

**PA10-106**

**SB124**

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

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rules for immediate consideration of House Calendar  
Number 501.

Thank you.

SPEAKER DONOVAN:

Let's start that one over right. Motion is for  
immediate suspension of the rules for immediate  
consideration of House Calendar 501.

Any objection? Any objection?

Hearing none, we -- the rules will be suspended  
for immediate consideration of Calendar 501.

Will the Clerk please call Calendar 501.

THE CLERK:

On page 27, Calendar 501, Substitute for Senate  
Bill Number 124, AN ACT CONCERNING LONG ISLAND SOUND  
AND COASTAL PERMITTING, favorable report of the  
Committee on Finance, Revenue and Bonding.

SPEAKER DONOVAN:

Representative Christopher Lyddy -- excuse me.  
Representative Richard 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.

SPEAKER DONOVAN:

Question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark?

REP. ROY (119th):

Yes. Thank you, Mr. Speaker.

Mr. Speaker, what we're doing with this is to sort of streamline the permitting process for projects along the coastline so that we can get more done but we can also get more done correctly.

I move passage.

SPEAKER DONOVAN:

Will you remark?

Representative Reed.

REP. REED (102nd):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk has in his possession and amendment, LCO 4096, Senate "A." I ask that he call it and that I receive permission to summarize.

SPEAKER DONOVAN:

Excuse me, Representative, is that 4906?

REP. REED (102nd):

It's 4096.

THE CLERK:

It's 4906.

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REP. REED (102nd):

Oh, 4906.

SPEAKER DONOVAN:

Thank you, Representative.

Will the Clerk please call LCO 4906, which will be -- which is designated Senate "A."

THE CLERK:

LCO Number 4906, Senate "A," offered by  
Senator Meyer and Representatives Reed and  
Widlitz.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize the amendment.

Is there an objection to summarization?

Hearing none, Representative Reed, you may proceed with summarization.

REP. REED (102nd):

Thank you, Mr. Speaker.

Essentially, this amendment simplifies the paperwork process and streamlines the DEP process to obtain fishing licenses so that qualified, nonprofit groups can more easily take groups of disabled veterans on fishing outings.

In my district, Take a Veteran Fishing is a

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501(c)3 that's made up of volunteers from Branford's First Congregational Church. And this amendment allows them and similar organizations throughout the state to fill out just one application a year and pay one annual fee of \$250 to take disabled veterans on as many as 50 fishing trips for both salt water and fresh water. It gets rid of a cumbersome process that has been impossible for volunteers.

The -- these veterans are -- they must qualify. They're receiving treatment at the Veteran's Administration Hospital for eyesight issues or addiction issues and a whole panoply of disabilities, some service-related, some that have come on through the aging process.

It's a marvelous opportunity to give veterans an outing. I've been privileged to go fishing with them on some of these trips, and occasionally when they feel comfortable to talk to you about places like Anzio, Cu Chi, Porat, and Fallujah, it's really a privilege.

I ask -- oh, I thank the DEP; they're totally on board.

And I asked -- I move for adoption.

Thank you, Mr. Speaker.

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SPEAKER DONOVAN:

The question is on adoption.

Will you remark? Remark?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, a couple of questions to the  
proponent, through you, please?

SPEAKER DONOVAN:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

As I read the bill and as I understand the bill,  
there would not be any revenue loss associated with  
this because the people who would be doing the fishing  
are already eligible for free licenses. Is that  
correct, through you, Mr. Speaker?

SPEAKER DONOVAN:

Representative Reed.

REP. REED (102nd):

Through you, Mr. Speaker, yes, Representative  
Chapin, that's true.

SPEAKER DONOVAN:

Representative Chapin.

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REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Again, through you, one of the reasons we passed a salt water fishing license was so that the federal government would have better information as to who was catching what in the State of Connecticut. If we pass this bill, is there a provision in place that would allow the state to report that information to the federal government? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Reed.

REP. REED (102nd):

Through you, Mr. Speaker, yes, Representative Chapin, that is, indeed, there, and the groups are eager to comply with those requirements.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And I thank the gentlelady for her answers.

With those answers, I certainly urge my colleagues to support the amendment.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

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Thank you, Representative.

Would you care to remark further on the amendment? Care to remark further on the amendment?

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

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will -- Representative Christopher Lyddy.

REP. LYDDY (106th):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk is in possession of an amendment, LCO 5418. I ask that the Clerk call the amendment and I be granted leave of the chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 5418, which is designated Senate "B."

THE CLERK:

LCO Number 5418, Senate "B," offered by Senator McKinney and Representative Lyddy.

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SPEAKER DONOVAN:

The Representative seeks leave of the chamber to summarize the amendment.

Is there objection?

Hearing none, Representative Lyddy, you may proceed with summarization.

REP. LYDDY (106th):

Thank you, Mr. Speaker.

Mr. Speaker, I first would like to thank Representative Hovey and Senator McKinney for their cooperation and collaboration with this effort.

Mr. Speaker, basically what this amendment does is it says that no permit shall be filed or granted unless a solid waste management plan suggests that an expansion of such facility is deemed necessary.

Mr. Speaker, I move adoption.

SPEAKER DONOVAN:

The question is on adoption.

Will you remark? Remark further?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker, some questions to the proponent, through you, please.

SPEAKER DONOVAN:

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Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Can the gentleman tell me if there are any permit applications pending or filed as of the effective date? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Lyddy.

REP. LYDDY (106th):

Thank you, Mr. Speaker.

And, Mr. Speaker, I do believe so.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

I'm sorry, Mr. Speaker, I could not hear his answer.

Representative Lyddy.

REP. LYDDY (106th):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And, again, through you, can the gentleman tell

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me of how many applications that may apply to?

REP. LYDDY (106th):

Through you, Mr. Speaker --

SPEAKER DONOVAN:

Representative Lyddy.

REP. LYDDY (106th):

Through you, Mr. Speaker, it may to -- apply to more than one but definitely one, through you.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker..

And in lines 7 through 8, we're talking about within 1000 feet of a primary or secondary aquifer. Can the gentleman tell me if there's some science that determines 1000 feet is an appropriate number?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Lyddy.

REP. LYDDY (106th):

Through you, Mr. Speaker, we determined 1000 feet being the necessary requirement. Through you, Mr. Speaker.

SPEAKER DONOVAN:

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Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And can the gentleman also tell me the difference between a primary and a secondary aquifer? Because I'm not familiar with those particular terms, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Lyddy.

REP. LYDDY (106th):

Thank you, Mr. Speaker.

Mr. Speaker, a primary aquifer would be an aquifer that's currently being called upon for well water. A secondary aquifer would be one that's in a retainer that could be called upon at any time. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Senator Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, the amendment before us does cause some concern. I -- we debated a bill last night. We've debated a bill last year that was kind of changing the rules in the middle of the process, and

as I read the bill before us, it has the potential for doing that.

It's my understanding that the solid waste management plan may already identify an existing need for additional capacity. If that is, in fact the case, then I'm not sure if this amendment has any effect at all.

But certainly, I think if we have identified a problem in the process of citing these facilities, we should be addressing the whole process and not address it in this piecemeal fashion.

I think the way that the amendment is before us, it's deserving of support today, but I would just caution in the future that when issues like this come up, it's probably in the state's best interest if we take a more global look at them.

Mr. Speaker, I encourage my colleagues to support it.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment, and I appreciate the help from the delegation. Good things get done when the delegation works together.

I also appreciate the comments made by my colleague from this side of the aisle. We do need to look at the whole process, but at this point one of the things that becomes important is that we preserve our communities and we're not expanding when it's unnecessary.

I would urge everyone to support the amendment.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on Senate "B?"

Remark further on Senate "B?"

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

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark further on the bill as amended?

If not, staff and guests please come to the well

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of the House. Members take your seat. 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.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted?

Please check. Please check the roll call board and make sure your vote has been properly cast.

Representative --

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

Clerk, please take a tally. Clerk, please announce the tally.

THE CLERK:

Senate Bill 124 as amended by Senate "A" and "B," in concurrence with the Senate.

Total Number Voting	138
Necessary for Passage	70
Those voting Yea	138
Those voting Nay	0
Those absent and not voting	13

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SPEAKER DONOVAN:

Bill as amended is passed.

Any announcements or introductions?

Representative Berger.

REP. BERGER (73rd):

Thank you, Mr. Speaker, and good afternoon.

If everyone in the chamber could direct their attention to the north entrance of the chamber, we have two former representatives from the City of Waterbury. And on behalf of the Waterbury delegation and this whole Chamber, if we could please recognize and honor former Representative of the 72nd District, Representative Reggie Beamon and former -- give the kid the mic; give the kid the mic -- and former Representative of the 74th Assembly District, Representative Conway.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Great to see you two -- you gentlemen here. Great to see you look perfect here in the House. The original dynamic duo from Waterbury, great to see you both. Thank you, very much.

(Deputy Speaker Altobello in the Chair.)

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Clerk, please announce the tally.

THE CLERK:

House Bill 5286.

Total Number voting 139

Necessary for adoption 101

Those voting Yea 138

Those voting Nay 1

Those absent and not voting 12

SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Calendar 158.

THE CLERK:

On page 2, Calendar 158, Substitute for House Bill Number 5455, AN ACT CONCERNING THE MASTER TRANSPORTATION PLAN, THE FACILITIES ASSESSMENT REPORT, THE CONNECTICUT PILOT AND MARITIME COMMISSIONS, A REVIEW OF THE STATE TRAFFIC COMMISSION AND CHANGES TO THE STAMFORD TRANSPORTATION CENTER, AND REQUIRING NEW CROSSWALKS TO PROVIDE TIME FOR SAFE CROSSING OF PEDESTRIANS, favorable report by the Committee on Appropriations.

SPEAKER DONOVAN:

Representative Stripp, for what reason do you

rise?

