

**PA10-140**

SB394

|                        |   |            |
|------------------------|---|------------|
| Energy                 | [846, 849-860]  | 13         |
| House                  | 4478-4552   | 75         |
| Planning & Development | 327-343, 345-347, 350-353,<br>373-376, 528-530, 602-609,<br>738 | 40         |
| <u>Senate</u>          | <u>2647-2655, 3966-3969</u>                                     | <u>13</u>  |
|                        |   | <b>141</b> |

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENERGY AND  
TECHNOLOGY  
PART 3  
687 – 996**

**2010**

you address that as well?

SHIRLEY BERGERT: I think that to the extent the portion of the funds that are used for deliverable fuels come from state tax money that that probably -- my understanding is that that's required to be kept in a separate fund. My understanding is that the electric companies to the extent that they oversee the gas company programs and they are administering those coordinated programs now that they accept funding pursuant to DPUC directive and that those funds are kept in a separate account.

I don't know that there's any need to have the gas provision. I believe there is the need to have the deliverable fuel separate funding provision.

REP. NARDELLO: Are there other questions from members of the committee?

Seeing none, thank you, Shirley, for your testimony.

And we're ready to move on to our next bill, which is Senate Bill 415, AN ACT REVISING THE MEMBERSHIP OF THE CONNECTICUT AUTHORITY BOARD AND THE ENVIRONMENT JUSTICE STATUTE.

And our first speaker is Richard Barlow.

RICHARD BARLOW: Good afternoon, cochairs, members of the committee. My name is Richard J. Barlow. I'm the first selectman of the town of Canton and I'm here today as a member of the policy board of the Capitol Region Council of Governments.

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The Capitol Region Council of Governments, CRCOG, is a regional planning agency serving the City of Hartford and the 29 -- 28

RICHARD BARLOW: That would be 70.

REP. GENGA: Yeah!

RICHARD BARLOW: And then we would elect an executive -- the elected officials could then elect an executive board that would administer the project.

REP. GENGA: How does this bill help you then?

RICHARD BARLOW: Well, the bill -- the bill did intend to expand municipal participation on -- on the CRRA board that was -- was in your bill and we felt it was an opportunity. There another companion piece of legislation that will be heard tomorrow that is talking about expansion and we just wanted to make sure that we covered both this -- this bill and 395, which will be heard tomorrow in Planning and Development.

[8B394]

REP. GENGA: 395. Okay. Is that your bill that you're speaking to that --

RICHARD BARLOW: 395 --

REP. GENGA: -- you -- what you'd like to achieve?

RICHARD BARLOW: 395 was a bill that put, as a placeholder to -- to facilitate that discussion.

REP. GENGA: Okay. As you see the board now, as it's constituted, what is the representation and perception that you have of that representation. Obviously, it's a 12 member board and five are appointed by the Governor but the people are there, I got the message, well they don't represent the municipalities but what is the perception of who they

represent.

RICHARD BARLOW: That's -- that's difficult to -- difficult to say. I will clearly say, as an elected official, that I don't believe that board necessarily always represents the interest of -- of the communities. There have been things that the municipalities have wanted to -- to CRRA to provide in terms of services that they haven't -- haven't stepped up and done and they if they truly are going to be a comprehensive solid waste authority for the municipalities then we need -- we need a host of services.

They have chose, for example, one the Hartford Landfill closed to tell those municipalities that brought their construction and demolition debris in there, their bulky waste to landfills, that their solution was to look at the DEP list of volume reductions contractors and find -- find somebody take that material. Clearly, we, as municipalities, feel that that's part of the waste stream that should be handled. We would like to see, you know, CRRA come up with proactive plans to handle the waste stream and we just don't -- we just don't feel that they do that.

We have sense that the administration is overly top heavy and that there can be savings made by restructuring the authority to be leaner and meaner and to save tip fees to municipalities.

REP. GENGA: I guess for disclosure I would tell you that 25 years ago on the East Hartford Town Council, I voted for joining the CRRA. And it was then, because of one factor, the ability of the MDC to operate, whereas we had combustion engineering, Bridgeport, some others, that had all failed and the operation has been a success but there's some mitigating factors probably

the biggest, which is Enron, and the financial situation that put them in when they did that illegal loan as described by the -- the Attorney General.

RICHARD BARLOW: You know, I would have to say --

REP. GENGA: So --

RICHARD BARLOW: I would have to say to that I think the current board has done a pretty good job of digging us out of -- of that Enron hole.

REP. GENGA: Yeah. I think they put in a situation which they had no other choice.

RICHARD BARLOW: No.

REP. GENGA: But also, looking beyond -- well, the contract runs out in 2012, is that January 1?

RICHARD BARLOW: Yes.

REP. GENGA: Okay. So there's got to be another method rather than or some competitive alternatives.

RICHARD BARLOW: And that was really was CRCOG --

REP. GENGA: Yeah, that's what I saw from the presentation.

RICHARD BARLOW: -- studied to try to look at other alternatives and CRRA certainly is a very viable alternative but, as we look at it, the thing that frustrates, as municipal officials, is we don't seem to be valued as customers, number one, and we want to have a greater role in being able to manage that because it is an important and substantial part of the municipal budgets.

REP. GENGA: The advisory commission, as you see it, strictly advisory, is that result of complaints from the municipalities, you think.

RICHARD BARLOW: I would have to say that they started that in the last year primarily because CRCOG started looking at options and started developing the potential philosophy of establishing a Central Connecticut Solid Waste Authority. So I think, clearly, that's been a response in my mind for that.

REP. GENGA: Do you know what the projected cost is for the next year?

RICHARD BARLOW: They just --

REP. GENGA: (Inaudible.)

RICHARD BARLOW: They just announced last week, MSW garbage is going to be \$69 a ton.

REP. GENGA: That's basically the same as this previous year except municipalities received, I believe and correct me if I wrong, a \$6 per ton rebate.

RICHARD BARLOW: That is correct. They either take it last year or this year.

REP. GENGA: Right.

RICHARD BARLOW: And I think maybe --

REP. GENGA: So roughly it comes to about a \$63 per ton.

RICHARD BARLOW: Yeah, I think about 16 of them chose to take this year as opposed to last year but I wouldn't want to --

REP. GENGA: And I know the -- the bottom line is

the cost has significant in growing. Is there any vision of that cost, as you've talked about leaner and meaner, going down?

RICHARD BARLOW: I think certainly some of the administrative costs based on the information that our consultant that did the study appeared to be more than they needed to be. I think CRRA tends to dispute that and that is not the case but we think there could be some savings there. Certainly, their decision not to go forward with the Franklin Ash Landfill did impact and will continue to long-term impact the cost of -- of disposal because I think that's about \$7 a ton difference if they had their own landfill there.

So it was disappointing I think for many of us to see them pull the plug on that project without, again, any consultation with municipalities. They just went ahead and did it. Not that -- maybe they felt it wasn't appropriate to do but, as customers, we didn't get much of a warning of it. We got a letter after it was done.

REP. GENGA: That I understand. Is this revise to -- the statute really go -- well it's going in the right direction but is it really going to be anything significant in your terms even though you're testifying in support it.

RICHARD BARLOW: We're testifying in support of the intent of it.

REP. GENGA: Yeah.

RICHARD BARLOW: I'd like to see it expanded to, as I say, make all the members municipalities should be members of the board and to establish an executive committee by those elected officials, which would then take -- really take

the position of the current CRRA board.

REP. GENGA: So are you -- would you be in favor of a complete revision of the board --

RICHARD BARLOW: Yes.

REP. GENGA: -- where there was much more municipal representation?

RICHARD BARLOW: Yes.

REP. GENGA: Okay. You've answered my questions. One last question.

RICHARD BARLOW: Sure.

REP. GENGA: You said that the process they have now in the plant has a 20 year life expectancy.

RICHARD BARLOW: Well what they've -- what they've done is in anticipation of in 2012 the contract is running out, they have over the last several years invested about \$12 million, over \$12 million in the plant structure because the plant, as you say was 20, 25 years old. So they basically rehabbed it so it's got -- got another extended period of usable life in it. Our concern is -- is municipalities, they rehabbed with our tip fee money, which, you know, we could argue whether that's appropriate or not, if we don't stay with them after 2012, we basically have invested in -- in something we get no return on.

REP. GENGA: After 2000 -- after January 1, 2012 --

RICHARD BARLOW: After -- yeah.

REP. GENGA: -- they could do whatever they want with that plant. It's within their decision.

RICHARD BARLOW: Their position has been that they own -- they own that plant.

REP. GENGA: Okay.

RICHARD BARLOW: We would like to think that we, as the municipalities, should be owners of that plant. They will say that they paid off the bonds but they paid off the bonds with our tip fee revenues.

