Act Number:	09-141	
Bill Number:	271	
Senate Pages:	2205-2211, 2292-2294, 4264-4268	**15**
House Pages:	5728-5739, 6077-6084	**20**
Committee:	Commerce: 774-775 Environment 1635-1639, 1680-1685, 1739-1742	**17**
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THE CHAIR:

Thank you, sir. Will you remark further on Senate Bill 824 as amended by Senate A? Will you remark further? Senator Meyer.

SENATOR MEYER:

Mr. President, may this kindly be placed on the consent calendar.

THE CHAIR:

There is a motion on the floor to place the item on the consent calendar. Without objection, so ordered.

THE CLERK:

Calendar page 31, Calendar Number 321, File Number 411, Senate Bill 271, AN ACT CONCERNING FLOODPLAIN MANAGEMENT AND MILL PROPERTIES, favorable report of the Committees on Environment and Planning and Development. The Clerk is in possession of amendments.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I move acceptance of the joint committee's favorable report and passage of this bill and ask respectfully that the Clerk --

THE CHAIR:

Excuse me, sir, would you like to discuss acting on approval of the bill sir?

SENATOR MEYER:

Yes.

THE CHAIR:

Please proceed.

SENATOR MEYER:

And Mr. President, there is an amendment. The Clerk is in possession of LCO 6840. I move the amendment and ask permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 6840, which will be designated Senate Amendment Schedule A. It is offered by Senator Meyer of the 12th District.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President. Colleagues you may have --

THE CHAIR:

Senator Meyer, do you move adoption of the bill?

SENATOR MEYER:

Yes I move adoption. Yes, please.

THE CHAIR:

Please proceed, sir.

SENATOR MEYER:

Colleagues, you may have noticed that there are abandoned mills around our state. Many of these mills were built in the 18th and 19th centuries. They typically sit next to rivers. Rivers can be floodplains. And so what this bill attempts to do is to find a way in which municipalities and developers and others can use those old abandoned mills and put those assets back into use.

Right now many of them sit without any taxes being collected. They sit as eye sores. Many of them are contaminating. And so with the help of the Department of Environmental Protection we have drafted a strike all amendment here which says that these mills can be reused and will be exempt from some of the certification requirements of Connecticut law. But we also have written in protections and we've said that although some of the certification requirements will be deemed waived, DEP must be ensured that the activity is subject to environmental remediation

requirements, that the activity is limited to the area where the mill is actually located, that the critical activity is above the flood elevation level, and that the development activity complies with the provisions of the federal law called the National Flood Insurance Program.

So this bill has balance. It's going to permit us to get to these historic abandoned mills but it's going to do it in an environmentally friendly way and I urge passage. Thank you.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. Mr. President I urge the chamber to pass this legislation. There are so many mills around that are just being vandalized, the windows are broken, people stay in there and light fires. Senator Meyer has put a lot of time and effort and planning into this legislation.

In my district there's one particular old mill that's a beautiful piece of architecture, but it just sits there and every day something else is going on in

that facility. So this will give the City of Norwich or a developer the opportunity to do something with that old mill and I'm sure many of you have the old mills in your district and they really are beautiful. So this will give your municipality the opportunity to do something with them. Thank you.

THE CHAIR:

Thank you, Senator Prague.

Will you remark further on Senate A? If not, let me try your minds. All those in favor please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. Senate A is adopted.

Senator Meyer.

SENATOR MEYER:

Mr. President, the amendment is the bill and therefore, I urge that we vote on that and I want to also thank Senator Prague who really brought this concept to my attention.

THE CHAIR:

Thank you, sir.

Is there any further discussion on Senate Bill 271 as amended by A? Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President. And Senator Meyer, I know you've put a lot of work into this. And putting my brownfields hat on for a moment, being quite familiar with the challenges and some of the regulations that do apply to the brownfields that we do have here in Connecticut, I want to say thank you for doing what you've done here.

This is a very worthy bill. There are hundreds of brownfield sites in Connecticut that are worthy of being reconstructed, redeveloped and it's always a challenge, particularly right now, to get developers interested in these projects and the last thing we need are additional regulations that have been in place for a long time, all with good intent, to make it impossible to consider talking about redeveloping a project such as Senator Prague just spoke about.

There are many of those brownfields buildings right smack on bodies of water. They obviously put them there for a reason because they're mills and they need the water, the moving water coming by that facility to turn a wheel, which in turn powers

whatever the operation was on the inside. In fact, some of those brownfields in Connecticut have rivers running through them, underneath them. So you'd look at that upon first glance and you would say there's no way that the regulations would allow this building to be rebuilt today. This legislation makes it more possible for many more of these facilities and buildings, older buildings to be rehabbed.

So thank you very much for that and I am in favor of it. Thank you. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 271 as amended by Senate A? Senator Meyer.

SENATOR MEYER:

Mr. President I thank Senator Frantz for his supportive comments and if there is no objection I would ask this go on the consent calendar.

THE CHAIR:

There is a motion on the floor to place the item on Consent. Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar Number 323, File Number 414, Senate Bill

something new and fresh to the debate each and every day.

I do miss him and I'm very happy that Senator McKinney has seen fit to renominate him to the State Board of Higher Education. And I just wanted to make sure that everybody here in the circle knew that. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Joint Resolution Number 77? Will you remark further? If not, Mr. Clerk.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. If there are no other comments, I would move to place this item on the consent calendar.

THE CHAIR:

Motion is to place the item on consent. Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. If the Clerk might move now to call the consent calendar, and read the items on that calendar and then call the calendar.