REP. STRIPP (135th):

Thank you, Mr. Speaker.

Mr. Speaker, information has come to my attention in the last several days, that being involved in this discussion or voting on it might be a potential conflict of interest.

So I'd like to absent myself from the Chamber during the period.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

The Chamber will please stand at ease.

(Chamber at ease.)

SPEAKER DONOVAN:

The Chamber will come back to order.

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker.

Mr. Speaker, move for the reconsideration of House Bill 5455.

SPEAKER DONOVAN:

The question before the Chamber is on reconsideration of House Bill 5455.

For the benefit of the Chamber I will note that Representative Guerrero was on the prevailing side on this issue when the Chamber passed this measure and is therefore an appropriate member to make the motion for reconsideration.

Is there objection for the motion to reconsider? Is there objection? Without objection, the bill will be reconsidered.

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker.

I move for the repassage of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on repassage of the bill. Representative Guerrero, you have the floor.

REP. GUERRERA (29th):

Thank you, Mr. Speaker.

Mr. Speaker, this bill passed overwhelmingly last session 150 to zero on a bipartisan effort of my colleagues on the other side of the aisle, and especially my ranking member Representative Dave

Scribner.

And therefore, I would just ask that the members of this Chamber to give it the same consideration.

Thank you.

SPEAKER DONOVAN:

The question is on repassage. Would you care to remark further? Would you care to remark further? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

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

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board and make sure your vote has been properly cast. If all the members have voted the machine will be locked. The Clerk, please take a tally. The Clerk, please announce the tally.

THE CLERK:

House Bill 5455.

Total Number voting	138
Necessary for adoption	101
Those voting Yea	138
Those voting Nay	0
Those absent and not voting	13

SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Calendar Number  
191.

THE CLERK:

On page 3, Calendar 191, Substitute for House  
Bill Number 5207, AN ACT CONCERNING CRIMINAL  
BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES,  
favorable report by the Committee on Government  
Administration and Elections.

SPEAKER DONOVAN:

Representative O'Brien.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker.

I move for reconsideration of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on  
reconsideration of House Bill 5207.

For the benefit of the Chamber, I will note that Representative O'Brien was on the prevailing side of this issue when the Chamber passed this measure and is therefore an appropriate member to make the motion for reconsideration.

Is there objection to the motion to reconsider? Is there objection? Without objection, the bill will be reconsidered.

Representative O'Brien.

REP. O'BRIEN (24th): Thank you, Mr. Speaker.

I would move for repassage of the bill.

SPEAKER DONOVAN:

The question before the chamber is on repassage of the bill. Representative O'Brien, you have the floor.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker.

This bill provides that with the exception of positions where our state law already provide that criminal background checks be done for state hiring, that the state hiring authorities not ask about past convictions until those hiring authorities determine that an applicant for position is qualified for the position.

Mr. Speaker, the purpose of this amendment, as I mentioned during the regular session, was to allow for people who are -- who have shown -- who have had past criminal backgrounds and have gotten beyond that to show that they have gotten beyond it.

As they say, you don't get a second chance to make a first impression, and this bill allows for folks to be able to show by their first impression to the people who might hire them who they are today rather than who they have been in the past.

I would note, Mr. Speaker, that the wording of this language is a bipartisan compromise. And I would like to offer my thanks to Representative Noujaim during the regular session for the work that he and I did together to craft this legislation in a way that proved -- was approved unanimously in both chambers.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill?

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. NOUJAIM (74th):

Mr. Speaker, if I may, through you, just a brief summary in reference to what's happened in this bill and how it's progressed through the process from the Labor Committee and into the House.

Initially the bill came to the labor Committee for a discussion. And this side of the aisle, including Representative Aman and myself, voted in opposition of the bill. Since then, Representative O'Brien was kind enough to hold a meeting where we sat in Senator Prague's office in bipartisan fashion. And we came to a compromise in support of this bill. We came to a language that all of us were able to appreciate, understand and agree to.

Consequently, the bill came before us, and I did support it and speak in support of it in the Chamber. And right now I intend to support the override as well, and I would ask my colleagues to

do the same.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

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

THE CLERK:

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

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted, the machine will be locked. The Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 5207.

Total Number voting                      139

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Necessary for adoption	101
Those voting Yea	120
Those voting Nay	19
Those absent and not voting	12

SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Senate Bill 124.

THE CLERK:

Senate Bill 124, AN ACT CONCERNING LONG ISLAND  
SOUND AND COASTAL PERMITTING.

SPEAKER DONOVAN:

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for reconsideration of the  
bill.

SPEAKER DONOVAN:

The question before the Chamber is on  
reconsideration of Senate Bill 124.

For the benefit of the Chamber I will note  
that Representative Roy was on the prevailing side  
of this issue when the Chamber passed this measure  
and is therefore an appropriate member to make the  
motion for reconsideration.

Is there objection for the motion to reconsider? Is there objection? Hearing none, the bill will be reconsidered.

Representative Roy.

REP. ROY (119th):

Mr. Speaker, I move for repassage of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on repassage of the bill. Representative Roy, you have the floor.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, essentially what this bill does is protects people who are buying shoreline properties from being blindsided when they buy property that has nonpermitted structures already there. If they're not permitted, they then have to be permitted and the expense is terrible.

Secondly, what we do is group fishing licenses; one license is required instead of an individual for each of the people participating in the program. And then we also -- the commissioner of environmental protection shall not make a determination to neither approve a permit

application that is pending in her files for a new solid waste facility located within a thousand feet of a primary or secondary aquifer until such additional capacity is required as determined by solid waste management.

I move passage.

SPEAKER DONOVAN:

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

THE CLERK:

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

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally. The Clerk please announce the tally.

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THE CLERK:

Senate Bill 124..  
Total Number voting 140  
Necessary for adoption 101  
Those voting Yea 140  
Those voting Nay 0  
Those absent and not voting 11

SPEAKER DONOVAN:

The bill is repassed.

The Chamber come back to order.

Representative Merrill.

REP. MERRILL (54th):

Yes. Thank you, Mr. Speaker.

I would make a motion that we recess for  
about -- approximately 15 minutes subject to the  
call of the Chair.

SPEAKER DONOVAN:

The motion is for a recess subject to the call  
of the Chair. Any objection? Hearing none, the  
House stands in recess.

On motion of Representative Merrill of the  
54th District, the House recessed at 3:17 o'clock  
p.m., to reconvene at the Call of the Chair.

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Will the Clerk please return to the call of the calendar?

THE CLERK:

Calendar page 33, Calendar Number 256, File 381, Substitute for Senate Bill 124, AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING, favorable report of the committee on Environment, Planning and Development and Finance, Revenue and Bonding.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

I move again for the acceptance of the Joint Committee's favorable report and passage of this bill.

THE CHAIR:

On acceptance and passage, do you care to remark further?

SENATOR MEYER:

Yes briefly, Mr. President, please.

Colleagues this is a bill that's requested by the Department of Environmental Protection in regard to permits -- building permits that are adjacent to Long

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Island Sound and to wetlands and water courses. The bill has several parts to it.

The first is that it requires the filing of these permits with land records so that homeowners and business owners know if there's a -- a DEP permit on their property when they buy it. So that's a sort of a truth in lending provision that I think is -- is praiseworthy.

Second the bill establishes an additional fee if you build a structure that's a violating structure without a permit.

Third, the bill helpfully expands those activities around water which require only a certification of permission and not a permit. A certification of permission is a -- is a more flexible process for DEP and for all of us than -- than an actual permit. So it expands the activities for which only a certificate of permission is required.

And the bill also deals with waste discharges and ties Connecticut into the -- the waste discharge standards of the federal EPA so we're consistent. And that's -- we're talking about waste discharges in Long Island Sound.

And finally, bringing us into the 21st century, the bill permits electronic transmittal of permits, notice of

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hearing for permits and the rest of the permitting process electronic requirements.

That is the essence of the bill. We -- the bill also has an amendment to it I'd like to take up if we could please. If the Clerk could kindly call LCO 4906.

THE CHAIR:

Mr. Clerk, would you please call LCO 4906 to be designated Senate A?

THE CLERK:

LCO 4906, which has been designated Senate Amendment Schedule A, is offered by Senator Meyer of the 12th district.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I -- I move this amendment and respectfully ask permission to summarize.

THE CHAIR:

The question before the chamber is the adoption of Senate A. The gentleman has requested leave to summarize the amendment. Is there objection? Seeing none, you may proceed, Senator Meyer.

SENATOR MEYER:

Thank you.

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Colleagues this amendment came to us from disabled veterans who -- many of whom are not wealthy people. Many of them are -- are residents of the Veterans Hospital in West Haven. They love to fish and they can't really afford the fishing licenses of our state. It turned out that if we -- if we exempted disabled vets from having to pay for a fishing license, there would have been a revenue loss to Connecticut of \$130,000.

And so working with DEP, we fashioned an alternative remedy for disabled vets by putting them into a non-profit organization and the non-profit organization would pay the fishing licenses and the disabled vets, as well as other people who qualify under -- under this amendment, would -- would not have to pay a fishing license themselves because they are a part of a non-profit organization.

So that -- that is the essence of the amendment and again I urge its passage.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on Senate A?

Senator Kissel.

SENATOR KISSEL:

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Thank you very much, Mr. President. Great to see you up there at about 12:25 a.m.

A question -- a few questions through you to the proponent of the amendment.

THE CHAIR:

Please frame your question.

SENATOR KISSEL:

Thank you.

As someone who wanted to see, you know, those incredible fishing fees brought down and the hunting fees and the campground fees and we made some headway this year regarding that, I think the intention of this amendment is -- is a great one. I just -- I'm not quite sure though how putting -- if there's \$130,000 at stake, how is it that putting disabled veterans into a non-profit how does that keep our coffers full with the \$130,000? Where does that money come from?

Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President to Senator Kissel, Senator Kissel you'll see that on page -- page five of the amendment, lines 114 to 116, the -- there's a

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prescribed fee for this group fishing license that will be paid by the non-profit organization and that -- that group fishing license fee is \$250 a year.

And so the calculations of DEP indicate that we would, by that kind of a fee, we would not be losing any money but we would be -- we would not be charging these disabled vets and certain other classes that are covered by this with having to pay an individual fishing license.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

I'm still confused though. All right, right now the disabled vets pay the fee or they just don't get the permit if they don't have the money. I'm not sure where this non-profit organization would get the money so that ultimately the state does not lose \$130,000. So where does the non-profit get its money from?

Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President to Senator Kissel, Senator Kissel I'm very involved with one of these non-

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profit groups. It's a -- a congregational church in the Town of Branford and -- and it -- it has got about two dozen disabled vets whose -- who fish under its program and it -- it will buy a group license for which it will pay the \$250 and the -- the disabled vets will not be charged.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

So this -- this is very helpful. So let's say there's an organization in -- in Enfield that's a non -- non-profit and they decide this is a great idea, let's -- let's do some fundraising, we'll -- we'll try to raise \$250 and then we can get this permit and anybody affiliated with us that happens to be a disabled vet can then be able to fish. Is that sort of how it's supposed to work?

Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that's correct, Senator Kissel.

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THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. Appreciate those answers.

THE CHAIR:

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thanks, Mr. President. I knew when the subject of fishing came up that -- that Senator Kissel would have a few words to say about the subject.

Through you, Mr. President, I do have a couple of questions for Senator Meyer.

THE CHAIR:

You may frame your question.

SENATOR FRANTZ:

Thank you very much.

The -- the question I have for you is the -- and -- and I love the intent. This is terrific and the example that you're using is -- is a wonderful one and I'm all for that but I'm also concerned a little bit about the revenue loss to the -- loss to the state and how widespread the use of this non-profit approach might end up being.

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Are there any limitations -- I'm just looking at the amendment for the first time tonight, are there any limitations to the number of people that can join up with that particular group?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, let me just look because I think -- I don't think there's any limitation on the number of people but I think the number of fishing trips is limited to 50 per year and -- and 50 per year was something that was arrived at by DEPs as being a -- a good number that's very workable for the -- the people who would be helped under this program.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And -- and through you, Mr. President, the non-profit can be any 501c3. It doesn't necessarily have to be outdoors related, handicapped related or anything quite like that.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Through you, Mr. President, that's -- that's  
correct. It can be any 501c3.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Okay the obvious concern, Mr. President, is that the  
program could be abused and that you have thousands of  
people showing up because I don't know what the average  
number of fishing days is for the normal fisherman but 50  
days of fishing sounds like a lot. I know I haven't been  
able to go fishing for at least two years now and  
probably won't this summer either.

But -- but -- you know if the average person goes  
fishing 15 times a year, that's a -- that's a pretty good  
number and 50 is, you know, more than three times that  
so, in fact, you know, are we opening up a window for --

SENATOR MEYER:

I'm sorry.

SENATOR FRANTZ:

-- so -- so the -- the question is are we opening  
up the window for potential abuse where, you know,  
thousands of people throughout the state try to join up  
with some loosely aff -- 501c3 loosely affiliated with

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the outdoors, fishing or whatever the case might be and the state ends up being the loser?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President to Senator Frantz, when -  
- when the Environment Committee originally proposed this and we were told that there was \$130,000 loss of revenue to Connecticut, we turned the calculation back to the DEP and to Rob LaFrance in particular at DEP and he fashioned this language and we relied on his representation that there would be no loss of revenue to Connecticut in the way this bill is set up.

So I will tell you that I cannot tell you as a matter of my own personal knowledge but I did rely on -- on DEP and Rob LaFrance, who is the legislative liaison at DEP who worked on -- on this language and this formula.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

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And again through you, Mr. President, does there need to be some sort of a supervisor from that 501c3 along with the group?

SENATOR MEYER:

I'm sorry, what? Can you repeat that? I didn't understand that.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Does -- according to the language of the amendment, is it required that there is some kind of a supervisor or a representative from that particular 501c3 to accompany those fishermen for the day?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that is expressly provided in the amendment.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Okay thank you. That gives me a little more comfort in that I think most people involved with 501c3s would probably guard against any abuse and finally my last

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question, through you, Mr. President, is that typically when you go fishing, you're either on the shore and you split up because of the natural need to be able to cast and have 40/50 feet in between fishermen or you head out in a boat. If you have a large group, you're not going to necessarily get a boat big enough to have a group of 75 or 100. So the intent is to sort of keep this group together and have it under the supervision of that particular representative from the 501c3.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, yes that's the way it's worked thus far. It -- the -- the veterans from -- from the West Haven Hospital come to a promontory in the Town of Branford. There's a supervisor -- there are several supervisors there from the -- from the non-profit that's running the church and they -- they fish from the promontory by casting into the waters of Long Island Sound.

And there's also training that's given by -- by the church, training in casting. Some of the disabled vets are blind and when a fish hits, one of the great joys of -- of your life and my life is to see the -- see what --

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what's on those -- the expressions on the face of those blind vets when the fish hits, it's very special.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Mr. President, I wish them good luck fishing this upcoming season. Thank you.

THE CHAIR:

Will you remark further? Senate A is before the chamber. Will you remark further on Senate A?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I -- I support this bill. I think that this is a -- a good bill with respect to enhancing some of the conversations, or I should say administrative give and take between the state of DEP -- the state DEP commission and the local inland wetland boards, in particular by allowing the permits to be placed, as I understand it, on the land records.

Mr. Chairman, the reason -- or Mr. President, the reason why that is important is that sometimes there's permits that are granted for work by DEP that are outside

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the scope of the local inland wetland commissions. And when you have that type of -- of transaction, neighbors or other interested parties can go to land records to see if, in fact, you receive the proper information.

Absent that, there's no real way of determining those activities which are purely within the confines of the DEP authority to determine whether or not, in fact, there -- received the proper approval without calling DEP, trying to find out who the case manager is. This gives all the information readily available. In addition to that, from a land records perspective as a lawyer that does transactions, it is important that when you're doing a sale and you notice a retaining wall or -- or some other activity, you can look at the land records and see whether or not there's a permit without having to sort of trace it and find out whether or not the activity was legalized by DEP by making its way through the system.

So, Mr. President, for those reasons, that's certainly fills a glitch that we had in our system. Mr. President, also with respect to the fishing licenses, as long as we're not talking about the ESPN Bass Championship that we lost here in Connecticut, I think that the fishing events conducted by organizations as provided for in this section, I think is a great

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opportunity and there is a chance it will be abused but that chance is not -- is slim. I think people are going to respect this and I think that the -- the idea that we put behind that with the tax-exempt organizations or their 501c3 makes sense.

I think it's going to enhance our activities in our beautiful areas of our salt water marsh and fresh water areas and I think with that, Mr. President, this bill once again strives towards the environmental consciousness that we have for the state.

Mr. President, just a few more quick comments. This bill also establishes a fee for retaining structures and this fee is four times the fee for a permit to build a structure in other places and although that may seem expensive to some and I recognize that, it certainly is something where these fees are putting -- are going to be put back into the system to make the system work.

Mr. President, also the -- this bill eliminates the permission -- the provision permitting the placement, maintenance or removal of certain structure or buoys without a permit while a permit is pending. It's kind of like a double negative. So you're able to do it while the -- you're able to do these activities even though the permit is pending. So basically if the permit time runs

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out and you haven't gotten a renewal, you're still able to do some of these activities, Mr. President.

Mr. President, our Long Island Sound has traditionally been the -- a tremendous resource. I remember when we were doing Broadwater, I remember Senator Meyer talking about in New York how he used to swim in Long Island Sound and now in the shoreline area he represents he also enjoys that area. And it is truly a jewel of the State of Connecticut, one of our best parks, if you would, that we have, the pond between two great states.

And it is important that we do what we can to protect this natural resource and it's important that we fund those developments to improve Long Island Sound by having these funds and that's what a lot of this does by collecting the necessary fees. And although we have that, we also put in an exemption to allow non-profits to enjoy the 501c3s, to enjoy the treasures that we have and it is that balance that this bill tries to reach which I believe makes this bill -- bill a very, very important bill.

One quick comment on a certificate of permission. My concern has always been a certificate of permission has been a good tool, administrative tool, by DEP but

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sometimes it takes too long and the short season that we enjoy it is important that we're able to limit the time period for a certificate of permission. And although this vaguely speaks about that issue, what it talks about is the importance of having this permission -- certificate of permission and the bill expands the activities.

And I think that goes back to the whole LEAN issue that we have here for DEP. I think it goes back to the fact that DEP is one of the best agencies and the leading agencies in LEANs. It's the agency that sits there and understands and has been really the golden path for insuring that the processes work.

We've been able to reduce paper. We've been able to reduce incredibly the amount of time that we put into these applications. And what's really cool about LEAN and DEP is the fact that the employees of DEP have helped to create the applications that people make for DEP. They have helped to say listen this information isn't necessary, this information isn't necessary but this information is. And by expanding that certificate of permission, we're doing more for the Long Island Sound and the reason why I say that is there's some people that say, you know what it's too tough to get a permit, it's

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too long to get a permit, it's too expensive to get a permit, I'm just doing this little retaining wall or I'm just filling in 100 square feet, I'm going to get away with it. I mean that's what happens out there in reality.

But when we have a certificate of permission it's kind of like we talk about with fines being less people will pay the fine as opposed to ignore them. When we have a certificate of permission that expands the -- the goal, we're doing much better for the state so -- and protecting Long Island Sound.