REP. GENGA: Yeah. I think we ought to look at a complete revision of the board.

RICHARD BARLOW: I think that certainly would be --

REP. GENGA: That's my --

RICHARD BARLOW: On behalf of CRCOG, we'd be happy to work with you.

REP. GENGA: Sure.

Thank you.

REP. NARDELLO: Thank you, Mr. Barlow.

I just have a question. Okay. If I'm hearing you correctly, you're suggesting that all of the municipal officials should be there and you said there are 70. So are you --

RICHARD BARLOW: There is 70 in the Mid-Conn Project. CRRA still has other projects.

REP. NARDELLO: But are you suggesting then there be a board of 70 people? Am I hearing you correctly?

RICHARD BARLOW: That -- that would be our intent that those elected officials would constitute the board and that an executive committee would

then be formed more along the lines of, you know, nine to ten, eleven, constituents with what the existing board is now.

REP. NARDELLO: Well, again, you know, 70 is sort of a daunting number and that's a concern of ours but what I would suggest to you is that you do submit to the committee revised language that you feel you might be able to live with and we'll certainly give it our consideration.

RICHARD BARLOW: Thank you.

REP. NARDELLO: So I would ask you to do that.

Yes, Representative Johnson.

REP. JOHNSON: Thank you, Madam Chair.

I just had a question about your -- your vision for changing the structure and if you have 70 representatives from the municipalities CRRA board, what would -- how would you be competitive if you wanted to go to bid once you were actually part of the CRRA? I mean, at this point in time, you have a contract and if you decide to change the hauler and whoever disposes of your municipal solid waste, you can -- you can out to bid but once you become part of that entity, you'll be somewhat of a conflict of interest, don't you?

RICHARD BARLOW: No, I don't think so. Currently, many of the municipalities have separate contracts for either collection and/or hauling to the facility and we anticipate that the municipalities would still continue to have that role. Could we not potentially, at some point in time, bid those collection services in -- in a larger group and get better -- better rates. That may be possible but I don't see that as a -- as a conflict under the existing

system and I don't it, you know, it would be perceived as being under the future one.

REP. JOHNSON: Thank you for your testimony.

Thank you, Madam Chair.

REP. NARDELLO: Senator Witkos.

SENATOR WITKOS: Thank you, Madam Chair.

Since the CRRA is a quasi-public agency and I guess the Governor has five appointees, who pays the most public funds to operate the CRRA? Is the state of Connecticut or would it be the municipalities?

RICHARD BARLOW: There's no -- no Connecticut dollars in it at this time, Senator. Basically, it runs based the tips fees that are generated from the customer municipalities.

SENATOR WITKOS: So there's no state dollars and the municipalities only have minimal representation on the board of directors.

RICHARD BARLOW: That's correct. And under the -- the present proportion of those members of boards of the 70 communities that form the Mid-Conn Project we have -- have two representatives, municipal representatives on the board and one vacancy.

SENATOR WITKOS: Thank you.

Thank you, Madam Chair.

REP. NARDELLO: Are there further questions from members of the committee?

Senator Fonfara.

SENATOR FONFARA: I think I understand it's not a new proposal that you're putting forward here today but how -- how do you guard against the situation where you have 70 towns, most of them are of similar size and shape and population and then you have a few that are different from that and having an imbalance in terms of objectives, in terms of interests. I don't know if your proposal guards against that.

RICHARD BARLOW: Well, at this point in time, roughly 48 of the 70 municipalities in the Mid-Conn Project have expressed interest and consideration of joining a new Central Connecticut Authority. They have certainly not in active ordinances that establish the inter -- intermunicipal agreements that are allowed under statute to do that but as we went forward with those 50 -- 48 municipalities, we struggled with, you know, one vote per town, realizing the towns were somewhat different as opposed to looking at some structure that may be more equitable.

At this point in time, there seems to be, of the municipalities that are willing to participate or expressing interest to participate an idea that there would be five tiered level of -- of voting that based on the percentage of population that you in the project you could have either one or five votes. There seems -- that seems to be something that people are comfortable with. It gives the much smaller municipality up in the Northwest an opportunity to feel that they have a little bit more say and also give somebody like Hartford, which is certainly one of the larger communities, an opportunity to have a little more -- a little more at the table.

SENATOR FONFARA: Well, forgive me, but you're going from 70 to where it could be -- could be

conceivably a hundred and something that --

RICHARD BARLOW: Well, we -- we've said if you took the 50 that have expressed, 48 have expressed interest right now, and you proportioned it out on population, we'd have a system that would have roughly 107 votes and somebody like Hartford would have five votes and somebody like Norfolk, up in the Northwest, would have one vote. But it would be -- it would be the municipal officials.

We -- the other option is that you gave each municipality, each elected official, one vote. So that's -- that's the other option. But the goal was to have a system where truly the elected officials, as the customers, have control of the authority and have control of the board. We think we can -- we think we can do -- do a better job.

SENATOR FONFARA: I certainly understand and sympathize with the -- with the objective. I don't know if the proposal to get it is -- is as far along. And I think that this committee will have some say on it no matter what, whether it's this bill or whether it's the bill that you've spoken about that's in Planning and Development. We will ask that it come here either way. So to the extent that the bill has a chance of becoming law, I think that aspect of it has to be tightened up considerably.

RICHARD BARLOW: On behalf Capital Region Council of Governments and Melody Currey, who's our chair, we'd happy to work with the committee to try to firm up that concept.

SENATOR FONFARA: Thank you, sir.

Thank you, Madam Chair.

REP. NARDELLO: Representative Genga has a follow-up.

REP. GENGA: Yeah. I would just like to ask you a question and make sure I understand. I have a scheme in mind but of the eight MDC towns, don't they represent 75 percent of the CRRA waste, 70 percent, maybe I'm wrong.

RICHARD BARLOW: If you went on the Mid-Conn Project, when we had, basically, 48 communities who were expressing interest in joining in. The CRRA communities probably were in the range of 25 to 30 percent of those 48 communities. So I would say that based on the -- on the entire project there are probably because they're some of the 20 communities, they're probably somewhere in the 20 to 25 percent range max of -- of the total project.

REP. GENGA: My -- my recollection is that those eight municipalities represented a significant amount of what's processed, around 70 percent. But even if it's only 50 percent.

RICHARD BARLOW: No. It's much lower than that. It's down in the low 25 percent.

REP. GENGA: But to get to Chairman Fonfara's point, which I think is an excellent one, there should be representation of each proportionately and then they would elect the board so that board would be of the municipals officials and the municipal officials would elect based on that -- that scheme of representation, whatever it is.

REP. NARDELLO: Thank you, Representative Genga.

Are there further questions from members of the committee?

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 14  
4246 – 4582**

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Hearing none, so ordered.

Will the Clerk please call 493?

THE CLERK:

On page 27, Calendar 493, Substitute for Senate Bill Number 394, AN ACT CONCERNING THE GOVERNANCE OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY, favorable report of the Committee on Government Administration and Elections.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan, you have the floor, sir.

REP. RYAN (139th):

Thank you, Madam Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion is for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

Do care you care to reply further, sir.

REP. RYAN (139th):

Yes. Thank you, ma'am. Thank you, Madam Speaker.

We are basically striking the underlying bill and

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replacing it with an amendment that was passed in the Senate that was designated Senate "A." So I'd ask the Clerk to call LCO 4669 and I be allowed to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 4669, designated Senate Amendment "A."

THE CLERK:

LCO Number 4669, Senate "A" offered by Senator Prague and Representative Ryan.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize.

Is there any objection?

Hearing none, please proceed, sir.

REP. RYAN (139th):

Thank you, Madam Speaker.

What this amendment was supposed to do was -- just changed the timeframe in which the commissioner of the Department of Environmental Protection makes an assessment of whether or not a permit should be issued for an ash landfill.

As we all know, last year we had an issue with an ash landfill in one of our communities. We know that there's a large number of trash-to-energy plants in the state and the depositing of the ash is an issue

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that has to be dealt with. When the CRRA closed its ash fill here in Hartford, it was looking to move to a place in one of the towns in the east.

A prime piece of property that was environmentally very sensitive along a river. A lot of people questioned whether that was the appropriate location, but most -- they also questioned whether there was really was a need to have that facility since there was already another one in Eastern Connecticut that was a really well-run facility in a community that welcomed it.

Because of some, I'd say a drafting error in this amendment, we actually want to bring on what to bring on another amendment proposed before we knew that I want to adopt this amendment so that we can then replace it.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on adoption of Senate Amendment "A."

Will you remark?

Representative Sawyer, you have the floor.

REP. SAWYER (55th):

Thank you, Madam Speaker. A quick question to you -- through you to Representative Ryan.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan, prepare yourself.