THE CHAIR:

Mr. Clerk, please call for a roll call vote on the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber. Immediate roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber.

Mr. President, those items placed on the 1st Consent Calendar begin on calendar page 1, Calendar 647, Senate Resolution Number 27; calendar page 2, Calendar 648, Senate Joint Resolution Number 77; calendar page 5, Calendar 381, substitute for Senate Bill 1079; calendar page 22, Calendar Number 114 substitute for Senate Bill 894; calendar page 23, Calendar 138, substitute for Senate Bill 817 calendar 144, substitute for Senate Bill 849; calendar page 29, Calendar Number 274, Senate Bill 824; calendar page 31, Calendar 321, Senate Bill 271; calendar 323, Senate Bill 497; and calendar 365,

Senate Bill 384; calendar page 32, Calendar 367, substitute for Senate Bill 785; calendar page 37, Calendar 490, Senate Bill 898; calendar page 40, Calendar 556, Senate Bill 1061; calendar 558, substitute for Senate Bill 1063; and calendar page 41, Calendar 328, substitute for Senate Bill 814.

Mr. President, that completes those items placed on the 1st Consent Calendar.

THE CHAIR:

Please call for the consent calendar. The machine will be open. Oh, Senator Looney. Yes, sir.

SENATOR LOONEY:

Yes. Mr. President, just for purpose of clarification. I believed I had earlier marked on calendar page 21, 2 items on the consent. Initially we had removed -- placed calendar 103, but I believe we also had Calendar 82 on page 21, Senate Bill 761.

THE CHAIR:

No, sir. Those are not noted here on our calendar.

SENATOR LOONEY:

Okay. We'd like to place that item on the consent calendar, Mr. President, calendar page 21, Calendar 82, Senate Bill 761.

THE CHAIR:

There's a motion to place that item on the consent here. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

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 voting by roll call on the consent calendar. Will all senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

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

THE CHAIR:

The consent calendar passes.

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THE CHAIR:

Seeing no objections, so ordered. Mr. Clerk?

THE CLERK:

Calendar page 34, Calendar Number 520, File Number 2062, substitute for Senate Bill 1158, An Act Concerning Foreclosure Procedures favorably reported from the Committee on Judiciary and Banks.

THE CHAIR:

Senator McDonald? Senator Looney?

SENATOR LOONEY:

Yes, Mr. President. Might the item be passed temporarily?

THE CHAIR:

Without objection, so ordered. Mr. Clerk?

THE CLERK:

Calendar page 37, disagreeing actions, Calendar Number 321, File Number 411, Senate Bill 271, An Act Concerning Flood Plain Management and Mill Properties, as amended by Senate Amendment Schedule A and House Amendment Schedule A favorably reported by the Committee on the Environment and Planning and Development.

THE CHAIR:

Senator Meyer?

SENATOR MEYER:

Thank you, Mr. President. I move approval in concurrence with the House.

THE CHAIR:

Acting on approval in concurrence with the House, would you like to remark further, sir?

SENATOR MEYER:

Thank you. Colleagues, you will remember that a week or so ago we passed actually unanimously in the Senate a bill which allows the conversion of the old mill properties that are very generally on flood plains into good constructive uses, and we did that through a combination of environmental protection and commercial use.

The House made a technical amendment, and this is before us just to approve that technical amendment, and I ask that it be approved.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark further on Senate Bill 271? Remark further? Senator Meyer?

SENATOR MEYER:

If there is no objection, Mr. President, could it please go on the consent calendar?

THE CHAIR:

Senator Meyer requests that this item be put on consent. Seeing no objection, so ordered. Mr. Clerk?

THE CLERK:

Mr. President, that completes those items previously marked go.

THE CHAIR:

Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. If the Clerk might now call the first consent calendar?

THE CHAIR:

Mr. Clerk, please call the first consent calendar, and the machine will be open. Excuse me. Please call the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber? Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber?

Mr. President, those items placed on the first consent calendar begin on calendar page 6, Calendar 486, substitute for Senate Bill 650. Calendar page

17, Calendar Number 660, substitute for House Bill 5262.

Calendar 664, House Bill 5894, calendar page 23. Calendar Number 202, Senate Bill 74. Calendar page 24, Calendar 220, substitute for Senate Bill 866.

Calendar 227, substitute for Senate Bill 920. Calendar 238, House Bill 5222. Calendar 243, House Bill 6501. Calendar page 29, Calendar Number 357, substitute for Senate Bill 995.

Calendar page 33, Calendar 471, Senate Bill 1128. Calendar 481, substitute for Senate Bill 533. Calendar 499, Senate Bill 1099, and calendar page 37, Calendar 321, Senate Bill 271.

Mr. President, that completes those items placed on the first consent calendar.

THE CHAIR:

Please call the consent calendar. The machine will be 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 call on the consent calendar. Will all Senators please return to the chamber?

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 1.

Total number voting	35
Those voting yea	35
Those voting nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 1 passes. Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of all items acted upon today requiring action in that chamber.

THE CHAIR:

There's a motion on the floor for suspension of the rules for immediate transmittal. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would

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On page 22, Calendar 624, Senate Bill Number 271, AN ACT CONCERNING FLOODPLAIN MANAGEMENT AND MILL PROPERTIES, favorable report by the Committee on Planning and Development.

DEPUTY SPEAKER ORANGE:

Representative Richard Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, Madam Speaker. Madam Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint committee's favorable report and passage of the bill. Will you remark?