So, Mr. President, I support this bill wholeheartedly. I thank the Environment Committee for bringing it out.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Meyer.

SENATOR MEYER:

Mr. President, I respectfully ask that you request a -- a voice vote on this amendment. This is -- this is the amendment on the disabled vets tax-exemption of group fishing fee.

THE CHAIR:

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Unless a roll call vote is requested, a voice vote will be taken.

Will you remark further? Will you remark further?

If not, the Chair will try your minds. The item before the chamber is adoption of Senate Amendment Schedule A.

All in favor please say Aye.

SENATORS:

Aye.

THE CHAIR:

All opposed say Nay.

The Ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

We have one more amendment on this bill, brief amendment, important amendment. Would the Clerk kindly call LCO 5418?

THE CHAIR:

Mr. Clerk would you please call LCO 5418 to be designated Senate B?

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The Clerk is not in possession of --

The Senate may stand at ease.

The Senate will be in order.

Mr. Clerk.

THE CLERK:

LCO 5418, to be designated Senate Amendment Schedule B, is offered by Senator McKinney of the 28th district.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I -- I respectfully move the amendment and yield to the ranking member of the Environment Committee, Senator McKinney.

THE CHAIR:

The question before the chamber is the adoption of Senate B. Senator McKinney, do you accept Senator Meyer's yield?

SENATOR MCKINNEY:

I do accept the yield. Thank you, Mr. President.

THE CHAIR:

You're welcome.

SENATOR MCKINNEY:

Mr. President, I want to first thank Senator Meyer for his cooperation on this amendment. Mr. President,

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the amendment would, in effect, add further protections for our state aquifer lands and specifically would require that before the commissioner of Environmental Protection makes a determination of need for any new permits for a new solid waste facility located within 1,000 feet of a primary or secondary aquifer or for the expansion of such an existing facility, that they not do so until there is a determination that additional capacity is necessary as determined by the solid waste management plan.

This is of particular concern to the citizens of the Town of Newtown, Mr. President, where there is a proposed expansion of a facility which will cause great damage to an aquifer in town and we want to make sure that protection is there and a permit is not granted until there is first a determination of need.

I also want to thank, Mr. President, while I have the microphone, Representative Chris Lyddy down in the House who represents Newtown along with me and has worked extremely hard on this issue, proving once again that when Republicans and Democrats come together we end up doing some pretty good things.

Mr. President, with that I thank again Senator Meyer and urge adoption of the amendment.

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THE CHAIR:

Senator Looney.

SENATOR LOONEY: ..

Yes, Mr. President, thank you.

Mr. President, just for purposes of a -- of a notation that Senator Fonfara will be recusing himself on -- on this amendment under Rule 15 and -- and obviously on the -- the bill should the amendment pass.

THE CHAIR:

The Journal will so reflect.

Will you remark further? Senate B is before the chamber. Will you remark further?

If not, the Chair will try your minds.

All those in favor of Senate Amendment Schedule B, please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say Nay.

SENATOR LOONEY:

Mr. President, I believe since there was a recusal we may need a roll call.

THE CHAIR:

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Oh that's right.

The Chair will ask the Clerk to announce that a roll call vote has been ordered in the Senate.

THE CLERK:

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

THE CHAIR:

The machine is open.

Senators please check the  
board to make certain that  
your vote is properly  
recorded. If all Senators  
have voted and all votes are  
properly recorded, the  
machine will be locked and  
the Clerk may announce the  
tally.

THE CLERK:

Motion is on adoption of

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Senate Amendment Schedule B.

Total Number Voting

34

Those Voting Yea

34

Those Voting Nay

0

Those Absent, Not Voting

2

THE CHAIR:

Senate B is adopted.

Will you remark further on the bill as amended?

Senator Meyer.

SENATOR MEYER:

Mr. President, because of Rule 15, we'll have to take a roll call vote on the bill -- the underlying bill as amended.

THE CHAIR:

That's correct.

Will you remark further? Will you remark further?

If not, Mr. Clerk please announce that a roll call vote has been ordered in the Senate.

THE CLERK:

Immediate roll call has been

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

THE CHAIR:

The machine is open.

Members please check the  
board to make certain that  
your vote is properly  
recorded. If all Senators  
have voted and all votes are  
properly recorded, the  
machine will be locked and  
the Clerk may announce the  
tally.

THE CLERK:

Motion is on passage of  
Senate Bill 124 as amended.  
Total Number Voting  
34  
Those Voting Yea  
34

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SENATE

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Those Voting Nay

0

Those Absent, Not Voting

2

THE CHAIR:

The bill as amended is  
passed.

Mr. Clerk.

THE CLERK:

Calendar page 34, Calendar Number 258, File Number  
390, Substitute for Senate Bill 274, AN ACT PROHIBITING  
THE UNREASONABLE CONFINEMENT AND TETHERING OF DOGS,  
favorable report of the committee on Environment,  
Judiciary and Planning and Development.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, we're on a roll  
here. I move acceptance of the Joint Committee's  
favorable report and passage of this bill.

THE CHAIR:

The question before the chamber is  
acceptance and passage. Do you care to remark  
further?

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VETO  
SESSIONS**

**JUNE,  
JULY  
SPECIAL  
SESSIONS**

**VOL. 53  
PART 14  
4129 – 4455**

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SENATE

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June 21, 2010

The Senate reconvened at 1:42 p.m., the President in the Chair.

THE CHAIR:

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Thank you very much, Mr. President.

Mr. President, begin -- to begin this process today, appearing on today's calendar, under bills vetoed by the Governor on calendar page 2, Public Act 10-106, which was Senate Bill Number 124 from the 2010 session, a bill vetoed by the Governor on June 8, 2010, AN ACT CONCERNING LONG ISLAND SOUND COASTAL PERMITTING AND CERTAIN GROUP FISHING LICENSES AND PERMITS FOR SOLID WASTE FACILITIES, which was amended by Senate Amendment Schedule "A" and "B." And this bill, Mr. President, was reported favorably by the Environment, Planning and Development, and Finance Committees.

Mr. President, having been on the prevailing side on that vote, when it was passed in this chamber, I would move for reconsideration of that bill.

THE CHAIR:

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There's a motion on the floor to reconsider  
Senate Bill 124.

Would you like to remark further on the  
reconsideration of this bill, sir?

SENATOR LOONEY:

Yes, Mr. President.

It's that this bill is the first of the bills  
that we intend to take action on today. The other  
items I believe will be House bills that we will have  
to wait on later.

Mr. President, again, this is a bill that was  
approved by three committees of the General Assembly  
as well as both Chambers, and I would move for  
reconsideration so that it might be brought before the  
Chamber again for repassage.

THE CHAIR:

Thank you, sir.

Is there any further discussion on  
reconsideration?

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

SENATORS:

Aye.

THE CHAIR:

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June 21, 2010

Opposed, nays.

The ayes have it. The bill before us is under  
reconsideration.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, I would now yield to Senator Meyer for purposes of the motion to repass Senate Bill 124, which was Public Act 10-106 of the 2010 session.

SENATOR MEYER:

Thank you, Mr. Majority Leader.

Mr. President, I move --

THE CHAIR:

Senator Meyer, do you accept the yield, sir?

SENATOR MEYER:

Yes, sir. I do accept the yield.

THE CHAIR:

Yeah. I think what we probably want to do is have the Clerk call the bill and then you can get into it.

Mr. Clerk.

THE CLERK:

Calling from the Senate calendar for Monday, June 21, 2010, bills vetoed by the Governor. Calendar

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page 2, Public Act 10-106, Substitute for Senate Bill 124, AN ACT CONCERNING LONG ISLAND SOUND COASTAL PERMITTING AND CERTAIN GROUP FISHING LICENSES AND PERMITS FOR SOLID WASTE FACILITIES, as amended by schedules -- Senate Amendment Schedules "A" and "B," receiving favorable reports of the committees on Environment, Planning and Development, Finance, Revenue and Bonding. The bill was vetoed by the Governor on June 8, 2010.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I respectfully moved to repass Senate Bill 124 with permission to explain.

THE CHAIR:

There's a motion on the floor to repass Senate Bill 124.

Senator Meyer.

SENATOR MEYER:

Thank you.

Mr. President, colleagues, this bill passed the Senate 34 to nothing in May, and it passed the House unanimously as well. It has three parts to it that I'll explain briefly. The first part is that any

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recipient of a permit from DEP that relates to dredging or wetland activity, that permit has got to be filed with the land records of the municipality. And that is to give buyers and purchasers notice of the fact that there is a permit that's going along with that activity.

The second part of the bill relates, in effect, to fishing licenses for special categories of disabled people, in this case, disabled vets who are unable, many of whom are unable to pay a fishing license. And this allows those groups of people to tie into a nonprofit organization from which they could be exempted from having to pay the fishing license.

The third part of the bill relates to the construction of solid waste facilities like a transfer station, a garbage dump or whatever, within a thousand feet of an aquifer. And that part of the bill says that if you're going to build a solid waste facility within a thousand feet of an aquifer, you've got to comply with the Solid Waste Management Act.

So that is, in effect, what this bill does in three parts, and I urge its favorable consideration. Thank you, Mr. President.

THE CHAIR:

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Thank you, sir.

Would you like to remark further on the repass of Senate Bill 124? Would you like to remark further on the repass of Senate Bill 124?

If not, Mr. Clerk please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? 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 on repassage of Senate Bill 124, Public Act 10-106.

Total Number Voting	36
Necessary for Adoption	24
Those voting Yea	36

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Those voting Nay 0  
Those absent and not voting 0

THE CHAIR:

Senate Bill 124 is repassed.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, I would move for immediate  
transmittal to the House of Representatives of the  
repassed bill, Senate Bill 124.

THE CHAIR:

There's a motion on the floor to send Senate Bill  
124 down to the House.

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, I would yield to any members  
seeking recognition for announcements or points of  
personal privilege.

