate the invitation that you have all received by e-mail to the clergy breakfast that's being held Thursday morning in the old Probst room at the Capitol, on behalf of this legislation.

The breakfast, all are welcome, I hope it's on your calendar, and I hope to see you there. What Unitarian Universalists hold in common are

121
amr

ENERGY AND TECHNOLOGY

February 26, 2008

the principles of how we should live in this world.

The first principle, our first principle, is to affirm and promote the inherent worth and dignity of every person. That means that wealth, color, ethnicity, geography, or any other factor will not impact upon whether a person has value.

That value is inherent in every person, no exceptions. This is consistent with the 14th Amendment of the U.S. Constitution, which says, in part, no state shall deny to any person within its jurisdiction, the equal protection of the laws.

In other words, all persons shall be treated equally under the law. The Connecticut Constitution has similar provisions.

Testimony just given by Dr. Mitchell has pointed out that the pollution sources are often concentrated in urban communities, and in small areas of suburban and rural towns.

The people nearby, most often poor, and or people of color, are most seriously affected by the pollution generated by these facilities. This is wrong on its face, and when the 14th Amendment is considered, it is a violation of their Constitutional rights

They are not getting equal protection of the laws. It is especially egregious when it is understood that the 14th Amendment was passed

122
amr

ENERGY AND TECHNOLOGY

February 26, 2008

specifically to protect the rights of former slaves and their descendents.

This pattern has evolved over decades, and will not be corrected by a single law or in a short time. This Bill is a start, a very necessary and important start. Certainly an overall goal should be to reduce pollution everywhere.

Our short-term goal should be protection of communities where pollution is already concentrated from exacerbating the situation. The Reverend Dr. Martin Luther King once said, cowardice asks the question, is it safe?

Expediency asks the question, is it politic? But conscience asks the question, is it right? And there comes a time when one must take a position that is neither safe nor politic nor popular, but because conscience tells one it is right.

This quote does not exactly apply in that this bill does not challenge anyone's safety. It enhances it. This bill is not impolitic in that it provides protection for a wide range of constituencies.

In my opinion, the most important element in this quote is the call to do what is right. I say this based on my religious and moral convictions, and my faith in the Constitution of the United States, with special reference to the 14th Amendment. Thank you for the opportunity to talk to you today.

123

amr

ENERGY AND TECHNOLOGY

February 26, 2008

REP. FONTANA: Thank you, Mr. Benford. Powerful testimony. Are there questions for Mr. Benford from the Members of the Committee? Seeing none, thank you very much. And we'll try Ginny Gerena once more. And she's here. Welcome, and please proceed.

GINNY GERENA: Thank you. Good afternoon, Members of the Committee. My name is Ginny Gerena, and I'm a proud member of the Connecticut Coalition for Environmental Justice.

I'm here to testify in favor of AN ACT CONCERNING ENVIRONMENTALLY STRESSED COMMUNITIES AND ENVIRONMENTAL JUSTICE COMMUNITIES, House Bill 5145, and AN ACT CONCERNING ENVIRONMENTAL JUSTICE, Senate Bill 118.

I am concerned about the high number of polluting facilities in Hartford and in other low-income areas, and in communities of color throughout the state and nation.

These polluting facilities aggravate many health problems for neighborhood residents. The additional pollution contributes to the high rate of asthma, cancer, and breathing problems in our communities.

I, myself, know many Hartford residents who are suffering from asthma, and we are affected by the high level of pollution in our community.

We carry an unfair burden of the pollution for our region, yet we are least able to carry this unfair burden because of the many social, economic and health problems we have already.

124
amr

ENERGY AND TECHNOLOGY

February 26, 2008

In our proposed legislation, we are asking that neighborhood residents be adequately informed when an additional polluter wants to move into our community.

We are asking that we be included in the decision-making process. We are also asking that the state help us with pollution reduction. In summary, we are asking that our health be protected.

Please help us pass this legislation. Together, we can convince the legislator and Governor to protect the health of vulnerable communities. Thank you for your attention.

REP. FONTANA: Thank you, Ginny. And before you go, there may be some questions, so let me see. Senator Fonfara?

SEN. FONFARA: Thank you. Ginny, how did you get involved with the Coalition?

GINNY GERENA: Okay. My friend, Martha Kelly, who now works for Connecticut Safe Environment, and she works with the environment, she invited me about five years ago to their Christmas party.

And I stayed because I liked the group, and I liked that they stand for. And I've seen, over the five years or six years that I've been there, they've done a lot for the communities, not just Hartford, but the state.

Like I, myself, am involved with the Asthma Speakers Bureau, and a couple of other

125

amr

ENERGY AND TECHNOLOGY

February 26, 2008

projects. We go to the toxic tours. They teach us how to speak at the Legislature, and I think they're a very active community.

I, myself, am trying to get, someday, my own organization involved with the environment, and multicultural. Because we do recruit people from various cultures and the communities that are affected are not just the low-income and stuff like that.

I think the whole state and the whole northeast region is affected by the pollution caused by these facilities and industry. So something has to be done about that.

SEN. FONFARA: Thank you. And you live in Hartford?

GINNY GERENA: Yes.

SEN. FONFARA: Can you tell me what neighborhood?

GINNY GERENA: Over there, well, right now I'm currently homeless. So I'm kind of drifting, but I usually stay in the North End, or close to Hartford Hospital.