Representative Sawyer, please proceed.

REP. SAWYER (55th):

Representative, in looking at this particular amendment, how different would the future amendment be to this one?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. WRIGHT (77th):

Thank you, Madam Speaker.

If I was allowed to bring on the next amendment we could see that. It's basically the fact that we don't allow anybody -- in this particular amendment we don't allow -- we want this assessment to be done before anybody actually goes on the land and do any testing.

But at the end of the amendment, we require them to have a plan and if you're not allowed to go on the land before you have the assessment done, it's very to develop a plan. So we tried to correct that with the next amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sawyer.

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REP. SAWYER (55th):

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

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Aman, you have the floor, sir.

REP. AMAN (14th):

Thank you, Madam Speaker.

I will wait for comments on the amendment that's going to replace the current one we're voting on and I will make my comments at that time.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Miner, you have the floor.

REP. MINER (66th):

Thank you, Madam Speaker and good evening.

So through you, under the amendment, as it is currently drafted, you would not be allowed to access the property prior to the DEP making their determination. Is that correct?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you, Madam Speaker.

Through you, as it does say, it says, prior to physical inspection evaluation of any parcel of land in lines in lines 4 and 5, so that would seem to be the case.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. RYAN (139th):

Thank you, Madam Speaker.

So in terms of the DEP's evaluation of a piece of property, my recollection on the former site was that it might have been located over an aquifer. Is that something that you would customarily see through some site visit? Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, essentially that would be part of having some wells drawn -- excuse me -- dug -- and a test wells dug and for that assessment to be done. So this would be prior to that taking place, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

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REP. MINER (66th):

So again, recalling the prior application, and I'm assuming that that's what this tries to get to, my understanding was that they have level A, perhaps even level B mapping that indicates where aquifers are located throughout the state. Would it be possible for them to do an evaluation, at least a cursory evaluation of a parcel before they even visit the site?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, what we're doing here is actually -- I mean that's all part of the process for the permitting and what we're talking about here is before any of that is actually done, we want to make sure there's actually a need for another landfill and that assessment should be done looking at facilities that currently exist in the state, seeing what they can handle, see if we really need to go and develop another facility. And if they decide yes, there is a need for another landfill and the application would be submitted and all the required

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tests would be done to see if that wasn't the appropriate location.

So first, we want to see if we need it, then we can look at that location is the correct location for a facility such as this.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

If the gentleman could point to the line within this amendment that actually speaks to what he just said. I don't see where the evaluation of other ash landfills throughout the state or other possible ash landfills outside of the state are part of this conversation. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker if you look down in I think beginning in line 14, the commissioner deems necessary including, but not -- okay.

I'm sorry -- let me -- line 11, any waste-to-energy-facility that seeks a written determination from the commissioner pursuant to

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subsection A of this section shall submit such information as the commissioner deems necessary, including, but not limited to, A, the name of the resources recovery facilities are municipality to be served by the area, the transportation needed to start and then finally the available capacity of other disposal areas for ash residue or mixed municipal and solid waste in the state that had obtained all the necessary permits to construct. So I think that aspect answers your question.

And the next amendment would actually eliminate D, when we get to that.... Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

So in trying to make a determination about whether a location is acceptable, I think what you're suggesting is that someone should do a determination based on what we already have current capacity and whether there's any other location necessary. Is that correct? Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

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REP. RYAN (139th):

Thank you, Madam Speaker.

Through you, yes. That would be -- I would agree with that interpretation.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

And if the gentleman could tell me, through you, please, Madam Speaker, when there's discussion about available capacity, is that available capacity within the state?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, I think this particular bill -- I think because it deals with the Department of Environmental Protection, it would be limited to the state because our commissioner only has jurisdiction over sites in this state.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

So when we're talking about capacity, it might be located somewhere else in the country. That would be what we're anticipating being studied prior to someone visiting a location anywhere in the state. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, essentially what we're looking at here is changing the timeline and we're really not changing the procedure, how that would be done because currently that is done... We're just saying we're going to do it earlier. So whatever currently is done would continue to be done, but just at an earlier time frame before any actual changes are made in the service of the environment of that particular proposed property.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And I thank the gentleman for his answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Aman, you've had a change of heart?

REP. AMAN (14th):

Just a -- I'm looking at the other amendment and I'm just asking if there are -- we were told that the only change was the elimination of D, and I just want to make sure that there is no other changes, so that I have the right LCOs in front of me when I started questioning. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, well, I was just talking about one of the changes. I have -- we haven't got to that amendment yet, so I haven't really spoken to that amendment yet, thoroughly yet.

DEPUTY SPEAKER KIRKLEY-BEY:

We don't have -- that amendment isn't properly before us, sir. If you could hold your question for then, I'd greatly appreciate it.

REP. AMAN (14th):

Well, then I may as well start talking about this amendment so that I'm working on the correct LCO. I was trying to -- try to have it done on what we're

going to finally be voting on, but I believe this might be the easier way to do it and then other people can start asking questions when we get to the actual amendment that will become the bill.

I do have a series of questions. A lot of them are basically definitions of what we're talking about. One of them is that we are talking throughout this about an ash landfill and I'm wondering if the proponent can explain an "ash landfill" versus the other types of landfills that we may be looking at. What type of material comes in there. How they're protected and just generally what is involved in building an ash landfill. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker.

Basically, an ash landfill is the depository for ash that is the result of trash being burnt in an ash-to -- a trash -- excuse me, a-trash-to-energy facility.

Typically, I'm not going to be able to get the specifics down, but my recollection from when we discussed this last year, but typically it's a big

hole in the ground. There are -- I believe it's lined by very thick plastic. There is some kind of -- excuse me about some kind of containment for any water that would be dripping in, whether it's rain water, residual water to ensure that that is also contained and doesn't get into the groundwater and then the ash is basically placed in the lining so that it is, like I said, contained.

And I think, properly -- the materials are deposited in there. Hopefully, it's clean materials, but as we know people burn all sorts of things so it's tough to judge what actually is contained in the ash landfill. Possible metals could be in there; other possible toxic materials, as best they can surmise after the materials have been burned in the local trash. And a truck has been able to bring them in and dump them at that particular facility.

And I believe it goes on for quite a while. I think the ash is covered possibly with -- I can't say I'm an expert at this, having just visited a couple -- and basically it continues in such a fashion until the area is -- the hole is filled and finally covered over by no longer in operation.

DEPUTY SPEAKER KIRKLEY-BEY:

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Representative Aman.

REP. AMAN (14th):

Yes. I would imagine then that the concerns people have with an ash landfill go to the toxic type of materials that the proponent was talking about and entering, and how they're stored, et cetera and I was wondering if there has been any studies done about the toxic materials, how they have left the landfills and entered into to the watercourses or caused any other problems within the state of Connecticut.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, I mean, this amendment essentially was dealing with the time frame of the permitting process. I can't say I came prepared with all the details such as Representative Aman would want such as studies, things of that nature. Because that really wasn't what we're talking about. We were just talking about changing the time frame and the permitting process and I'm sure there are studies. I just didn't bring those materials with me. I can't really truthfully answer those questions

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so I kind of would prefer not to read and give him some misinformation.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

The bill goes on -- at the very start, talks about a parcel of land. Is there a particular parcel that this bill is directed towards?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Well, I might have a thought about a particular parcel, but in general the bill itself, yeah, I think is designed for any possible location in the state that might be looked at in the future for a site for an ash landfill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

So they could be looking at a parcel other than the one in eastern Connecticut that was referred to earlier, for instance, maybe reexamining the Hartford Landfill to see if that could be expanded or some

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other facility.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker.

Well, he did find the one I was thinking about but of course, if he would look at any other site, yes. That would be possible as well.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

The bill goes on to say that the commissioner of the environment -- Department of Environmental Protection will determine if a disposable area is necessary.

What would be the general determination that they would use or general guideline as to whether a landfill for ash was necessary or not? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you, Madam Speaker.

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I think that was the Section I just pointed out to Representative Miner. It is part B. Looking if there's another facility in the state that can -- that is already cited and is being constructed that could handle this additional -- that could handle the residue that currently is produced in the state, is that adequate to handle it.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

So from the answer, would the DEP be limited under this bill for looking at only sites within the state of Connecticut or would they be able to look at other ways of disposing the ash?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you, Madam Speaker. Again, keeping in mind they're on this, the first amendment the Senate amendment.

We're not changing anything that isn't current law, so nothing would change that currently can be done in that respect. We're just changing the

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timeline and that's all this amendment and the following amendment will do. When I get to the second amendment, there's another aspect of it.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Following along on the same line of questioning, it also talks about later on in the amendment that they're having to do the study and I think that does tie in with whether it be necessary or substantially in excess capacity.