THE CHAIR:

At this time, I'll entertain any points of  
personal privilege or announcements.

Senator Looney.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 1  
1 – 306**

**2010**

2  
mhr/gbr ENVIRONMENT COMMITTEE

February 22, 2010  
10:30 A.M.

there is a memo on the LEAN project, and I urge you to look at that and see how we are expediting the permit process and other things by the Department of Environmental Protection.

Commissioner?

COMMISSIONER AMEY MARRELLA: Thank you very much, Chairman Meyer, and members of the committee.

SB124

I hope you'll indulge me if I do something a little differently and provide an overarching theme for our bills before we get into the specifics. And I also want to apologize in advance; both Deputy Commissioner Susan Frechette and I need to leave at eleven to go to an Appropriation Subcommittee.

So let me just address the overarching theme that covers both DEP's proposed bills and our response to other bills that are before the committee today. Our agency fully recognizes the importance of a robust economy, and we believe that environmental protection and economic growth are complimentary goals, not impeding interests. Environmental protection isn't just end-of-the-pike or end-of-the-stack controls; it's generally most effective to minimize pollution creation. And the state has embarked on some exciting initiatives to that end, smart growth or responsible growth, energy efficiency, renewable energy and energy conservation, waste minimization and green chemistry. And, indeed, the potential for green industries offers much promise to Connecticut.

To the extent that pollution remains a part of business, however, it's generally more cost

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effective to minimize it rather than to deal with consequences of the pollution. We can avoid the potential impacts and costs in terms of public effects, the effect on other industry, such as Long Island Sound fisheries and the adverse impacts on Connecticut's quality of life.

We firmly believe that it is in Connecticut's long-term interest, both economically and environmentally to maintain Connecticut's high standards of environmental protection. So we will be strongly opposing any effort to roll back protections or to make our job as an agency more cumbersome. At the same time, we realize that to help Connecticut businesses, we need to be more timely and more efficient in issuing permits and that we need to set clear requirements that are applied consistently.

LEAN, as Senator Meyer mentions, is helping us to do that. We offer the (inaudible) to the committee; we offer that to the public. We have just put our information about what's on our website about LEAN, that describes all the processes we've looked at so far, and we'll be continuing to engage LEAN to improve our processes throughout the agency. And I encourage everyone to look at a terrific video that has staff explain what difference LEAN has meant to our agency. And I also would be happy to meet with each of the members of the Environment Committee if they would like to discuss LEAN further.

We're also committed to moving forward on eGov, which is electronic government, in order to continue making progress and being more efficient. We now have the a -- the ability to

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accept electronic discharge monitoring reports, and we're rolling out benefits on air. But I just want to make clear that our bills reflect our new way of lean thinking in our effort to move forward in order to save time, effort and money. And while we're happy to look at other issues if they're brought to our attention, whether it be specific guidance that are a concern or concerns about how we engage in water permitting analysis, we do need to hear those concerns to address them. And we're a little surprised to hear about them through this process.

In sum, we want to deliver environmental protection efficiently and effectively, both for the public and for Connecticut businesses.

Thank you very much.

SENATOR MEYER: Thank you, Commissioner. Do you have any comment on any of the 13 bills that are actually before us today?

COMMISSIONER AMEY MARRELLA: We do. What we'd like to do is bring up folks to just quickly outline and take any questions that you have on the specific bills, if that would be all right.

SENATOR MEYER: Fine.

COMMISSIONER AMEY MARRELLA: Thank you.

I'm going to start with Deputy Commissioner Frechette, and the number of that bill, Susan?

SUSAN FRECHETTE: Good morning, Mr. Chairman --

SENATOR MEYER: Good morning.

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SENATOR MEYER: Okay. Go up to the mark.

REP. CHAPIN: Thank you, Mr. Chairman. Good morning to all three of you.

Deputy Commissioner, that language that -- at the end of that bill, I had seen a letter from the Department of the Interior, I believe, to Ducks Unlimited about the duck stamp. Are you familiar with that letter?

SUSAN FRECHETTE: I'm not familiar with that -- with that specific letter, no, but I do know that Ducks Unlimited has been concerned about this -- this matter, as well.

REP. CHAPIN: Just so, perhaps if I showed you a copy you could tell me whether this language actually addresses that particular issue then?

SUSAN FRECHETTE: We believe it does.

REP. CHAPIN: Okay; thank you very much.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you. Fire away.

BRIAN THOMPSON: Good morning, Mr. Chairman and members of the committee.

My name is Brian Thompson; I'm the Director of the Office of Long Island Sound programs at the DEP. And thank you for the opportunity to present testimony on raised Senate Bill Number 124, AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING.

This is -- the bill has several components, one

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of which would require copies of coastal permits for structures dredging, fill, and other regulated activities to be filed on municipal land records at the time of permit issue -- issuance for -- prior to transfer of property.

Coastal permitting programs have been in place since, in -- in some forms since 1939, but in spite of that, there are -- there are still large numbers of unauthorized structures out there. And, as a result, property owners are sometimes caught unawares when they learn of a noncompliance situation on their property. And this section would require the permits to be filed prospectively, as a result protecting property owners' investments. And new purchasers would be relatively able to determine if their coastal property has the required permits. This -- this section of the bill would raise awareness among the property owners about the significance of -- of the coastal regulatory programs.

LEAN was mentioned this morning. Section 4 of this bill would implement a portion of our, DEP's coastal program's LEAN improvement efforts. It would seek to improve coordination among coastal regulatory programs by making a hearing requirement under tidal wetland statutes consistent with other coastal permitting programs and allowing notices of applications to be distributed electronically by fax or by e-mail rather than by paper, thus saving time, paper, and money.

We also have a section which would authorize the department to charge an application fee of up to four times the normal amount of the

application fee for structures that were built without permits, so these would be after-the-fact permits for property owners which would serve as a -- as a disincentive for building structures without permits and would allow us to in -- in some cases avoid the normal enforcement process that we -- that we go through and save time and money.

And we also have a section that would allow streamlining of the application process by modifying our -- our group permit fee structure, and we had several administrative measures that will clean up some obsolete or inconsistent statutory provisions that don't affect our -- our current business activities. And the details are in our written testimony.

Thank you very much.

SENATOR MEYER: Thank you, Brian.

Are there any questions of Brian Thompson?

Yes, Representative Lambert.

REP. LAMBERT: Yes, thank you for being here today.

Your -- your statement that it would be four times the original fee if they had gone through the legal process of getting permits, on top of that, will there also be a penalty or is that going to be the penalty incorporated inside of the unallocated building?

BRIAN THOMPSON: Right. There would -- there would not be a penalty associated with that. Yeah. And it's to avoid the usual enforcement process that would require a penalty and just go

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straight to the after-the-fact permit for up to four times the fee. And it -- this is not intended as a -- as a revenue-producing activity.

REP. LAMBERT: It has to be a structure. Is there any penalty or any kind of a fine for people clearing their property, not building a structure but some of them apply -- wetlands and -- and for clearing some of the areas; is that going to be something that's going to be addressed also, in this bill?

BRIAN THOMPSON: This -- this would apply to any activities under -- that are regulated by our structures, dredging, and fill, and tidal wetlands processes. So it -- it could be for activities other than just building a structure, yes.

COMMISSIONER AMEY MARRELLA: If -- if I could -- if I could just clarify, the intent is where somebody has bought a property and not known that the prior owner engaged in unauthorized activity. So it's -- we would still engage enforcement for somebody who on their property just ignores our -- our laws. But we do have this problem that people, unbeknownst to them, are -- are buying a problem. And we need some new solutions, which we think is this combination of requiring land records' recordation going forward and then for those people who bought unawares, some way short of enforcement to get us back to a permitted situation.

This is only where we can, otherwise the activity would be -- have been permitted if they'd come to us in a timely manner.

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REP. LAMBERT: So, basically, the new homeowner inherited this noncompliance.

COMMISSIONER AMEY MARRELLA: Exactly. And we need to help them kind of get to a path to yes.

REP. LAMBERT: Thank you; that clarifies it.

SENATOR MEYER: Representative Hennessy.

REP. HENNESSY: Thank you.

So is there any type of grandfathering with noncompliant structures or -- or is this a catchall for all noncompliance structures?

BRIAN THOMPSON: Structures placed prior to 1939 are not subject to our -- to our regulations, so those are not included in -- in this bill. But any structure placed since 1939 could be.

REP. HENNESSY: And so obviously that -- that would be a lot of -- a lot of stuff out there that would be captured with this?

BRIAN THOMPSON: Yes. But which it -- it currently is, nonetheless, at this point. This is just a different process for bringing -- bringing them into compliance more efficiently.

COMMISSIONER AMEY MARRELLA: Brian can provide the example that I cannot, but occasionally we get a complaint. We have to go out to an area and we find out that there are several, maybe more than several noncompliant situations. The homeowners didn't know that. When we find them, we have to enforce, under current law. This is an opportunity, as we start getting

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these permits on the land records so everybody will know going forward to allow those -- those homeowners who had no idea that there structures were noncompliant to get TFs short of having to go through an enforcement action. At the same time, we have to charge more because we don't want to create an incentive for people to ignore the law.

REP. HENNESSY: Thank you.

So how I understand it is that there's got to be more forthcoming information when a seller is selling property. It has that -- basically, the disclosure of noncompliance has to be disclosed at the time of purchase?

COMMISSIONER AMEY MARRELLA: We did not write the bill that way. What we will required as going forward as we issue permits, that they -- those permits would be on -- placed on the land records. And then we would deploy doing catchup. We hope that once we start requiring it being on the land records, people will be asking better questions.

But if you think of it, if you added a garage to your property, there would be a record that it was there, and you could look at the as-builts to know whether it was in conformance with the setback requirements. Folks buying a property do not know whether a dock is compliant, and a dock can make a huge difference in the value of that property. So we think this is a good way for everybody to be better educated.