REP. ROY (119th):

Yes. Thank you, Madam Speaker. Madam Speaker, there was an amendment placed on this, designated Senate A, that has some technical difficulties. We're going to remove that and then put on a new amendment. So if I may, if the Clerk would call LCO 6840 and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call 6840, designated as

Senate Schedule Amendment A.

THE CLERK:

LCO 6840, Senate A, offered by Senator Meyer and Representative Roy.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize. Is there objection? Is there objection? Hearing none, please proceed, Representative Roy.

REP. WRIGHT (41st):

Thank you, Madam Speaker. First of all, the date, the effective date was wrong when it was placed on this. And then there's some technical difficulties with the brownfields legislation that counteracts current law. So I am urging rejection of Senate A. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

The motion is on rejection. Will you remark? Representative Chapin of the 67th, you have the floor, sir.

REP. CHAPIN (67th):

Thank you. Thank you, Madam Speaker. A point of order, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sawyer, for what purpose do you

rise, ma'am?

REP. SAWYER (55th):

Madam Speaker, the gentleman just referred to Senate A. We have House A up on the board. Could you please give us a clarification as to which one we're on? Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

It is Senate A, Representative. The chamber will stand at ease until the board is corrected.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

Representative Chapin, I believe you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Madam Speaker. A couple of questions to the proponent, or the Chairman of the Environment Committee, who's recommending rejection of Senate amendment A. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Certainly. Please proceed.

REP. CHAPIN (67th):

Thank you, Madam Speaker. I believe the

gentleman indicated that there were some conflicts in Senate Amendment A with existing statute. Did I understand that correctly? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. WRIGHT (41st):

Thank you, Madam Speaker. Yes. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker, and again, through you, can the Chairman of the Environment Committee tell me where exactly in Senate amendment A those conflicts arise? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Thank you, Madam Speaker. In section 2d, we've got a line 51, so subsection 4 of subsection B of this section, that is -- would restrict floodplains development, which is what this bill is promoting. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

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

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark on rejection of amendment schedule -- Senate Schedule A? Will you care to remark further on rejection? If not, all those in favor of rejection of Senate Amendment Schedule A, please say, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

And nay.

The ayes have it. The amendment is rejected.

Will you care to remark further on the bill? Representative Roy.

REP. ROY (119th):

Thank you, Madam Speaker. The Clerk as an amendment, LCO 7865. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will the Clerk please call LCO Number 7865, designated please, as House Amendment Schedule A.

THE CLERK:

LCO Number 7865, House A, offered by Representative Roy and Senator Meyer.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize. Is there objection? Is there objection? Hearing none, Representative Roy.

REP. ROY (119th):

Thank you, Madam Speaker. What the new amendment does is it strikes section 1, cleaning that up and then takes -- it then adds a new subsection d further down, which clarifies and corrects the problems that we have with the original amendment. Thank you, Madam Speaker. I move adoption.

DEPUTY SPEAKER ORANGE:

Thank you, sir. The question is on adoption of House Amendment Schedule A. Will you remark further? Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker. Some questions through you to the proponent of House Amendment A.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Madam Speaker. I believe the gentleman indicated that this fixes what the problem was that was identified in Senate Amendment A. And as I recall from the public hearing, the original purpose for this entire bill had to do with one particular brownfield. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Thank you, Madam Speaker. That is correct. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker and again, through you, does the adoption of House Amendment A in any way expand the original intent of the bill? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Thank you. Through you, Madam Speaker, no, it enhances it. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker. And again, either during the public hearing process or since then, in discussions with people who were certainly more familiar with this issue and the project that was already identified, there seemed to be some objection to language that had been out there that provided discretion and therefore, promoted some uncertainty in the review and permitting process that DEP engages in. Is that the Chairman's understanding? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Thank you, Madam Speaker. Through you, yes, that is correct and this has corrected those issues. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you. Thank you, Madam Speaker. And lastly, I do recall that there was language in prior versions of amendment, I'm not sure if it was in the amendment we just rejected, but that specifically allowed some possibility to DEP that various parties objected to. Is that flexibility still within House Amendment A? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. WRIGHT (41st):

Thank you. Thank you. Through you, Madam Speaker, yes that flexibility is there. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker. Madam Speaker, I rise in support of the amendment before us. I concur with those responses from the Chairman of the Environment Committee, and want to take this opportunity to thank him for his involvement in helping to negotiate a bitter bill by passage of this amendment. I encourage my colleagues to support this amendment and the

underlying bill, as well. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further? Representative Berger of the 73rd, you have the floor, sir.

REP. BERGER (73rd):

Thank you, Madam Speaker. I also rise in support of the amendment and the work the environment committee has done in reference to this language. This language will now codify language that will be in the future brownfield bill, which will come forward and it will match and link with that language when we deal with floodplains and mills.

So it's a very good fix. It's a good bill and I appreciate their support and work that's gone into it. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Berger. Will you care to remark further on the bill -- I mean, excuse me, the amendment? Representative Mary Mushinsky, the dean of the House, you have the floor, ma'am.

REP. MUSHINSKY (85th):

Thank you, Madam Speaker. I wanted to compliment the chairs of the Environment Committee for doing such

a great job on this bill. It's been a difficult thing to figure out how to recycle these old buildings and make them useful again for habitation and for economic development. And this bill has -- allows that process to go forward, but also protects the public by requiring remediation and by requiring critical activity above the 500-foot flood elevation to protect public safety. So the bill came out really well and I compliment Representative Roy and Senator Meyer for doing such a great job.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am.