SEN. FONFARA: Well, I, I think it's admirable that you were able to find the energy and the time to work on behalf of your community, given your personal circumstance. And I thank you for that on behalf of the residents of Hartford.

GINNY GERENA: Thank you, Sir.

SEN. FONFARA: Thank you, Mr. Chairman.

Testimony on R.B. 5145: AAC Environmentally Stressed
And Environmental Justice Communities

Alan L. Benford
25F Cliffside Drive
Manchester, CT 06042
Energy and Technology Committee
February 26, 2008

SB118

Good morning Senator Fonfara, Representative Fontana, Senator Duff, Representative Nardello and members of the committee. My name is Al Benford, and I live in Manchester. I am a Unitarian Universalist and an active participant in Congregations United for Racial Equality and Justice, known as CUREJ (courage). CUREJ is a coalition of congregations formed to combat racism. CUREJ is an institutional member and I am an individual member of the Connecticut Coalition for Environmental Justice (CCEJ).

My Unitarian Universalist faith does not have a single theology though many of us are believers in God. What we hold in common are the principles of how we shall live in this world. The first principle is to "affirm and promote the inherent worth and dignity of every person." That means that wealth, color, ethnicity, geography or any other factor will not impact upon whether a person has value. That value is inherent in every person. This is consistent with the Fourteenth Amendment of the U.S. Constitution, which says, in part, "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." In other words, all persons shall be treated equally under the law. The Connecticut Constitution has similar provisions.

Testimony given by Dr. Mark Mitchell, President of CCEJ, has pointed out that pollution sources are often concentrated in urban communities, and in small areas of suburban and rural towns. The people nearby, most often poor and/or People of Color, are more seriously affected by the pollution generated by these facilities. This is wrong on its face, and when the 14th Amendment is considered, it is a violation of their constitutional rights. They are not getting "equal protection of the laws." This is especially egregious when it is understood that the 14th Amendment was passed specifically to protect the rights of former slaves and their descendents.

This pattern has evolved over decades and will not be corrected by a single law or in a short time. Raised Bill 5145 is a start, a very necessary and important start.

Certainly an overall goal should be to reduce pollution everywhere. A short-term goal should be protection of communities where pollution is already concentrated from exacerbating the situation.

The Rev. Dr. Martin Luther King once said:
"Cowardice asks the question, 'Is it safe?' Expediency asks the question, 'Is it politic?' But conscience asks the question, 'Is it right?' And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but because conscience tells one it is right."

This quote does not exactly apply in that this bill does not challenge anyone's safety. It enhances it. This bill is not impolitic, in that it provides protection for a wide range of constituencies. In my opinion, the most important element in this quote is the call to do what is right. I say this based on my religious convictions and my faith in the Constitution of the United States, with special reference to the 14th Amendment.

Thank you for this opportunity to talk to you today.

My name is Ginny Gerena and I am a proud member of Connecticut Coalition for Environmental Justice. I am here to testify in favor of An Act Concerning Environmentally Stressed Communities and Environmental Justice Communities HB5145 and Act Concerning Environmental Justice SB 118. I am concerned about the high number of polluting facilities in Hartford and in other low-income areas and communities of color through out the state and nation. These polluting facilities aggravate many health problems for neighborhood residents. The additional pollution contributes to the high rate of asthma, cancer and breathing problems in our communities. I myself know many Hartford residents who are suffering from asthma and we are effected by the high level of pollution in our community. We carry an unfair burden of the pollution for our region, yet we are least able to carry this unfair burden, because of the many social, economic and health problems we have already.

In our proposed legislation we are asking that neighborhood residents be adequately informed when an additional polluter wants to move into our community. We are asking that we be included in the decision making process. We are also asking that the state help us with pollution reduction. In summary, are asking that our health be protected.

Please help us pass this legislation. Together we can convince the Legislature and Governor to protect the health of vulnerable communities.

My name is Felicity Markham and I am a proud member of Connecticut Coalition for Environmental Justice. I am here to testify in favor of An Act Concerning Environmentally Stressed Communities and Environmental Justice Communities HB5145 and Act Concerning Environmental Justice SB 118.

I am a resident of an environmentally stressed community and live in all too much close proximity to the Hartford landfill and incinerator. I breath in toxic chemicals every day that are much greater than people who live in West Hartford, Farmington or Simsbury. The children in my neighborhood breath in these same toxic chemicals that threaten their future well being.

Our neighborhood can not continue to be the dumping ground for the waste of the region. The health of our neighborhood needs to be protected from unchecked growth and additional polluting facilities. Please pass environmental justice legislation so poor neighborhoods can breath a little easier.

My name is Kathleen Henry and I am a proud member of Connecticut Coalition for Environmental Justice. I am here to testify in favor of An Act Concerning Environmentally Stressed Communities and Environmental Justice Communities HB5145 and Act Concerning Environmental Justice SB 118. I would like to talk to the part of these bills that call for assistance to Environmentally Stressed Communities.

The high asthma rates among Hartford, New Haven, Waterbury and Bridgeport children attest to the urgent need for the State of Connecticut to assist Environmentally Stressed Communities with pollution reduction. The high level of pollution we are breathing in Hartford is a major contributor to these high asthma rates as well as other serious health problems. The high asthma rates in turn result in a high level of emergency room visits, increased health costs and an increase in days absent from school.

I believe that assistance with pollution reduction for environmentally stressed communities will protect public health in a way that will save on social costs in many ways.