REP. HENNESSY: Okay. Thank you very much.

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Thank you Mr. Chairman.

SENATOR MEYER: Thank you, Representative.

Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman.

So if I'm understanding correctly, today under current law, anybody who's noncompliant, DEP has the authority to bring them into compliance through a consent order?

COMMISSIONER AMEY MARRELLA: Yes, but oftentimes we're restricted to sort of saying to them, okay, take it down and then come to us and ask for a permit to rebuild it. So we really want a better way to work at -- at -- if it would otherwise be permitted to be able to go forward and get them into a compliant situation.

REP. CHAPIN: So if we were to amend the law with this newer and hopefully less harsh mechanism to bring them into compliance, it doesn't open it up to a larger universe of people that today that universe is 100 percent under existing law, this -- this strictly a different way to bring them into compliance?

COMMISSIONER AMEY MARRELLA: That -- that's correct.

REP. CHAPIN: Thank you very much.

SENATOR MEYER: Are there any other questions?

Do you have another witness, Commissioner?

COMMISSIONER AMEY MARRELLA: Yes, we do. Yvonne

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Bolton is here, our bureau chief for waste enforcement and water enforcements, to speak to S.B. Number 121.

SENATOR MEYER: Okay. Just before she does that, Representative Miller has a question.

REP. MILLER: I apologize. Thank you, Mr. Speaker -- Mr. Chairman.

Just a question: Will this in any way hinder people from selling their homes, provide an obstacle so they won't be able to sell their homes?

COMMISSIONER AMEY MARRELLA: I talked --

REP. MILLER: And I -- and I bring this up because in Washington there is a bill that's going to put a lot of restriction on -- on homes -- home sales and appraisals. So I'd just like to hear your opinion on (inaudible) --

COMMISSIONER AMEY MARRELLA: Our intention is to require the filing of the permits going forward, not to say that you have to do it perspectively. So we do want to address that. I think the problems is, is that these permits are required; at some point, people have to start knowing about it, whether they are or not there.

REP. MILLER: Well as we're given -- given the fact that we have a lot of foreclosures in the state --

COMMISSIONER AMEY MARRELLA: Uh-huh.

REP. MILLER: -- and people are having trouble

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selling homes, are we putting up an obstacle now to prevent them from selling their home?

BRIAN THOMPSON: Well, our -- our intent is to -- is to ensure that the buyers are aware of what they're buying into and -- and to ensure that properties are in compliance before the transactions takes place or at least that awareness exists.

COMMISSIONER AMEY MARRELLA: I -- I think, Representative Miller, if you have that concern, we can certainly work on particular language. My -- you know, to exempt a house that's in foreclosure or something. But I think our intent here is that right now docks, waterfront property have enormous value and we want to be sure that people know going forward. The two -- the homeowner, the seller, and the buyer could negotiate the price once they're aware of the situation, but they ought to be aware of it.

REP. MILLER: Well, you know, I thank you for that answer but I just want to bring out the point that CBIA and the Marine Trades' people were here the other day, and a complaint was made about DEP overregulation. I just hope we're not putting another barrier to some homeowner who's trying to sell his home, and he's going to have a problem maybe bringing his property up to date and spending 25 or 50,000 dollars to do so.

COMMISSIONER AMEY MARRELLA: Well --

REP. MILLER: You know --

COMMISSIONER AMEY MARRELLA: -- I -- I appreciate

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that. These are requirements that exist on the books; these are not new. We -- what we were -- think of these as is these are information requirements so that people know about whether the permit exists or not on the land records. It's not a new requirement; it exists in law.

And, also, for those people who are caught who have a house that isn't noncompliant, if they have it today, we hope that there is an opportunity through this up-to-four-times the penalty to get them compliant, rather than having to go through the consent order process.

REP. MILLER: Well, I just hope we don't overburden people and that we use a little common sense when we deal with some of these problems they may have. Even -- they might be just minor problems at a home or a dock.

Thank you. And I do represent a shore community.

COMMISSIONER AMEY MARRELLA: Uh-huh.

REP. MILLER: And we have a lot of docks on the Housatonic. And I don't want to see these people get the -- into any heavy debt because they're out of compliance with some -- for some minor thing.

Thank you very much.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Representative Miller.

Commissioner, it's eleven o'clock, and I know you have another appointment with the Approps.

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Committee; we don't want to hold you up from that, so --

COMMISSIONER AMEY MARRELLA: Thank you.

SENATOR MEYER: Is there anything you'd like to add before you go?

COMMISSIONER AMEY MARRELLA: No. We appreciate the time. We'll just keep rolling through our people on each bill. And --

SENATOR MEYER: Fine.

COMMISSIONER AMEY MARRELLA: -- thank you for your attention to this matter today.

SENATOR MEYER: Okay.

YVONNE BOLTON: Good morning, Mr. Chairman, members of the committee.

My name is Yvonne Bolton; I'm the Bureau Chief for the Bureau of Material Management and Compliance Assurance. I'm here to testify on raised Bill 121, AN ACT CONCERNING THE EXTENTION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. It's a short bill and I'll be somewhere short.

This bill would continue the authorization to conduct activity covered by a general's permit beyond some expiration date provided the commissioner has issued a notice of tentative determination of the department's intent to renew at least a hundred and (inaudible) days prior to its expiration date. The department currently issues about 56 different types of general permits, covering a range of

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any longer, so if it's all right, we would like to have the DEP step down and allow for the --

SENATOR MEYER: Fine.

ROBERT BELL: -- Commissioner of Agriculture to --

SENATOR MEYER: Good.

ROBERT BELL: -- step up, and I --

SENATOR MEYER: I --

ROBERT BELL: -- do apologize for the --

SENATOR MEYER: We appreciate that courtesy.

ROBERT BELL: Thank you.

SENATOR MEYER: Commissioner Prelli, Commissioner of the Department of Agriculture. Morning, Commissioner.

COMMISSIONER F. PHILIP PRELLI: Good morning, Mr. Chairman, and thank you. And thank you to the DEP for letting us go. We have -- we also have to get to our budget hearing, so we appreciate that.

For the record, my name is Phil Prelli and I'm the Commissioner of Agriculture, and we're here to testify on -- on the four proposed bills that we brought forward. The first bill is House Bill 5117, AN ACT CONCERNING CONSERVATION PRESERVATION RESTRICTIONS HELD BY THE STATE, and this is there to clean up a bill that was passed last -- a couple years ago that has -- it's now necessary for the -- the towns -- for

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less than 5 percent. We think 5 percent is a number they'll never even come close to reaching. So, again, it's just to help those schools and allow them to teach shell fishing.

Those are the bills we have, Mr. Chairman. One other bill that -- for DEP that we're a little -- that we -- we saw, and I just picked it up this morning, was on the permitting. And -- and it's Senate Bill 124, the -- AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING. We just want to make sure that when we're talking about those permitting, we're not talking about shellfish equipment or gear which currently requires a permit. We just don't want to see them, again, required to file those in the land records where somebody might be putting cages or upwellers on -- near a dock, and they would have to do the permit and file it. That would be a -- we'd want to make sure that's excluded from it. It's a minor point and we will work with DEP on that.

SENATOR MEYER: That's what I was going to suggest, that you work with DEP on that.

COMMISSIONER F. PHILIP PRELLI: We will be happy to and (inaudible) --

SENATOR MEYER: Work out any --

COMMISSIONER F. PHILIP PRELLI: -- already talked with --

SENATOR MEYER: -- wrinkles you have.

COMMISSIONER F. PHILIP PRELLI: -- with me about it, so --

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MICHAEL DEVINO: Thank you.

REP. ROY: Greg Sharp, followed by Steve Guveyan.

GREG SHARP: Good morning, Mr. Chairman -- Chairmen  
-- members of the committee.

My name is Greg Sharp; I'm an environmental lawyer here in Hartford at Murtha Cullina. I live in Northford, Connecticut.

I'm here really to speak to two of the bills that are on the agenda today, Senate Bill 124 and Senate Bill 120. As I know there are a number of speakers on 120; I'll go first on 124, given the time limits.

I'm here to oppose 124, particularly the section that the commissioner and Brian Thompson explained, the deal with the requirement for permits to be recorded, that is also Long Island Sound permits to be recorded on the land records. I think it's terrific that the department recognizes there's a problem. I think the permits should be recorded on the land records, but the obligation should be on the department not the homeowner. The department already has a process to record all of their orders on the land records. There's no reason when they issue a permit that they can't record it locally as well as -- as giving it to the -- the applicant.

The second thing is the requirement for each property owner with a structure on his property to record his last permit prior to selling the property. Now, first of all, depending on when

the permit was issued, it's highly likely that the -- that the applicant -- the owner is not going to have a copy of the permit to record. Secondly, to the extent that they're trying to address years of noncompliance, this is not the way to do it.

What the department really needs to do is draw a line in the sand, which -- which this Legislature did in 1990. In 1990, the Legislature authorized the department to issue a fast-track Certificate of Permission for all structures that were in existence prior to 1980. So they -- they didn't wipe the slate clean. You still had to come in and get a -- an approval, but at least there was a fast-track approval recognizing that the structures were around for ten years, they were probably okay.

Now, that hasn't been reindexed. They 1980 date has not been changed in 20 years. There is simply no way that the department is going to catch up with the hundreds and thousands of structures that currently don't have a permit. When I was in the department in the seventies, we had less than 50 percent compliance; that was in the seventies. And it -- it -- the picture hasn't gotten any better. There have been -- there have been enforcement sweeps in -- on the Lieutenant River, on the Pattagansett River in Niantic, on the Thames out in Stonington. I'm not as familiar as much with Western Sound, but I've handled some of these, and they're really tough because what happens is the department tells a person who in many cases is the buyer of the property, not the fellow who built it, that he's got to remove it. This creates a huge economic hardship.