Will you care to remark on the amendment, House Amendment Schedule A? Do you care to remark on House Amendment Schedule A? If not, I will try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you care to remark further on the bill as amended? Will you care to remark further on the bill as amended? Will you care to remark further on the

bill as amended? If not, staff and guests, please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members of the chamber. The House is taking a roll call vote. Members to the chamber, please.

DEPUTY SPEAKER ORANGE:

Have all the members voted? Have all the members voted? Please check the board to be sure that your vote has been properly cast and if all the members have voted the machine will be locked and the Clerk will take a tally. And the Clerk will please announce that tally.

THE CLERK:

On Senate Bill 271, as amended by House A.

Total Number Voting	137
Necessary for Passage	69
Those voting Yea	137
Those voting Nay	0
Those absent and not voting	14

DEPUTY SPEAKER ORANGE:

The bill passes.

Will the Clerk please call Calendar Number 635.

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Ladies and gentlemen, we have to go through a little bit of a procedural leisure du mans in order to correct an error that was made earlier. And we'll begin by calling on the distinguished deputy Majority Leader, Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. I move for reconsideration of Senate Bill 271.

DEPUTY SPEAKER GODFREY:

How about we suspend the rules to immediately reconsider?

REP. OLSON (46th):

Oh, that would be a good thing. Perhaps I should do that first. I move for suspension of our rules in order to entertain a motion for the reconsideration of Senate Bill 271.

DEPUTY SPEAKER GODFREY:

Question is on suspension of our rules in order to entertain a motion for the reconsideration of Senate Bill 271. Is there any objection? Hearing none, the rules are suspended. Representative Olson.

REP. OLSON (46th):

Now I think it would be time to move for reconsideration of Senate Bill 271, please.

DEPUTY SPEAKER GODFREY:

The motion is for the reconsideration of Senate Bill 271. Representative Olson had voted in the affirmative on that, so this is in order.

So will the -- so the question is on reconsideration. Is there any objection? Is there any objection? Hearing none, the bill is reconsidered. Mr. Clerk, would you please call Senate Bill 271.

THE CLERK:

On page 12, senate bill number --

DEPUTY SPEAKER GODFREY:

That would be Calendar Number --

THE CLERK:

On page 22, Calendar 624, Senate Bill Number 271, AN ACT CONCERNING FLOODPLAIN MANAGEMENT AND MILL PROPERTIES, favorable report of the Committee on Planning and Development.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Environment Committee, Representative Roy.

Excuse me. Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. Mr. Speaker, when we

voted earlier today on this bill, we erroneously rejected Senate Amendment A, when in fact it should have been adopted.

And perhaps we will just stand here for a moment, please.

DEPUTY SPEAKER GODFREY:

For once, I'll tell you all to talk among yourselves. I won't provide a topic.

REP. OLSON (46th):

Could you please speak amongst yourselves, please.

Mr. Speaker, in fact, I think my work here is done. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you for that announcement. We'll alert the media, Representative Olson.

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage. Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. The Clerk has an amendment, LCO 6840. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is still in possession of LCO 6840, previously designated Senate Amendment Schedule A. Will the Clerk please call.

THE CLERK:

LCO 6840, Senate A offered by Senator Meyer and Representative Roy.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the chamber to summarize. Is there objection? Hearing none, Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, one of the things we forgot to mention earlier is this is a strike all so we are going to move acceptance of this amendment. Move -- excuse me, adoption. Adoption of the amendment.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Do you care to remark, Representative Roy?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. It's a great amendment and we should adopt it. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

We don't do this often because of the excitement, Representative Chapin. Thank you very much.

Will you remark further on Senate Amendment Schedule A? If not, let me try your minds. All those in favor, signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

The ayes have it. At this time, the amendment is adopted.

Will you remark further on the bill as amended? Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, now that we have a bill in front of us I would ask the Clerk, he has an amendment, LCO 7865. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 7865, previously designated House Amendment Schedule A. Will the Clerk please call?

THE CLERK:

LCO 7865, House A offered by Representative Roy and Senator Meyer.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the chamber to summarize. Is there objection? Hearing none, Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, what this does is it makes it easier for us to go in some old mill properties and brownfields and get them back on our tax rolls. I move adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Will you remark further and House Amendment Schedule A? Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Once again, I concur with the Chairman of the Environment Committee and encourage my colleagues to support this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Now that we have them in order is there -- will you remark further on House Amendment Schedule A? If not, let me try your minds. All those in favor, signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended? If not, staff and guests, please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

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

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so the machine will be locked. Clerk will take a tally. Clerk will take a tally. Clerk will announce the tally.

THE CLERK:

On Senate Bill 271, as amended by Senate A and House A.

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

DEPUTY SPEAKER GODFREY:

And the reconsidered bill is passed.

House will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER GODFREY:

House will come back to order.

Mr. Clerk, will you be so kind as to call Calendar 206.

THE CLERK:

On page 5, Calendar 206 House Bill Number 5442, AN ACT EXTENDING THE EFFECTIVE DATE OF CERTAIN INTERLOCAL RISK MANAGEMENT POOLS, favorable report by the Committee on Insurance.