And I'm looking at substantial excess capacity and wondering what would be the timeline when you're looking at that? Is that one year's of ash that they have to look at, and if there's capacity in the state to take the next year or the next five years or the next ten years?

How many years out what you have before DEP would probably say that there was substantial excess capacity? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you, Madam Speaker.

I think that one that's currently located in Putnam -- that's it -- Putnam -- I think has been shown that it could go to 2017 with its current capacity. And there are plans to expand it so it could go for number of years in the future. I think that would be up to DEP commissioner to surmise whether that was going to handle the needs of the state for any period of time at which they were looking.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yeah, I, again, am looking at that substantial excess capacity. And depending on who you're talking to, that can have a very, very different timeline. I remember talking to the Catholic Cemetery Association about their plans and they said in 150 year increments was what they thought was a reasonable period of time to look at for their needs.

So I think that leaves it very much wide open as to those two terms as far as giving guidelines to DEP of the legislative intent of the word "necessary" or "substantial excess capacity."

All of this ash is being generated according to

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the bill by waste-to-energy facilities. If we have a plant that burns trash, but is not producing energy, with their ash be allowed to come to the landfill that this bill envisions being studied?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you..

Once again, this bill does nothing -- deals nothing with changing current law; what's allowed in or out of an ash landfill. It just changes the timeline.

DEPUTY SPEAKER KIRKLEY-BEY:

Excuse me. Representative Aman.

REP. AMAN (14th):

Again, I think that's a very important question for other speakers and myself to be looking at, is that, are we looking at a variety of different ways of disposing our trash or is it just on the energy part that we look at?

The -- again the bill goes on that is supposed to be looking at the transportation system needed to serve the disposal area. And I'm just again, wondering how wide-ranging that is. Is it only to

deal with truck traffic, car traffic or truck traffic, or train traffic? Are they supposed to look at road's traffic patterns. Are they supposed to be looking at what they consider the transportation system to serve the disposal area?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you, Madam Speaker.

I think that's an interesting question, insofar as the site that they were looking at last year was in the middle of a down and had to be traveled across country roads. Very large trucks, if you've ever seen these trucks carrying ash, would to have had to travel along local country roads which may have been considered almost inadequate for a large number of, you know, multi-wheeled trucks that would be traveling. Whereas, the facility in Putnam is right off the highway and actually is -- people are able to come -- the trucks are able to come right off of 395 and enter the facility right off the highway without having to travel a lot of local roads.

Obviously, that gives a good reason for placing

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it there rather than another location where a lot of local roads would have to be used and there could be issues about safety and capacity things of that nature, which has already been taken care of when you look a facility like what we see in Putnam.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

So would the -- since we're talking about primarily capacity of roads, would the DEP have to in looking at a plan or determining whether a site is adequate, come back and talk about maybe highway interchanges or changing two lanes to four lanes on highways are rebuilding bridges?

Would they have to go outside the immediate area of the projected landfill to determine if what type of transportation infrastructure would have to be changed? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, I think this particular bill -- I think those would be things that would be -- well, they would be looking at -- I think

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would be finally determined by local zoning, that they would allow into the area if they could. Though, I have to admit CRRA for one is exempt from local zoning laws but I think they would have to do that in cooperation with the Transportation Department to make sure that the materials could be transported safely and effectively to the location.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes, the last paragraph within this projected amendment does talk about the commissioner shall consider information submitted, but it doesn't say who submits the information to them. Where are they going to get the information or who are the people that are submitting the information to the DEP?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I'm sorry. Through you, Madam Speaker, I'm not -- could you just clarify your question? I mean, the information I believe is information that would be forthcoming when the permitting purpose -- I mean, it

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would be given to the commissioner, unless I'm misunderstanding what your question is.

DEPUTY SPEAKER KIRKLEY-BEY:

Do you have the line, sir?

REP. AMAN (14th):

Yes. In line 21 it says, the commissioner shall consider the information pursuant to subdivision and my question is who was submitting the information and in what format will they be updating the information? Is this just written information from experts in the field or public hearings? Or who submits the information that they have to make a decision on.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Okay. Obviously, the applicant for the land -- the new waste -- I'm sorry. The new ash landfill and the information would be what's required in Parts A, B and C as it will turn out of the previous paragraphs. So it would be lines 11 to 20 -- 19.

It would be the information and the applicant would be submitting it and I think in whatever fashion that the DEP typically acquires that information. I'm

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going to guess, it's written.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

So from reading this, the commissioner and the DEP will decide what format they're going to get their information and who's going to submit the information, whether they're going to have a public hearing; just generally the whole process is left just in the hands of the commissioner to decide how they are going to proceed to obtain the information for making a decision. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Again, I'm getting a little confused because we're on this amendment, but I mean, the difference between determining whether the facilities are needed, that's one. That's what this bill is dealing with. The application process for allowing a permit to build the facility, were not changing any of those aspects, so that would be whatever current practice is.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

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REP. AMAN (14th):

I'm still a little confused as to how the commissioner, if there are any guidelines and I'm not seeing any, that they will be doing to come up with a determination of whether that landfill is needed or not.

Again, it seems to be very open ended and then the rest of that goes in that section and any other information the commissioner deems pertinent. Again, I think that leaves it very, very wide open. The commissioner, it appears under this bill as being presented, has the option of obtaining the information from whoever they want, wherever they want and to decide which information is appropriate and which isn't.

They can take very good scientific information and compare it with someone who is just coming up and saying I read on the Internet that this is true or not. So I do think that they're a some problems, as we look at the next amendment and the rest of the bill, that should be continued to be looked at.

Thank you, Madam Speaker and will be looking forward to the rest of the discussion.

DEPUTY SPEAKER KIRKLEY-BEY:

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Thank you, Representative.

Representative Perillo, you have the floor, sir.

REP. PERILLO (113th):

Madam Speaker, thank you, and thank you for your patience.

If I could, through you, madam, just a few questions for the proponent.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan, prepare yourself.

Representative Perillo, please frame your question.

REP. PERILLO (113th):

Thank you, Madam Speaker.

I get the sense that this is out of, you know, a reaction to a specific issue that the Representative has in his district. I respect that.

To understand it, because it's based on a specific issue I'd like to get a little bit of the background behind the ash landfill that sparked this and determine whether or not what we're looking at in terms of the legislation will actually do what we intend to do with the legislation before us.

So I'd just like to hear a little bit of the process, how the site was selected and why we are here

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today to try and reverse that process, because honestly I'm really not very familiar with it.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, as I had mentioned earlier, we're not changing any of those aspects. All or asking is that process would still be the same. We just ask that one part of it is moved up, an assessment of need is determined before anything else is done. The process would continue as it has been in selecting the site, making a determination.

Just the fact of the matter is whether the site is needed; that the question at this amendment is trying to get answered before the permitting process begins and the process that is currently in place is begun.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Madam Speaker.

And again through you, again, I understand that we're not making changes beyond the language in here,

but at the same time I don't necessarily understand how the process runs its course now.

Right now, through you, Madam Speaker, which -- who is the deciding authority about which site would bear an ash landfill, or any other landfill for that matter? Is there a specific organization now that has the authority? Is it CRRA? Is it the Siting Council?

You know, we're speaking specifically about DEP and the commissioner of DEP so I'm just wondering if that is indeed the proper avenue here. So how is processed on right now? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, like I mentioned earlier, because that wasn't the aspects of this amendment, I really didn't come with materials prepared to answer it. I'm kind of relying on my memory, but I believe it's the Siting Counsel.

And again, I'm not going to swear on a bible on some of these responses because I didn't bring the materials with me to deal with that aspect. But I believe the DEP does the permitting. The Siting Council, I think, does have some influence over

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whether or not this location is the best location with input from the DEP as to whether it meets their criteria that they have established for the site for an ash landfill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much.

A follow-up question. Right now, what is the role of the commissioner of DEP in determining the capacity of landfills in the state? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, currently the commissioner is the one who does determine if there's a capacity. She just does it later in the process. And we're asking you to do it earlier before a lot of money is spent, before a lot of folks are upset and there's a lot of concern that is -- that comes forward, as I mentioned earlier.

They just want to know before they have to go through this process of public hearings, everything

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else. They're asking up front to make the first assessment and do we need it before they start going into the area, developing plans, having public hearings. They just feel that before we have that whole process and money is spent and a time and energy is spent that the first assessment is, do we need a new facility?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Madam Speaker.

Through you, again, do we know of any instances where the process has begun for the construction of a landfill? And/or for the approval of a landfill and later on it was determined during that process when DEP weighed in on whether there was a need for -- or whether there was a sufficient capacity?