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And I think it's time for the department to be a little more creative and come forward with something that's going to really address the problem.

REP. ROY: Thank you.

Are there any questions of -- Representative Lambert.

REP. LAMBERT: Thank you for coming and expressing your views.

If I were a buyer and I was buying a -- a piece of property with a very high price tag and it had a dock, and if I paid that exuberant amount of money only to find out later that it was illegal, how would you address that? If you ask at this point -- you said that there was a -- in 1980, there was a legal structure on the fast-track. Were those structures, were those legal or were they illegal and never had a permit and they just went out and did whatever they wanted? So that -- two questions, but that one on that fast track, 'cause I here then. But it -- were they legal structures, because --

GREG SHARP: No.

REP. LAMBERT: They were illegal structures?

GREG SHARP: They -- they were structures that were built without a permit, because in those days you needed either a structures and dredging permit, which as the testimony earlier indicated goes back to 1939 or a tidal wetland's permit, if -- if there were tidal

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wetlands involved. So -- so these were structures that didn't have one of those, but if they could establish that they were pre-1980 and if they could establish that they met other requirements, then the commissioner would issue this fast-track Certificate of Permission.

REP. LAMBERT: I'm still confused, because being on Planning and Zoning, you either have a legal structure --

GREG SHARP: Right.

REP. LAMBERT: -- or a illegal. I'm not talking about permitted versus nonpermitted. A lot of people go out and build things and they weren't -- they were not permitted. I'm asking were they nonconforming structures that they gave clear legal permits to or were they just ones that passed the zoning or this -- or the state requirement for that structure?

GREG SHARP: No, these -- these were structures that were built without the benefit of any permit or approval from DEP, conforming --

REP. LAMBERT: Were they conforming? In other words --

GREG SHARP: That's --

REP. LAMBERT: -- if you built a structure that was conforming but it wasn't permitted, then I see no problem. But if it was something that was -- and a nonpermitted but was also in violation of the regs, there's -- there's two issues there.

GREG SHARP: And that's -- that's true. And the

problem is for structures and dredging, there are no regs, so there is no concept of conforming.

And one of the -- one of the extra hardships that occurs here is that you purchased the property today, a dock, say, on -- on the property was built in the 1980s. The department is going to say, okay, you have to comply with all of our current requirements, which they have not written down. And depending on who gets your application, they may well tell you, sorry, that -- your dock is 50 feet out from the low water and we're only going to allow you 40. So get a barge and a crane in here, cut off the last 10 feet, and then apply for a permit that will be conforming not to what a regulation says but will be conforming to what I as a permit analyst say is appropriate.

Now, and -- and I didn't answer your first question. In terms of how do you protect yourself? If -- if you've got a lawyer or a realtor who's been through the mill on this, what they may do for you if you're the buyer is call DEP and say this is the address of the property, there's a dock or a sea wall on the property, does it have a permit or not? And they can tell you if it does.

On the other hand, if you're trying to make the deal, do you really want to know what the answers know, because -- because -- oh, if you're the buyer, you might want to, but the -- the point is what's going to happen is if the answer is no and the -- the structure is not pre-1980, you're looking at two-to-three years to get a permit. Now, I don't know how many

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contracts will go out that long on the sale of real estate.

But -- and -- and just a final footnote. The -  
- the title search, the conventional title search does not pick this up. And that's -- that's really what's a problem also.

REP. ROY: Thank you.

Any other questions?

Senator Maynard.

SENATOR MAYNARD: Thank you, Mr. Chairman.

Greg, thank you for being here.

We've discussed these issues in some detail, and I got a couple of questions, just on as follow-up. One of the concerns I have is, just as you mentioned in your exchange, a dock then could become -- or any nonpermitted structure including a sea wall, et cetera -- could become a significant liability rather than an asset on a waterfront property in the event that's it's nonpermitted and undiscovered until after the purchase of the home.

GREG SHARP: Yeah, that's exactly right. I mean the -- what -- what happens is if the department says take it out, they -- you -- you in most cases cannot take it out from the land side. So you have to bring a barge in with a crane and take it out from the water side. And you can't let the barge ground on the bottom at low tide. So the working cycle is, you know, several hours on either side of high tide which means the -- the barge and the crane would have

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to be immobilized and demobilized, and it gets -- for a residential property owner, it gets to be prohibitively expensive.

And -- and then the Catch-22, of course, is if you really want to have a dock, then you have to go through DEP's permit process, pay for the process and then pay to rebuild whatever the DEP will allow you to rebuild.

SENATOR MAYNARD: And just to follow up quickly on two other points, I -- I guess the -- the point being that the general public probably is unaware that the violation has to, generally speaking, has to be removed prior to an application being considered in the absence of a Certificate of Permission for an existing violation. So I think what you were getting at before was a notion that given the limited resources of DEP, given the fact that there's probably thousands of structures that are in violation, given our current statutes, perhaps some sort of reindexing of -- of that with a period of time as a look-back or grandfathering and then maybe an amnesty approach --

GREG SHARP: Exactly.

SENATOR MAYNARD: -- would be a -- would be a preferable --

GREG SHARP: all of those would be preferable. The department had success with the amnesty, the Legislature will recall, in -- in several years ago on diversion permits, where it was clear that people didn't have diversion permits and the department recognized they really had to look at it holistically, provide a time, a window for applications.

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Now, there will be an administrative burden on the department and you may need to phase it in. You might go regionally and say, you know, from -- from Greenwich to Stratford, you've got these years to apply and from Stratford to New Haven, you've got those years, you know, that kind of thing. But -- but this, the problem, I mean, I -- it's great that the commissioner has recognized that this is a real issue and has come forward with this legislation, but -- but I think the committee should understand that this is -- this is touching the tip of the iceberg.

And -- and, most importantly, it doesn't address -- okay, so I record my permit but what about all the properties that don't have permits? There's still no way you're going to know that the property you're considering buying is unpermitted.

SENATOR MAYNARD: Thank you, Mr. Chair.

I have just, briefly, one last comment. Thank you very much --

GREG SHARP: Okay.

SENATOR MAYNARD: -- Greg, for your thoughts.

And I -- I just want to say that we really are very grateful that the DEP has been forthcoming in recognizing the problem, and I think the discussion that will be ongoing will be fruitful. But we do appreciate DEP's efforts to remedy what has been a -- a really onerous situation.

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Thank you.

REP. ROY: Thank you, Senator.

Representative Hennessy.

REP. HENNESSY: Thank you, Mr. Chairman.

In -- in listening to this conversation, one of the things that are -- I had the impression that this bill would do is to remove the process from a prosecution to -- to a simple fee and -- and streamline the -- the whole process to -- to be able to move forward to get rid of this backlog.

GREG SHARP: Well, I -- yes, in -- in a sense that I think the commissioner's intent here is not to use the enforcement process but is to encourage people to come forward if they have a nonconforming or an -- an unpermitted structure. The -- the problem with that is the way they're going to find out is when DEP does an inspection and says, tag, you're it; that's number one.

Number two, the -- the problem is that there's no guarantee that what you have out there will actually get a permit.

A VOICE: No.

GREG SHARP: In other words, if you have a structure that DEP -- that was built, say, in the '80s that DEP now decides that they can't really permit; what happens? They're -- they're going to tell you, you've got to modify the -- the structure. So it's -- it's a positive way to do it, but unless you fall within the

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Certificate of Permission, meaning unless your structure happens to be pre-1980, the chances of (a) being the fast-track go away, and (b) there's a significant risk that -- that that structure is not going to get permitted.

REP. HENNESSY: So, in other words, you have to pay four times the fine plus get rid of the structure?

GREG SHARP: Well, theoretically, that -- that could be a result.

REP. HENNESSY: Okay.

GREG SHARP: And -- and I've had -- I've had enforcement -- on the enforcement side, I've had situations where the client said, okay, I didn't build it, I'll apply for a permit. And the department says, well, that's fine except that you're not going to get a permit. So just tear it down and we'll talk about it later.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Seeing none, thank you very much.

Steve Guveyan, followed by Abner Burgos-Rodriguez.

STEVE GUYEYAN: Chairman Roy, Chairman Meyer, members of the committee, I'm Steve Guveyan from the Connecticut Petroleum Council.

SB120 HB5125

HB5127

We're a trade association of major oil companies, terminal operators doing business in

**CONNECTICUT MARINE TRADES ASSOCIATION**20 Plains Road  
Essex, CT 06475-1501(860) 767-2645 • Fax (860) 767-3559 • e-mail [cmta@snet.net](mailto:cmta@snet.net)

February 22, 2010

Environment Committee  
Legislative Office Building  
Hartford, CT 06106Re: S.B. 124 AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING.

Chairmen Meyer and Roy;

Distinguished Chairmen and Members of the Environment Committee, the Connecticut Marine Trades Association (CMTA) and their membership urge you to not support this complex bill. There are some necessary sections that would eliminate costly and outdated Boards and Commissions but there are parts that would damage businesses and activities in Connecticut as well.

Section One would require any one issued a permit by the Department of Environmental Protection to file a copy with the land records in the municipality where located. This is an additional unnecessary cost and record keeping burden on a permittee that serves little purpose. The DEP already has an existing procedure for filing Consent Orders on municipal land records and the department should be tasked with this process if deemed necessary. This section should be struck from the bill.

Section 7. Would eliminate the annual requirement of the Commissioner of Environmental Protection to produce and distribute a report to the legislature on the summarized activities and decisions impacting the Coastal Management Act. The importance of this act (22a-92 through 22a-111) on all waterfront properties, owners, and businesses warrant that the DEP Commissioner continue/resume an annual report.