DEPUTY SPEAKER GODFREY:

The gentleman from Clinton, Representative

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Commerce Committee
February 26, 2009 Hearing
Testimony by David Fink, Policy Director, Partnership for Strong Communities
Re: HB 6097, An Act Concerning Brownfields Development Projects

Respected Chairmen and Members of the Committee,

My name is David Fink and I am the policy director of The Partnership for Strong Communities, 90271 a statewide housing policy organization dedicated to raising awareness and advancing solutions to create affordable housing and build healthy and economically vital communities, and end chronic homelessness. I am testifying on this bill because of the importance of brownfield redevelopment to our state's housing efforts.

It remains critical that Connecticut boost its supply of housing that low- and moderate-income families and workers can afford. Despite softening housing prices, Connecticut is not seeing the dramatic drops in housing prices that most other states have. This is because we have a chronic undersupply of housing, which is propping up prices. Connecticut is 47th among the states in its per capita rate of housing production since 2000. Our slow rate of housing creation – and the resulting high housing costs - puts us at a competitive disadvantage in attracting and retaining the workers and businesses our economy and quality of life rely upon. In fact, Connecticut has lost its 25-34 year old population faster than any other state, largely due to our high housing costs. Meanwhile, many of the service workers who remain are facing huge housing obstacles. Despite a 9.2% decline in median housing prices in 2008, the state's median sales price is still $268,000. One fourth of all households earns less than 80% of median income and spends more than 30% of that income on housing, while one fourth of all renters earn less than 50% of median income and spend more than half of it on housing.

To remedy our housing undersupply and high housing costs, and enhance our economic competitiveness, Connecticut must aggressively pursue a variety of development opportunities, including brownfields. The Blue Ribbon Commission on Housing and Economic Development studied brownfield issues and found it to be an important element in addressing the state's housing needs. There are several examples in Connecticut of mills and factories that have become excellent housing, but many more could be possible with reasonable policy changes. Further, housing represents a unique opportunity to get brownfields redeveloped. In a sluggish economy where industrial, retail and office developments are unlikely to sell or rent right away, housing might be a use of these building that find traction, because we know there is still demand for housing. Realtors and homebuilders report that moderately-sized, moderately-priced housing units are still selling and renting. Housing can help relieve communities of these eyesores, while putting them on the tax rolls and helping them contribute to the economy again.

In the bill before you, HB 6097, An Act Concerning Brownfields Development Projects, we are most interested in the effort to allow redevelopments within the 500-year floodplain. Because many mills were built near rivers, many of them fall within the floodplain. A restrictive floodplain policy then puts these redevelopment possibilities off-limits.

As written at the moment, the bill requires a brownfield redevelopment within the 500-year floodplain to get a waiver from the state if the project would go at all beyond the footprint of the existing structure, or if housing units were to be within the 500-year floodplain elevation. These two provisions on footprint and housing within the 500-year elevation affect many of the potential mill redevelopment possibilities. But adding additional review burdens on state agency staff in an era of budget cutbacks could end up slowing down developments.

A promising approach neighboring states have taken to this issue is to not rely heavily on agency review, but to have state policy align with federal policy that already lays out guidelines for redevelopment between the 100-year and 500-year plain. Massachusetts, Maine and New Hampshire simply defer to the Federal Emergency Management Agency (FEMA) National Floodplain Insurance Program. This approach is being taken by a similar bill being considered by the Environment Committee – SB 271, An Act Concerning Flood Plain Management and Mill Properties. It strikes us as an easy and efficient way to adjust Connecticut policy on this front, while still ensuring public safety and sound land use.

In general, we urge the Committee to move assertively to enable easier redevelopment of brownfield properties, and to ensure that our state's housing situation receives full consideration in policy decisions in this area.

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anyone down, but we did have fairly strict standards about what we regulated. I think it would help the towns to have a guideline that's in -- in concert with good science. And the science here, for example, last -- over the last month as I've been preparing for this testimony, for example, it shows that about 80 percent of the nitrogen from crop fertilizing in a cornfield, for example, is removed within about 90 feet of the stream belt.

It shows that the canopy height necessary to shade a stream is achieved in about 100 feet. To remove all of the nitrogen from a septic system you would need 300 feet. So I don't think it's extreme, I think it's reasonable. And it's not saying that -- that by putting in the 100 foot zone, it's not saying that nothing can happen in that zone. It's saying that it has to happen by permit. So it has to be evaluated and that's where local judgment then can come into play. And they could decide, you could have a lawn in the first 20 feet of that buffer, but the next 80 feet has to be shrubs or trees. So I don't think it's exclusionary. It merely says that it has to be considered and it should be considered.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Seeing none, thank you very much, sir.

PETER PATTON: Thank you.

REP. ROY: Senator Edith Prague, she will be followed my Michael Fox.

SB271

SENATOR PRAGUE: Good morning, Senator Meyer, Representative Roy and members of the Environment Committee.

For the record, my name is Edith Prague. And I'm the Senator from the 19th district. And I'm here to testify in favor of proposed Senate Bill 271.

I -- I just want to tell you the situation in Occum, which is a part of Norwich. There is this huge, old Capehart Mill. It's been standing there empty, vandalized, it's a total mess. It's been standing there like that now for years. And there is a developer, apparently, who wants to turn this into affordable housing.

It's my understanding that the Department of Environmental Protection, which happens to be one of my favorite departments and I have tremendous respect for the work they do, but apparently, their regulations are so ridged that it's making it next to impossible for any developer to come in and do anything with that piece of property. So, even though I can't answer specific questions as to the regulations on the FEMA and the regulations under DEP, and how they differ, I would ask you to consider in your deliberations the best, most environmentally sound and effective way to allow some developer to re- develop this piece of property.