Have there been any instances where during that process the commissioner of DEP has determined mainstream that, in fact, we didn't need the landfill? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, well, the one case I know of is the one we talked about last year for a facility in Franklin. That question was constantly asked. The local newspapers pointed out as well as people who testified in front of the Environment Committee. The fact that we have a facility that seemed to be able to adequately handle the ash from a facilities here in Connecticut.

We never got to go to a point where the commissioner -- the commissioner, at one point, and I believe it was Commissioner McCarthy had stated that she would not probably issue a permit because she didn't feel that there was a need. But we never got that far because CRRA withdrew their application before it got that far.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Madam Speaker.

So it seems the underlying concern here is that CRRA or any like authority does not understand the need for capacity and would not themselves be able to make a determination whether or not there is a sufficient need for capacity. Is that true?

Through you, Madam Speaker. Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, you would think so and I think they kind of, at least in the last case, they just felt for some reason that this would be more cost effective, but all the work we did kind of showed that if they really sat down and talked with the owners of the facility in Putnam and they probably would have got it to a cost factor that would have satisfied them.

Again, I don't know if those talks ever really took place. I heard kind of conflicting information on that. We were told by the folks who owned the ash fill in Putnam that they would be happy to sit down and talk to them to give them a more -- at a price that would be more effective, but again, since not realizing that this -- that would be part of the discussion, I have to -- would have, should have gone over my notes, but I think that was part of it, but I think that was the issue.

And we talk about the transportation. I think one of the factors was the transportation costs to

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Putnam would be more than they were to Franklin and we talked with a local company that did the transporting and they said they would be no change in cost. It would be the same either way.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much and I thank the gentleman for his patience and his time in answering my questions. I know some of them are a bit beyond, sort of the scope of our discussion here, but at the same time it's difficult to know the process most of us in the chamber probably don't know the process for approvals and I'm one of them.

So I just wanted to try and understand that a little bit better. And again, I thank him for his time and I thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Johnson, you have the floor, madam.

REP. JOHNSON (49th):

Thank you, Madam Speaker.

And I rise in strong support of this bill. This

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bill will save everybody a lot of time and resources if the Department of Environmental Protection determines that such a facility is not necessary at the time that its proposed by, perhaps, the CRRA.

Then in that circumstance, we'll have to wait until some other time. It might become necessary to have an additional landfill. A great deal of money and time and -- time here in the House and Senate was spent on a proposed landfill that really wasn't necessary at all. There was a landfill already existing, an ash landfill already existing in the town of Putnam at the time that this new landfill was proposed in Franklin.

And we were able to finally persuade people that there is adequate space in this state at this time to address all of the ash landfill needs that we have.

So this bill will address the fact that the process should really begin with the Department of Environmental Protection. They should make the determination about landfill capacity and then we'll be assured that the time in the energy and the money locating a place to put additional ash will actually be well spent instead of having a lot of our resources, a lot of the CRRA's resources wasted.

So thank you, Madam Speaker and thank you to the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Piscopo, you have the floor, sir.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

Madam Speaker, a question through you to the proponent.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan, prepare yourself.

Representative Piscopo, place frame your question.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

And would the proponent please forgive me. I know this may sound repetitive and I'm really trying to get to the bottom of this. I'm sincerely confused on this. It was mentioned that the amendment was a reaction to a site in eastern Connecticut. We'll assume it's the Franklin site. Through you, Madam Speaker can we go that far, through you to the proponent.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

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REP. RYAN (139th):

Through you, Madam Speaker, I don't think it was a reaction to anything. I think it was that we were made aware of the process of the fact that the process could be made better by making a determination before, like I said earlier, a lot of money and time and effort was spent to ensure that a facility was needed before people undertook a permitting process or something that might not have been needed.

So it wasn't a reaction to anything, but just an awareness of the fact that a process could be made better.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you.

And through you, Madam Speaker I just -- I understand that the Franklin site, they've gone through -- CRRA has gone through an exhaustive procedure, years. They have, you know, studied, you know, they have studied what resource facilities would be involved. It would be done basically, they've studied the transportation system, the liners, the capacity. They studied design of the disposal area.

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So I think they've gone through all of the hoops so to speak that are spelled out in this amendment. Can I assume that they have gotten a written determination from the commissioner of Environmental Protection. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I'm sorry, Madam Speaker. I'm not sure and understand the question. Once again, I repeat, whatever they had to do for a site, they would do. We're just asking them to do it after it's been determined the site is required.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

If they have jumped through all these hoops, I mentioned, if you will, they've got a written determination already from the commissioner of Department of Environmental Protection. They've gone through A, B, C, D that are spelled out in this amendment and subsequent amendments, I think, I can assume that this amendment would have no effect on any

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proposed facility that is pending right now? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, I don't know if there is any facility under consideration. We're just asking that those three items be looked at if they should consider a facility in the future, and again, just to determine if we need a new facility or one of the current ones in existence would handle current needs.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

I thank the gentleman. I understand a bit of frustration and maybe on his part through the repetitive questioning and I sincerely don't mean to do that. He may at a disadvantage of not serving on the Environment Committee. We've had informational hearings on this disposal site. We've had hours of testimony from CRRA on this facility and we've been brought up to speed on where they were going and the

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exhaustive procedure in trying to site one of these facilities.

It's been years, it's really been years. They are somewhat under the gun. They are actually, I think, putting it on trains and trucking it out, I think, Ohio or Pennsylvania and at a great cost to our municipalities, thus our taxpayers.

And so they've really been under this procedure to try and find a facility to handle this. I don't know if existing facilities have available capacity. I would assume they don't, but I would agree with the proponent that it's something -- it may look -- be looked into.

I -- in just going over the tracking of this bill, it was introduced in the Planning and Development and then went to GAE. Has this bill been to environment? Through you, Madam Speaker, to the proponent.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, I'm just looking to see if it has been.

Through you, Madam Speaker, I'm just looking at

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the bill history. I do not see where it has been. It's been to GAE because we are talking about a permitting process, so it has been to that committee, which would have jurisdiction. And Planning and Development because it is, again, under that cognizance.

Again, we're just talking about an issue that is dealing with looking at a permitting process and what should be an assessing need before that occurs.

We're not talking about what is included in the permitting process. That's already been covered and is well documented and regulated. We're just looking at process here, which is what I've been mentioning and how we're changing that process.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

And again, I thank the proponent for his answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Will you remark? Will you remark further on Senate Amendment "A?"

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

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REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

All those opposed, nay.

The ayes have it. Senate Amendment "A" has been adopted.

Representative Ryan.

REP. RYAN (139th):

Yes. Thank you, Madam Speaker.

I think now we will get to the House Amendment, which would actually be placed Senate Amendment "A," and I'd ask the Clerk to call LCO 5498 and I be allowed to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 5498, Schedule "A" House Amendment.

THE CLERK:

LCO Number 5498, House "A," offered by Representative Ryan and Senator Prague.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize.

Is there any objection? Is there any objection?

Hearing none, so ordered.

Representative Ryan, please proceed.

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REP.: RYAN (139th):

Thank you, Madam Speaker.

As I think we've really kind of discussed this amendment, the one change where we were talking about being made is the fact that I appreciate Representative Aman bringing it to my attention, that it's difficult to design a -- to create a design capacity plan for the disposal area if you're not allowed to access the area previously.

So we realize that that was one of the criteria that couldn't be met so we removed that in the second amendment so it all just makes a little more sense. And I ask -- and I move for adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on adoption of House Amendment "A."

Is there any remarks?

Representative Piscopo, you have the floor, sir.

REP. PISCOPO (76th):

Madam Speaker, thank you very much.

I, you know, with the passing of that last amendment and with this one pending, I see that the commissioner of Environmental Protection is very much mentioned here -- as noted here prominently in this

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amendment that we had just adopted and in that one we are debating now. So to that end -- so I think is a very, very important step in this bill's progress that we make -- that we send it to the Environment Committee and to that end I will make a motion to refer.

DEPUTY SPEAKER KIRKLEY-BEY:

The House will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER KIRKLEY-BEY:

The House will please come back to order. The motion has been made by Representative Piscopo that we refer this to the Environment Committee. All those in favor of referring it to the Environment Committee, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

All those opposed, please indicate by saying, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER KIRKLEY-BEY:

The nays have it. It will not be referred to the Environment Committee.

Will you remark further?

Representative Alberts, you have the floor.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

I have several questions to the proponent of the amendment that's before us, if I may.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan, prepare yourself.