We urge you to not support proposed S.B. 124 AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING in its entirety and eliminate or strike Sections 1. and 7. as they are very impacting to the waterfront regulated community and important to understanding any annual changes. We would be pleased to discuss this at any time. Thank you for your time and consideration.

Sincerely,

John S. Johnson  
Legislative ChairGrant W. Westerson  
President



## Department of Environmental Protection

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- AAC Long Island Sound and Coastal Programs (SB 124)**
  - Require OLISP permits be recorded on land records
  - Authorize higher fees for "after the fact" construction of coastal structures
  - Make LEAN changes to LIS programs
  - Allow for electronic distribution of coastal permit notices
  - Correct the definition of "sewage" to be consistent with federal law
  - Repeal OLISP Coastal Act reports and other obsolete statutes
  
- AAC Recycling and Solid Waste Management (SB 127)**
  - Expand mandated recyclables
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- AAC Remediation Programs of the DEP (SB 119)**
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  - Update licensing statutes to reflect current practice
  - Authorize electronic transactions
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  - Clarification of "assent" language
  
- AAC Minor Revisions to the Underground Storage Tank Petroleum Clean-Up Account and Groundwater Pollution Abatement Statutes (HB 5119)**
  - Restrict UST reimbursement when DEP seeks cost recover
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- AAC the Extension of General Permits Issued by the DEP (SB 121)**
  - Extend general permits like the federal EPA method



**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Public Hearing – February 22, 2010  
 Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella  
 Department of Environmental Protection

**Raised Senate Bill No. 124**  
**AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING**

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 124 – AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING. We appreciate the Committee's willingness to raise this bill at the request of the Department of Environmental Protection (Department). This proposal, that we strongly support, will improve and streamline many of the Department's coastal-related programs.

**Section 1**

Section 1 of this bill would require that copies of coastal permits for structures, dredging, fill and other regulated activities be filed on municipal land records at the time of permit issuance or prior to a transfer of the property. Although permits for the placement of structures in the tidal, coastal and navigable waters of the State have been required in some form since 1939, there are still a large number of unauthorized structures and activities along the State's coast. As a result, the absence of permits for a dock or seawall is often not discovered until a new owner applies to undertake modifications or maintenance to the structure. At that point, the new owner realizes that he is responsible for bringing the site into compliance, entailing additional trouble and expense and occasionally, the removal of all or part of a structure that is causing environmental impacts or excessive encroachment.

To avoid this situation under current law, a prospective purchaser of coastal property would have to be fully aware of coastal regulatory programs and would need to take the initiative to contact the Department to determine if the site is in compliance. By requiring permits to be filed prospectively, property owners will protect their investments and new purchasers can readily determine whether or not a coastal property is in compliance with applicable statutes. The recording of permits will also raise awareness among environmental consultants and attorneys, and ultimately, property owners, about the existence and significance of coastal regulatory programs.

**Section 4**

As the Committee may know, the coastal permit programs, including CGS 22a-32 and 22a-361, have been a focus of the Department's Lean process improvement efforts. This section would create Lean efficiencies and improve coordination among coastal regulatory programs through eliminating a mandatory tidal wetlands hearing deadline that has proven to be unworkable, and

allowing notices of applications to be distributed by electronic means such as fax or e-mail, saving staff time, paper, and money. As with the electronic notice provisions of section 9, the notice of tentative determination would still be required to be published in a newspaper of general circulation.

#### Section 9

This section would make certain changes to the method by which coastal permit application fees are calculated, changes that were integral to the recommendations of the Lean Project Improvement Team. First, the Department will be authorized to charge an application fee of up to four times the normal amount for structures built without the required permits, or "after-the-fact" permit applications. By creating a consistent disincentive to building coastal structures without permits, the increased application fee would provide a necessary enforcement deterrent without requiring staff and applicants to go through the formal enforcement process as is now often required under the Department's enforcement policy. In many cases, we expect that the additional fee may actually save after-the-fact applicants money as well as time, by obviating the need to enter into a Consent Order with penalty prior to obtaining authorization for unauthorized structures.

In addition, this section would also authorize the Department to set future coastal permit application fees by regulation. One of the efficiencies identified by the Lean Project Improvement Team was to consolidate existing initial, public notice, and area-based permit application fees into one comprehensive fee that is charged at the beginning of the process, a recommendation that would require a statutory change. The Department's intent is to streamline the application process while generating at least the same amount of revenue from a different type of fee schedule, probably based on the type of activity (e.g., residential dock vs. commercial marina or dredging) rather than the water area occupied by the activity as currently specified in statute. Providing the ability to set Structures, Dredging and Fill permit application fees by regulation will allow the Department to proceed with an essential step in permit process improvements.

Finally, this section would streamline the regulatory process by eliminating the statutory requirement for providing notice of coastal permits by certified mail, identified by the Lean Project Improvement Team as a non-value-added step entailing unnecessary expense and paperwork. The Department estimates that approximately 1500 pieces of certified mail, at an average expense of \$1.10 each, are mailed annually, at considerable cost in staff time and paper use as well as postage. Notices by e-mail or fax will provide similar or better notice to interested parties, with equal assurance of delivery. The notice of tentative determination would still be required to be published in a newspaper of general circulation.

#### Section 11

In several instances municipalities, conservation organizations, and private individuals have sought to undertake tidal wetland restoration and other resource conservation activities within the jurisdiction of the Department. However, such private activities can only be authorized under the full CGS §22a-361 permit process, which can often be burdensome and time-consuming, unless the activity can be supervised by Department staff, normally the Wetlands Restoration Unit. Since staffing constraints limit the number of projects that can be actively supervised, the

Department wishes to encourage non-Department resource restoration activities by removing the supervision requirement for eligibility to apply using the streamlined Certificate of Permission process. The Certificate of Permission is issued within 90-days from the date of application, while a full permit application can take up to a year or more to process.

#### Remaining Sections

The remaining sections of the proposed bill are purely administrative measures that will clean up several obsolete or inconsistent statutory provisions or cross-references, but will not affect the Department's current business practices. Of those, I would highlight the following:

Section 3 will create a - definition of "sewage" that is consistent with the federal Clean Water Act. This change is necessary to ensure that the definition of "No Discharge Zone" under state law is consistent with the waters already designated by the EPA as no discharge areas under federal law. All Connecticut coastal waters have been designated as federally approved no discharge areas.

Section 7 will repeal an obsolete administrative provision of CGS §22a-97(c) which requires the Department to submit an annual report to the Legislature and the Governor on the implementation of the coastal management program. This requirement has now been made redundant by the information provided on the Department's website and other annual reports; therefore, DEP has not submitted any separate reports under 22a-97(c) for many years. At the request of the State Auditors, we propose to eliminate this reporting requirement.

Section 10 will repeal a redundant aquaculture exemption from the coastal permit program statutes. The repealed exemption will leave in place a broader exemption for aquaculture activities from Department permit programs, and will also leave undisturbed existing procedures and protocols worked out between our Department and the Department of Agriculture.

Section 12 will remove unnecessary procedures and guidance for federal coastal management grant funds that are no longer available. In the early days of Connecticut's coastal management program, readily available federal funds were designated by section 22a-112 in part to assist coastal municipalities in meeting their new responsibilities in coastal planning and site plan review under the state Coastal Management Act. Such federal funds are no longer available, and coastal towns have long since incorporated coastal management responsibilities into their ongoing operations.

In addition, Section 12 will remove unnecessary procedures and guidance for an estuarine embayment restoration program, which has not been funded for decades. The last allocation of bond funds under this program was made in 1998, and any future funding would likely necessitate new statutory criteria.

In conclusion, we strongly support Raised Senate Bill No. 124 and thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).



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**TESTIMONY OF  
 SANDY BRESLIN, DIRECTOR OF GOVERNMENT AFFAIRS  
 AUDUBON CONNECTICUT**

**ENVIRONMENT COMMITTEE PUBLIC HEARING  
 February 22, 2010**

*IN SUPPORT* of the following proposed legislation:

*S.B. 124 AAC Long Island Sound and Coastal Permitting.*

*S.B. 5128 AAC Environmental Conservation Licensing.*

*S.B. 5117 AAC Conservation and Preservation Restrictions Held by the State.*

*S.B. 121 AAC the Extension of General Permits Issued by the Department of Environmental Protection.*

Senator Meyer, Representative Roy and members of the Environment Committee, my name is Sandy Breslin and I am the director of governmental affairs for Audubon Connecticut, the state organization of the National Audubon Society. Thank you for the opportunity to testify today *IN SUPPORT* of S.B. 124, 5128, 51117 and 121 that seek to improve the permitting processes of the State of Connecticut, Department of Environmental Protection, and ensure the permanent protection of prime farmland owned by the State without resorting to costly litigation.

*S.B. 124 AAC Long Island Sound and Coastal Permitting* aims to update the coastal permitting practices of DEP by requiring that permits issued by the Office of Long Island Sound (OLISP) be recorded on local land records, restores the estuarine embayment improvement program, adopts the federal definitions of sewage, simplifies the description of the "No Discharge" zone in the Sound, authorizes higher fees for issuing after-the-fact permits for construction of coastal structures, authorizes electronic distribution of coastal permit notices and makes other changes to out-of-date sections of this statute. Audubon *strongly supports* these proposed changes and encourages the Environment Committee to vote favorably on this legislation.

*S.B. 5128 AAC Environmental Conservation Licensing* clarifies State compliance with the federal Pittman-Robertson Wildlife and Dingell-Johnson Sportfish Restoration Acts, ensuring continued receipt of monies from these programs, which are a major source of funding for DEP wildlife programs statewide. The legislation will allow the Commissioner to adjust the fee for the Migratory Bird Conservation Stamp that provides significant funding for wetlands restoration and conservation. In addition, the legislation would authorize the Commissioner of DEP to promote electronic license and fee transactions. Audubon Connecticut *strongly supports* this legislation.