I mean, it's just -- it's a mess. It's an eye sore. And it, you know, it will never be anything, if we don't allow a developer to come in under certain restrictions and do something with it. And certainly, affordable housing is one of our biggest problems throughout the whole state. But in southeastern Connecticut, it is a huge issue. So, in your deliberations, I would ask this committee to carefully consider the impact on the area, of keeping this mill in the condition that it is in. So thank you.

REP. ROY: Thank you, Senator. Any questions or comments from members of the committee?

Representative Lambert

REP. LAMBERT: Thank you, Mr. Chairman. Good morning.

In that area, like in Plainfield, I -- I know exactly what you're talking about. There's abandoned mills and they just sit there at the exclusion of anything else, . But I don't know how Senator, the possibility, but they had changed them into condos. And they are right on the water. So I'm wondering how this -- if this was so restrictive, how that was allowed?

Right on route 12, it is. And there's -- they're right -- there's a waterway behind them. Because, as you and I both know, most of all that mill housing and those mills, were on the river. So that's the detriment. So I can understand you wanting to utilize these because some of them are beautiful structures. And you're not asking to take them down. But you're asking for some kind of a compensation that they can turn around and utilize them for affordable housing. Is that my understanding?

SENATOR PRAGUE: Yes. So that -- well, I'm not looking for compensation. I'm looking for some kind of regulation adjustment, I guess, so that they can do this with no state money. I -- I, you know, it's -- as you said, they're eye sores. And they could be made into beautiful structures. The old brick is just beautiful but the windows are smashed and, you know, it's a mess. And it shouldn't have to be that way. I'd be interested in how those condominiums were put up. Maybe we need to

find out.

REP. LAMBERT: (Inaudible) so beautiful is that the high ceilings with all the mills and the windows that were changed. Actually, it's a beautiful enhancement to the area.

Thank you, Mr. Chairman.

REP. ROY: Thank you, Senator Meyer.

SENATOR MEYER: Senator Prague, we actually have a mill that was redeveloped into a lovely housing facility in Guilford. And so, I really understand the intent of your legislation. Your bill, as I understand, it is not restricted just to one mill. The way the concept bill is written, it-- it would apply to all mill properties and it would also -- it states, it would defer to the federal policy regarding the redevelopment of mill properties. Is that your intent, to have a pervasive, comprehensive approach to this?

SENATOR PRAGUE: I think that's important for the state because there are a lot of old mills that have abandoned. I have a particular concern about this mill down in Occum but there are many mills throughout the state. There's one downtown Norwich. And these mills become -- they're like a detraction from the rest of the area that could be very beautiful.

These mills are abandoned. Nobody's doing anything with them. The windows are broken. And we could really utilize these. You know, I think, this is a serious situation for all of these old mill properties in the state. Even though I am tempted to be parochial because I am concerned about this particular mill, I recognize the fact, that if we could do something that would be statewide, it would

be a plus.

SENATOR MEYER: What are -- what are the cost implications of redevelopment here? Who's going --

SENATOR PRAGUE: I don't know. I can't answer those questions. I do know that the issue of the floodplain, I guess, it's a 500 year floodplain, is an issue for our Department of Environmental Protection. I guess the FEMA regulations dealing with that are less restrictive, would make it easier for developers to come in and do something with the property. But we really must do something with these properties.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Seeing none, Senator, thank you very much.

SENATOR PRAGUE: Thank you.

REP. ROY: Michael Fox, followed by Rich Wiehl.

MICHAEL FOX: Morning, Senator Meyer, Representative Roy, members of the committee. My name is Michael Fox. I'm the Executive Director of the Gasoline Retailers Association. Our members are about 450 strong and they account for over 60% of all the gasoline that's sold in the State of Connecticut.

We come before you today to strongly support Senate Bill 31, An Act Concerning Appropriations to the Connecticut Underground Cleanup Fund. I am, also, and have been for the past four years, a volunteer member of the Connecticut Underground Tank Review Board, which is the review board that allocates the money from that fund.

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work with the farming community and try to create conditions here for agriculture to survive.

REP. LAMBERT: I agree with you. And -- and what I wanted to make sure was that we're not impeding any of the natural things that they have to have there --

CURT JOHNSON: Right.

REP. LAMBERT: -- because the question is -- you can have a lean-to, you can have many structures that are not going to be huge structures, but I just want to make sure that would not restrict them in their -- in their agricultural uses, to have some kind of a structure. So that's my understanding, that you would continue to allow that.

CURT JOHNSON: Yes, that's correct.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Seeing none, thank you, Curt.

CURT JOHNSON: Thank you.

Kent Schwendy, followed by Barbara O'Connor.

KENT SCHWENDY: Good afternoon, Chairman Roy, distinguished members of the Committee.

My name is Kent Schwendy. I'm a professional engineer and principal with Fuss and O'Neill, which is a consulting engineering firm headquartered in Manchester, just across the river.

I'm here today to talk in, excuse me, in support of Senate Bill 271, An Act Concerning Floodplain Management In Mill Properties.

Many of these historic mills were located along waterways to make use of power and transportation. However, since then, many of the mills have been abandoned as industry has moved in other places. The mill sites are now blighted areas. Often times, they cut off access to important water resources within the community. They tend to attract vandalism. And in some cases, have been abandoned by the legal owners. And as a result, have essentially become the problem that has to be dealt with by the towns.

The adaptive re-use and rehabilitation of these mills should be a priority of the state, from a sustainable and green standpoint, as well, because they represent energy and materials that were previously expended. However, as I mentioned, many of these mill sites are along waterways and in many cases are within floodplains.