Representative Alberts, please proceed.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

As I was looking through Section 1, lines 3 through 11, I got confused as I was reading on from that point. And I guess I -- is it fair to say a summary of Section 1 is essentially, if the commissioner of the Environmental Protection says, hey, we need more capacity, that essentially suffices to meet those requirements in Section 1? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

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REP. RYAN (139th):

Yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

And from a logical standpoint, I was taken aback a little bit because Section 1 actually follows Section 2, doesn't it, in the thoughtful process of logic that first anyone who wishes to pursue a waste energy facility must get written determination from the commissioner prior to Section 1. Is that not correct? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I'm sorry, Madam Speaker. Through you, could he just clarify the question? I think what he's -- I'm not clear what he's asking.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts, would you please repeat your question, sir.

REP. ALBERTS (50th):

Absolutely, Madam Speaker.

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Just, in a logical sequence of time, does Section 1 above for Section 2 in terms of the process for pursuing one of these permits? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, there is only Section 1 in this amendment. I think maybe he's talking about subsection one and subsection two. Is that what you're trying to?

REP. ALBERTS (50th):

Excuse me, Madam Speaker. If I may?

Actually, I'm looking at subsection -- does B1, subsection B1 actually proceed Section A of Section 1? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Okay. Now I think I understand what he's asking. Thank you, Madam Speaker.

Obviously, they would have to get that information in one, two -- and one, these are the elements that are required to be submitted to the

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commissioner so she can determine whether or not there's a need for a facility.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

So focusing first on that area, I think there was some discussion in terms of the transportation system that's referenced in line 17. It just mentions transportation system, but for clarification purposes, as I read that, that might include roads, trains; any way of any form of access to this site. Is that not correct? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, as we spoke, when I was speaking with Representative Aman I think we discussed what it could be incorporated and I -- we -- I don't think we talked about trains. What we did -- I think, looking at mostly trucks and how they can easily access the available site without having to go to a lot of local roads.

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Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

So that transportation system would include state roads and municipal roads. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. WRIGHT (77th):

Depending on the location of the site, that would be the case I believe, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

In looking at lines 15 to 16, one of the conditions that has to be provided in the form of information is the name of the resources recovery facilities or the municipalities to be served by the disposal area.

Why just the name of the resources recovery facility? Is that because there are specific towns that are designated as the communities that are served by that resource recovery facility? Through you,

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Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I think right now typically it would be the resource recovery facilities and if for some reason a municipality was sending and not through a resource recovery facility, we just wanted to be sure we would get that location as well if there's an exception for some reason.

I don't know of any -- every typical scenario that could occur, but I think it's just making sure that if somebody does do something differently, that is also included. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

So does the proponent believe then by just having the name of the resources recovery facility, that that would serve to provide sufficient information about the area to be served by the disposal area? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I believe that would be the case because I think it would be easy enough to track down what municipalities were sending waste to that particular facility.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

In looking at lines 19 to 20 -- actually lines 18 to 20, we are looking at the available capacity of other disposal areas for ash residue or mixed municipal solid waste in the state that have not -- that have obtained, excuse me, have obtained all necessary permits to construct.

Is there a reason why we didn't look at or incorporate into this language any properties that -- or disposal areas that are a work in progress, so to speak, where perhaps they're working through the permitting process, but haven't yet culminated in that being awarded yet? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, I think it would be -- if there was such a scenario, they've gotten the permits to be able to construct, so they'd be taken into account.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

But is there a way that we would capture or would the commissioner -- or could the commission or incorporate into her evaluation those facilities that perhaps haven't had the necessary permits to construct, but the commissioner may think that an application is going to be pending quite soon?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, obviously they would also have had to have assessed whether there was a need for them and the commissioner, because she's made that decision whether or not they were necessary, would have that information as part of that process.

So she'd certainly be aware of them and could certainly use that in her assessment of whether or not there was a need for another facility.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

And then going back to the second -- actually the first part of the amendment, in lines 10 to 11, there's a mention of substantial excess capacity. Could the proponent define what substantial excess is? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. WRIGHT (77th):

Through you, Madam Speaker, a lot more than what is needed.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

Is that 10 percent? 20 percent? What is a period of evaluation that we are looking at? You know, I think predecessor mentioned -- may have

mentioned ten years or 20 years, but are there any guidelines that are to be used as we evaluate this?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I think we can trust the appointed Department of Environmental Protection commissioner, the discretion to be able to make that assessment. I think she would be -- he or she would be able to make that from the information they have and determine if whether or not the needs of the of the state are met.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

In line 23, there's mention of any other information and it goes on to say, any other information the commissioner deems pertinent. What might that other information be that the proponent might be alluding to? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

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Well, I believe the Representative, through you, Madam Speaker, gave a fine example of it. If she's -- while there might not be somebody who actually has the permits, she's well aware of the fact that there is other sites that are being developed and that would be information that she could use she might find pertinent.

I think we're just trying to -- since we're just trying to look at those scenarios where there might be things we haven't thought of it that we have -- a commissioner that has the expertise to make the assessment and not trying to tie her or his hands, but allowing them all the available tools to make that assessment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

And I think this is my final question. Is there anything in the amendment that is before us that provides any type of recourse in the event that you know, perhaps an error was made in judgment and -- by one of the parties. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan, do you need to have the question repeated?

REP. RYAN (139th):

No. I think I'll just -- thank you, Madam Speaker. I think I'll just give my interpretation of the question.

I think what he's asking, if I -- if you'll allow me, Representative Alberts, I think what you're saying is if it turns out we actually needed more space than what the commissioner thought we did and is there -- what could be done at that point in time. Is that the question you're kind of asking?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

Actually, I was thinking of the opposite. I was thinking that perhaps there was substantial excess capacity already in place or someone could make the argument that there was substantial excess capacity.

It seems like that's a very vague term and I just am wondering if there's going to be protections in here to allow for the judgment that we're, I think,

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we're asking for people to make. Through you, Madam Speaker.

REP. RYAN (139th):

Through you, Madam Speaker, well, then that's -- oh, I'm sorry. I should let you call on me first, shouldn't I?

DEPUTY SPEAKER KIRKLEY-BEY:

No. Please, Representative Ryan.

REP. RYAN (139th):

Thank you, Madam Speaker.

I think essentially that's kind of like the current system so we're actually trying to tighten up the current system and anything we do that would make that better would mean that that might occur, but even if it did occur it's still what could occur now without this assessment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

Representative Alberts, I'm sorry.

REP. ALBERTS (50th):

That's okay, Madam Speaker. Thank you very much. I do thank the proponent for his responses.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

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Representative Aman, you have the floor, sir.

REP. AMAN (14th):

Thank you, Madam Speaker.

Excuse me for not being at my desk. I thought Representative Alberts had another 10 or 20 minutes of questioning in him.

The new amendment that is out here besides the other line near the end, that originally in the bill as first proposed, or the first amendment wouldn't allow someone to walk or look at the landfill, but have to give a report on it.

There's also another line in it that says operated by a state quasi-public agency, and if the proponent would explain what a state quasi-public agency is and also who he's thinking of that may be the state public -- quasi-public agency that would be operating in looking for this ash permit. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you.

And thank you, Representative Aman. I knew there was one more element to the section and I was having

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trouble finding it until you just pointed it out and I appreciate that.

I think that agency could be, maybe the Connecticut Resources Recovery Authority as we see in the title of the book since that is the title of the bill and since it just refers back to that particular agency for which the bill was originally drawn.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Is there anyone other than CRRA that runs a waste energy facility within the state of Connecticut?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I think there is.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Would the proponent know who that is or whereabouts that is located within the state -- and the state and would they be a candidate to use a new facility in eastern Connecticut? Through you, Madam

Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, I think one is Wheelabrator, who I think is currently operating a facility so they wouldn't be looking for a new facility. They've come to us and told us that, as I said earlier, that facility is more than adequate.

In fact, they be happy to take the ash from other facilities within the state, I think is one of them. And I think Bristol is also another facility. And I'm not -- and I think they also use this facility in Putnam, excuse me, Putnam, to deposit their ash.

So they're using a site that is already -- we've deemed more than adequate, more than willing to expand and able to handle the needs of the state.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. The two organizations the proponent mentioned, are they quasi-public agencies or are they private companies? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, like I said, I believe they are private companies whose adequate -- whose disposal of ash is adequately handled.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

The reason I ask this is this bill limits it, as I read it, to things operated by state quasi-public agencies, which I believe from what was said previously, may be restricted only to CRRA.

Right now, CRRA is operating the plant here in Hartford. However, I know that many of the municipalities in the area have done so already or are in the process of forming a new organization that may or may not be a quasi-public agency.

It may be a private company that they own shares in. There's a variety of ownership ways that they're talking about doing it. If the CRRA is partially or completely replaced with something that is not fitting the definition of a state quasi-public agency, would they be allowed to use this as a facility if it was approved? Through you, Madam Speaker.