There are special restrictions placed on them and Connecticut's restrictions are more -- more restrictive then several of the surrounding states including Massachusetts, Maine and New Hampshire. Rhode Island is also much less restrictive. In three of those states they actually refer to the FEMA guidelines, which is what we're suggesting -- what the bill suggests and what I support.

The main difference between what the State of Connecticut requires and what FEMA requires are two things. One is, in the definition of critical use and critical activity, FEMA says that, for one example, residential structures for those with impaired mobility is considered a critical use. However, Connecticut doesn't recognize that restriction, but rather says, all residential uses.

That restriction alone limits the re-use of many of these mill sites since residential is one of the primary re-use capabilities. The other is in the definition of what is referred to, as the flood -- base flood elevation. DEP and Connecticut guidelines require the 500 year flood elevation, whereas FEMA is based on the 100 year. That difference, again, can result in considerably cost -- considerable cost differences in the rehabilitation of these mill sites. And in some cases, prohibits them.

And finally, I'd like to point out that although Connecticut DEP does have the ability to grant waivers for many of these items, the department is really over burdened. And this bill represents an opportunity to level the playing field with other states and allow the adaptive re-use of these. I thank you and if you have any questions, I'd be happy to answer them.

REP ROY: Thank you, sir. Any questions?

Representative McCluskey.

REP. McCLUSKEY: Thank you for your testimony. I just wanted to ask you a question regarding -- because it's only a proposed bill before us. Are there existing tax credit programs that are ineligible for funding to rehab these mill building because of the DEP regulations? Could you give us -- elaborate more on any other state obstacles to rehab or preserve these -- these historic mill buildings because of this, and other restrictions?

KENT SCHWENDY: All right. Well, one excellent example of that would be the historic state tax credit, which has been passed, but in many

cases can not be used, because this applies to the same structures. So often times, although they would qualify for the historic tax credit program, the guidelines and rules prohibit they're -- they're adaptive re-use for residential purposes.

REP. McCLUSKEY: So by just changing this section, will that have a ripple effect on the historic tax credit or are we going to have to change other legislation to reflect this change, is kind of my question.

KENT SCHWENDY: Not that I'm aware of. The -- the other regulations actually do allow, the other bills do allow the use. This is the one prohibition.

REP. ROY: Thank you.

Representative Lambert

REP. LAMBERT: Thank you.

As Senator Prague was here, we had commented -- there's a -- on route 12, in Plainfield, they had restored mill houses. You know, the mill owners took care of them. They -- we didn't have affordable housing in those days, as I don't have to tell you. They had mill houses all around these mills. So people are existing in them away from the water. But now you have this building, and some of them are beautiful, the structures on the outside. And in -- and -- and it makes me think, when I sat in on Representative Sharkey's smart growth plan, I mean, these are already centrally located. Most of them are right on bus routes. Most of them are walking distance for their little stores and stuff.

So this, to me, would be more of that

regionalization type of thing and smart growth and really getting to the community not to have to leave that area. Because like I say -- and they're blighted some of them. They're all broken down. And -- and I know I've lived in those areas in Brooklyn. And you go over to Danielson, there was an old factor there. It was a mill and it's awful. I mean, and no one wants to buy it. Because in some of them, I think you have to do remediation. And then we have, you know, we have funds for remediation especially right now, with President Obama bringing this. So to me, this is an excellent time because we're looking for affordable housing. We're looking for restructuring. We're looking for regionalization. And I think it's -- it's a perfect opportunity for something like this to go forward.

KENT SCHWENDY: I would agree completely. And in my written testimony, I do mention the fact that many of these sites are also ground fields. The Public Act 07233, An Act Implementing Recommendations Of Ground Fields Task Force, actually identified the redevelopment of these sites as being in the public interest and went a long way towards removing some obstacles. One that they did not address was this one I'm here today about.

REP. ROY: Thank you.

Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman.

You had mentioned that DEP already has the ability to waive some, if not all, of these requirements. Is that correct?

KENT SCHWENDY: Yes. The -- my understanding of

the existing statutes is that the Commissioner of DEP can waive the critical use criteria, if they find that that's in the best interest. The difficulty of that is that it becomes a negative rather than a positive. You have to seek the waiver rather than having it be the normal course of action. That tends to create definable uncertainty for developers because they don't know if that wavier is going to be granted.

REP. CHAPIN: I think that you had also testified that because of DEP's workload, so -- is one reason why the waiver option really isn't utilized. Then if I'm understanding the process correctly, is my understand correct -- understanding correct that a person may be -- a developer may be reluctant to apply for the waiver, because those demands on DEP's time and resources would delay the project?

KENT SCHWENDY: It's possible that it would delay the project. It'd also requires a very large investment by the developer to prepare the information required for the waiver application. And that has to be done at risk, since they don't know if the waiver will be granted or when.

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

REP. ROY: Thank you. Any other questions or comments? Seeing none, thank you very much, Kent.

KENT SCHWENDY: Thank you.

REP. ROY: Barbara O'Connor. She'll be followed by Michele Alabiso.

HB5002

BARBARA O'CONNOR: Mr. Chairman, members of the, committee, thank you for your time. My name

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Hearing – February 23, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environment Protection

Proposed Senate Bill 271 - AN ACT CONCERNING FLOODPLAIN MANAGMENT AND MILL PROPERTIES

Thank you for the opportunity to present testimony regarding Raised Bill No. - 271 AN ACT CONCERNING FLOODPLAIN MANAGEMENT AND MILL PROPERTIES. The Department does not support this bill which would amend the Flood Management Act (the "Act") sections 25-68b through 25-68n of the general statutes.

The proposed amendment to the Act would limit the Department's ability to regulate state-funded development within floodplains by deferring those projects to the less restrictive federal standards. Such an approach would set back the Department's policies and procedures regulating development on our floodplains to a time approximately 25 years ago, and would have a negative effect on public health and safety.

The Department's programs which regulate floodplain development are designed to assure adequate safety for our citizens, and our stricter standards continue to accomplish those ends. We need to be reminded of the dangers that come along with improper management of our floodplains. Image a flood disaster similar to what happened in 1982 here in Connecticut. As a result of the lessons learned from that flood event, we have developed stricter standards than those required by federal policy. These standards are appropriate for Connecticut. Therefore, the Department opposes this bill.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert La France, at 424-3401.

Environment Committee
February 23, 2009

Senate Bill 271: An Act Concerning Floodplain Management and Mill Properties

Testimony of Kent M. Schwendy, P.E., LEED-AP
Vice President, Development Services
Fuss & O'Neill, Inc

Good morning Senator Meyer, Representative Roy, Senator McKinney, Representative Chapin, and distinguished members of the Committee.

My name is Kent Schwendy and I am a Professional Engineer and Vice President of Development Services at Fuss & O'Neill, Inc., headquartered in Manchester, Connecticut. I am here today to offer testimony on Senate Bill 271, entitled "An Act Concerning Floodplain Management and Mill Properties".

Fuss & O'Neill, Inc. is a consulting engineering firm with more than 300 employees, over half of which are employed within the State of Connecticut. For more than 85 years we have provided professional engineering and environmental services to public and private clients throughout New England.

I am here to testify in support of this bill.

Historic mill sites are common throughout Connecticut and the rest of New England. Early industrialists located their facilities along waterways which provided a source of power, and in some cases transportation. Given the historical industrial uses, many of these sites are now categorized as brownfields and have fallen into decay as industry has moved to other areas.

In many communities across Connecticut, these once proud symbols of jobs and productivity are now blighted areas which serve no economic purpose, cut off access to the waterfront resources, and attract vandalism. In some cases the legal owners have abandoned the properties so municipalities not only cannot collect taxes, but are left as the caretakers of these environmentally contaminated and decaying properties.

The adaptive reuse, rehabilitation, or redevelopment of these mill sites should be a priority of the State as part of a sustainable, "green" initiative as they represent energy and materials that were previously expended. Public Act 08-174, entitled "An Act Concerning the Face of Connecticut Steering Committee, the Preservation of Farmland, a Municipal Grant Program for Development Projects, Loans for Brownfield Purchasers and Tax Exemptions for Open Space Land Held by or for Corporations" signed by Governor Rell on June 13, 2008 recognizes this priority. Additionally, Public Act 07-233, entitled "An Act Implementing the Recommendations of the Brownfields Task Force" designates brownfield redevelopment to be "in the public interest".

However, since many of these mill sites are located in floodplains, the redevelopment is hampered by regulations and requirements which are more restrictive in Connecticut than neighboring states or those imposed by the Federal Emergency Management Agency (FEMA) National Floodplain Insurance Program.

Several New England states, including Massachusetts, Maine, and New Hampshire simply defer to the FEMA requirements. Rhode Island has its own regulations and requirements, but these are not substantially more restrictive than the FEMA requirements. This puts Connecticut at a competitive disadvantage to other states like Massachusetts when trying to attract redevelopment of mill sites within floodplain areas.

Under FEMA requirements:

- The "base flood elevation" is considered to be the 100-year flood elevation and a freeboard height of at least one foot as "an extra margin of protection" is recommended, but not required.
- "Critical use facilities" (i.e., facilities with environmental release hazards, facilities with limited-mobility occupants, emergency agency and operations facilities, and utility facilities) are not allowed in the floodplain without addressing additional standards such as those for accessibility during flood events.
- Substantially rehabilitated structures are required to meet the based flood elevation.
- Residential buildings are required to be elevated above the base flood elevation and nonresidential buildings need to be flood-proofed below the base flood elevation.
- Historic buildings are exempt from the base flood elevation requirements where the structures are legally defined as "historical", maintain this status after restoration, and flood reduction measures are taken.
- More stringent guidelines are provided for critical uses in the 500-year floodplain.

Under Current Connecticut requirements:

- The base flood elevation for residential properties (which are considered a critical activity in Connecticut) is considered to be the 500-year flood elevation. Freeboard is described as a "safety factor" but is not specifically defined.
- The definition of critical activity includes schools or residences, in the 500-year floodplain in which the commissioner determines that a slight chance of flooding is too great.
- New and substantially rehabilitated structures for human habitation must have the lowest floor one foot above the 500-year flood elevation

Although these differences may seem relatively minor, the impact on cost, and in many cases the overall feasibility of rehabilitation of historic mill sites, is significantly impacted and rehabilitation is hindered or prohibited.

The Connecticut Department of Environmental Protection is charged with review and enforcement of these requirements and can grant exceptions. However, the department is currently overburdened and this bill represents an opportunity to provide relief to the department while at the same time creating greater opportunity for redevelopment of these

historical properties within floodplains. It would also level the playing field with surrounding states by providing a more uniform approach based on federal guidelines.

I urge you to adopt Senate Bill 271.

Thank you for your attention and I would be happy to answer any questions you may have.