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DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, as I answered before, the facility was more than willing to sit down and negotiate with CRRA at a reasonable rate to allow them to deposit their ash in the ash landfill in Putnam.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

That may well be true, but my question was basically if CRRA is no longer in existence and the Hartford plant is being run by some other organization that is not falling under the definition of a state quasipublic agency, would they be able to make this application or have a piece of land looked at since they are no longer a quasi-public agency, which the amendment now calls for. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Thank you, Madam Speaker.

I guess I really don't see in the future the fact that CRRA will go out of existence, but if that is the

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particular case, it would probably be assumed by one of the other two entities in the state who would be -- continue to use the Putnam fill which is more than adequate.

But I think to answer your question, if the scenario you depicted, which would probably bother a lot of people, I guess this law would not apply to them.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. I thank the proponent for all his information on this.

And since the amendment, we've been discussing it so long and I think it's very important. I request that it be done by roll call, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

All those in favor of a roll call vote on House Amendment "A," please indicate by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

The 20 percent has been met. When it's taken, it will be taken by roll.

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Are you through, Representative Aman?

REP. AMAN (14th):

Yes. Thank you very much, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Bacchiochi, you have the floor.

REP. BACCHIOCHI (52nd):

Thank you, Madam Speaker.

Through you, a question to the proponent, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan, prepare yourself.

Representative Bacchiochi, please proceed.

REP. BACCHIOCHI (52nd):

Thank you.

I know that DEP did produce a very extensive report on solid waste management plans with the detailed siting criteria for the ash disposal sites.

And I'm wondering would the amendment, would this supersede the detailed plan that is already in place?

Through you, Mr. Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, I don't have -- that

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plan is not fresh in my memory and I don't see why it would again. Just before that plan is put into action, they just make an assessment as to whether or not they need another facility.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

The plan that is in place does specifically outline the steps that are necessary. So with the amendment stating that there is a new step that must go first, would that mean that they go on the land and do the assessment before they do anything else that's outlined in the current plan? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Okay. I must admit I'm having some trouble hearing her, but I think what she asked, this is not a new step. It's just a step that's been moved forward to make the assessment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you.

So there is -- as far as I can tell, Madam Speaker, there is a four-stage screening process currently in place.

Could the proponent outline what steps would be eliminated by the implementation of this amendment? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, nothing would be eliminated. One portion of the process would be changed and done first. -- Just the assessment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you.

Line 11 of the amendment talks about substantial excess capacity and throughout the report that is defined in different ways, would, under the new amendment -- well, perhaps the proponent could just define for me substantial excess capacity. Through you, Mr. Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

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Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, it's the same. I would leave it to the discretion of the commissioner, as I mentioned earlier. She could determine whether this -- if one would lead to -- basically, if the -- it goes beyond what the needs of the state are. If it's more than we need, essentially that would be the case, I believe.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you.

Also in line 5 of the amendment, we talk about physical inspection of a parcel of land. What would actually be involved specifically to do a physical of said parcel of land?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

Through you, Madam Speaker, this assessment would have to be done before there was any physical inspection of the land. So that wouldn't be done.

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That wouldn't be part of the process until after the assessment of the area landfills were met to assure that there was a need for this facility.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston, you have the floor, sir.

REP. JOHNSTON (51st):

Thank you, Madam Speaker.

Just a couple of quick questions to the proponent of the bill. I thought I understood it while back and I think we've been around and around three times, and I'll admit that I'm not clear at this point.

So one of the ash landfills is located in Putnam, Madam Speaker, which is in my community. And in hearing this discussion, I just want to make sure that I understand that the underlying amendment, which will become the bill, now is very specific and directed and targeted only to a quasi-public agency, in this case, which would be CRRA.

Through you, Madam Speaker, would that be correct?

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DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

I believe that's the only one that currently exists in the state in this function.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston.

REP. JOHNSTON (51st):

I thank the gentleman.

And therefore, if the current landfill operated by Wheelabrator in Putnam, which has a footprint and which has a capacity based upon that footprint and the height of ash that could physically be located on the footprint.

If Wheelabrator wanted to get permission through our regulatory process to increase the footprint of the ash landfill or increase capacity, would the language that we're about to adopt change the process that they would have to go through and the protections that are presently in place for the citizens of the town that landfill would be located in?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ryan.

REP. RYAN (139th):

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Since Wheelabrator is not a quasi-public agency this wouldn't apply to them. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston.

REP. JOHNSTON (51st):

Madam Speaker, thank you for the time and I appreciate -- thank the gentleman for his answer and the assurance and I appreciate that. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark? Will you remark further on House Amendment "A?" If not let me try your minds -- oh, I forgot. Roll call vote.

Will staff and guests please come to the well of the House. Will 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 voting House Amendment Schedule "A" by roll call. Members to the chamber, please.

DEPUTY SPEAKER KIRKLEY-BEY:

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Have all members voted? Have all members voted?  
Please check the board to see that your vote has been  
properly cast. The machine will be locked and the  
Clerk will prepare the tally.

Will the Clerk please announce the tally.

THE CLERK:

On House Amendment Schedule "A" for Senate  
Bill 394.

|                             |     |
|-----------------------------|-----|
| Total Number voting         | 148 |
| Necessary for adoption      | 75  |
| Those voting Yea            | 129 |
| Those voting Nay            | 19  |
| Those absent and not voting | 3   |

DEPUTY SPEAKER KIRKLEY-BEY:

Amendment "A" of the House passes.

Will you remark further on the bill as amended;  
Senate "A" and House "A."

Representative Ryan, you have the floor.

His microphone isn't on.

REP. RYAN (139th):

Thank you, Madam Speaker.

With this -- with the passage of this amendment,  
that's the final version of the bill and I'd ask my  
colleagues to support it. Thank you.

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DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Candelora, you have the floor.

REP. CANDELORA (86th):

Thank you, Madam Speaker and I will be brief.

I am opposed to the underlying bill. I guess I'm concerned about what we're doing here with a particular regulation that's only affecting a particular site. We work very hard on trying to promote the smart growth principles in this state.

And if we continue down the path of essentially spot legislating, I think it's sort of undermines our overall goals. And therefore, I cannot support the underlying bill. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Mushinsky, you have the floor.

REP. MUSHINSKY (85th):

Thank you, Madam Speaker.

I wrote the original certificate of need bill for solid waste facilities and for hazardous waste facilities. And I have to admit, Senator Prague has a more logical approach to siting than the one I wrote.

She is saying of you're going to create a site,

which is very expensive and involves engineers and water testing and legalities, why don't you find out at the beginning of process whether your -- the state needs it.

The way I wrote the original law you don't make that determination until money is already spent and the person is invested in a site. So the way this law is written, this bill is written, makes more sense. Find out at first, does the state need it? Do we need the capacity? Then go spend your money, disrupt the communities, decide whether the site is going to be there or not.

This is a logical bill. It makes more sense than current law and I hope you will support it.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark? Will you remark further?

If not, staff and guests please come to the well. Members take your seats. The machine will be open.

THE CLERK:

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

DEPUTY SPEAKER KIRKLEY-BEY:

rgd/mb/gbr  
HOUSE OF REPRESENTATIVES

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Have all members voted? Have all members voted?  
Please check the board to see that your vote has been  
properly cast.

The machine will be locked and the Clerk will  
prepare the tally.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 394 as amended by Senate "A" and  
House Amendment Schedule "A."

|                             |     |
|-----------------------------|-----|
| Total number voting         | 148 |
| Necessary for adoption      | 75  |
| Those voting Yea            | 129 |
| Those voting Nay            | 19  |
| Those absent and not voting | 3   |

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended by House and Senate "A"  
passes.

Representative Olson.

REP. OLSON (46th):

Thank you, Madam Speaker.

Madam Speaker, I move for the immediate  
transmittal of all items acted upon that require  
further action in the Senate.

Thank you, Madam Speaker.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 2  
293 – 558**

**2010**

by Mayor Melody Currey.

TOM KIRK: Representative Aman and Senator Fasano, appreciate the opportunity to speak with you today regarding S.B. 394 AN ACT CONCERNING THE GOVERNANCE OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY.

As you're aware, the General Assembly reconfigured CRRA, its board of directors and its management in late 2002 after the Enron debacle. This thoughtful reconfiguration of the board and the CRRA made sense now and the current configuration continues to make sense.

One goal of the recreated board was to have more municipal oversight, and you did that by ensuring representation of chief elected officials from across the state to look after the municipal interests and this has been accomplished.

We continue to operate in the best interest of the town. The General Assembly also wisely ensured that some board members would be required to have experience and expertise in the areas of the environment, public sector, corporate finance, business, industry and energy field.

CRRA functions as an open and transparent quasi-public agency. All of our board of directors' meetings are open to the public where anyone can come in and provide comments and share their views and ideas with the board of directors and its management directly.

We post all of our agendas and minutes on line at [CRRA.org](http://CRRA.org) along with an enormous amount of other pertinent information and helpful information to citizens and municipalities

alike. Its history, disposal recycling tonnages by town, how we operate, procedures, contracts, etc.

We also provide numerous monthly, quarterly and annual reports to the Governor, the General Assembly, the Department of Environmental Protection and others in accordance with numerous state statutes.

The Authority continues its ongoing programs of outreach to projects, cities and towns and other community groups, and is always working together with its host communities.

For example, one of our projects, the largest, Mid-Conn Project has an active and engaged municipal advisory committee, like our other three projects comprised of the elected officials of each customer towns, 70 towns in this case, that provide input to the CRRA's Mid-Connecticut Project, including disposal fees and operations.

Some of our other outreach programs and activities include special committees for future options, for projects, a committee active today, for future activities of the Mid-Connecticut Project include representatives from East Hartford, Hartford, Canton, Windsor Locks and Barkhamsted along with CRRA facilities.

We host annual meetings and have every year for the past six years for all of our member towns to gain feedback, provide updates to the CEOs on current activities and share planning efforts.

Authority officials participate in numerous councils of government across the state

including the Capitol Region Council, CCM, COST, Connecticut Recycling Council and others.

CRRA and it's Mid-Conn Project have recovered from the Enron debacle, kept disposal fees reasonable, stable and low. The CRRA towns are not charged for processing their recyclables, while in most non-CRRA towns that is a charge.

In fact, the Mid-Conn Project itself provides a \$10 rebate for every ton of recyclables they deliver. We've been in the forefront of electronics recycling, collecting over two million pounds over the past few years. We annually educate about 50,000 people at our education facilities, mostly school-aged children, in the concept of reduce, reuse, recycle and recover the energy from what's left.

Additionally, we're moving recycling into the 21st century here across Connecticut with single stream recycling and have worked with our towns and haulers on this issue. Most notably, the City of Hartford, which has seen double-digit increases in their recycling performance.

We continue to work with mayors and first selectmen across our towns on these important solid waste issues. However, it's not clear with the Senate bill is trying to accomplish, and how the state would benefit from this particular bill.

We're also looking forward to providing Mid-Connecticut Project towns with the best and lowest disposal and recycling options when the town contracts expire in about three

years, a little less than three years.

In fact, we're in the process of preparing for that now, including draft contracts for town review in upcoming months.

Finally, we'd like to point out that CRRA's Mid-Connecticut Project, Southeast Project, still have outstanding bonds, just under \$100 million worth. A recent OLR report entitled CRRA Responsibilities, Liabilities and Other Issues noted that the state has contingent liability for these bonds through the special capital reserve fund. Dissolving or reorganizing CRRA would require satisfying those bond applications secured by the special capital reserve fund. It might also create a moral obligation for the state to satisfy the bonds that are not covered by SCRF.

Thanks for the opportunity to speak with you today. I'd be happy to answer any questions you might have.

SENATOR COLEMAN: Are there questions for Mr. Kirk? Representative Sharkey.

REP. SHARKEY: Thank you, Mr. Chairman. I think the purpose of the bill, to answer your question as to what it would do is, the purpose of the bill as I understand it is to expand the representation on the board of directors of CRRA to include essentially all or more municipal officials.

In testimony that we're going to be hearing from others later on, there are only, you have a board of directors that includes eleven people, five of whom are chief elected officials from the towns, and the other six are appointed, as I understand it, by other

officials.

And I think a proposal is to provide increased representation so that for chief elected officials to participate in the actual decision making of CRRA.

The concern that I've heard, anyway, from chief elected officials who are part of Mid-Conn and are concerned is that there's not a lot of transparency with regard to a lot of the key policies, including, you know, the setting of tipping fee, the, you know, decisions that are made within CRRA and all they want is just to be able to, like so many other regional organizations that we have around the state to actually have a direct voice in the decision making, particularly with regard to financial matters of CRRA as they affect the member towns.

So is CRRA opposed to the idea of letting the bulk of its member towns and their CEOs participating in those decisions?

TOM KIRK: No, not at all. The board I think has eight public officials of the eleven. There's one seat vacant at the moment. They're appointed by the Governor and the Legislative Leaders and the board has always been primarily elected officials and other public officials as described in the legislation, which includes finance directors or city managers or mayors. So no, there's no opposition to that at all.

Our biggest problem is being able to get folks to participate, frankly. The meetings have always been open. In seven years, I think we've had one first selectman attend the meeting. It's a significant contribution of

time and effort to participate on the board. I think all the board directors would agree with that, but it's a sacrifice they've historically been happy to make.

The board I'm very confident, would welcome additional members as municipal officials. The CRRA exists to serve those municipalities, so there's no problem or issue with providing additional direct input from municipalities.

Our advisory committees are made up of each elected official, and those can be burdensome at times with 70 members in one and 12 in others, but the board itself is eight elect officials, or public officials and a few legislatively required industry experts.

But to answer your question, no, I'm certain the committee would have no objection to additional municipal participation on the board.

REP. SHARKEY: Including expanding, potentially expanding the membership of the board?

TOM KIRK: Yes. The board has not addressed that, but all of my discussions with the board, they'd be very supportive of an expanded board.

REP. SHARKEY: Okay. Thanks very much.

SENATOR COLEMAN: Are there other questions?  
Representative Candelora.

REP. CANDELORA: Thank you, Mr. Chairman. I have one sort of small question. In the legislation, it appears that we're, you know, there's a proposal here to change the composition and in lines 191 and 192 whereas

currently the appointed directors who are, I guess individuals appointed by the Governor, they're not allowed to designate a representative to perform their duties.

This proposal, in addition to, I guess expanding it and changing the composition, has language in here that would allow those individuals to have designees serve in their place. I'm wondering if you could just speak to that, because it seems like that would be a pretty big substantive change.

TOM KIRK: Well thank you for mentioning that, Representative. I think it would be a very substantial change, and it's frankly not one that I would like to see made.

Our advisory committees, particularly of our Bridgeport project, had historically allowed the chief elected officials to delegate responsibility in voting authority, and what we found after decades of great participation by typically public works directors or other municipal employees, the communications of the activities of the advisory committee and what CRRA was facing and decisions that had to be made was not being percolated back to the chief elected officials until we got sometimes to near crisis timing.

So the committee, the board of directors of the CRRA is very pleased to not have the option of providing delegates with voting authority to ensure that the folks that need to be involved and informed are the ones at the meeting.

I personally would hope that that change not be made, that the chief elected officials that are on the board, come to the board and

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participate as opposed to appointing their DPW or assistant to do so.

REP. CANDELORA: Thank you. I appreciate that answer.

SENATOR COLEMAN: Other questions? Representative Drew and then Representative Rojas.

REP. DREW: Thank you. Thank you for being here. I had a question. Did I hear you say something like there's only been one first selectman at a meeting?

TOM KIRK: In the seven years I've been there, we've had maybe a couple first selectman come to public meetings. There are a number of folks from the public that attend. The private hauling industry is, and a number of other private individuals routinely come to our public meetings.

Because frankly, a little known fact is that of all the garbage in Connecticut, about 60 percent of it is picked up and paid for by private entities. Municipalities only control about 40 percent.

So although it's a very important issue for municipalities and has a very significant line item in the municipal budgets and not coincidentally one that they have control over, unlike school budgets and others, it is from a garbage industry standpoint, primarily a private industry in that garbage is controlled by private haulers.

So the public is very involved and come routinely to our meetings. First selectmen have a lot on their plate and very rarely do we see a first selectman or a mayor who is not

a board member attend the meeting.

REP. DREW: Well, I might have misunderstood. I was assuming you were talking about a first selectman or mayor board member attending as a board member and that there's only been one, but it sounds like I mis-heard.

TOM KIRK: No, I'm sorry. I may have misspoke, but our board members all attend, have excellent attendance. In fact, the legislation requires them to resign if they miss three meetings in a row, or more than half the meetings.

But from a customer standpoint, our first selectmen who are extraordinarily busy and have other things on their mind, I think do not feel a need to attend, frankly, because they know the first selectman and mayor, Mayor Jarjura, the mayor of Shelton, Old Saybrook First Selectman, they know those guys. They see them at the COST meetings, at the CCM meetings and they know how to influence the policy when they need to.

REP. DREW: Understood. Thank you.

SENATOR COLEMAN: Representative Rojas.

REP. ROJAS: Thank you, Mr. Chairman. Thank you, Mr. Kirk for coming to testify today.

Some of the concerns that have been expressed to me, we're talking about transparency and obvious costs to municipalities and the concerns that have been expressed to me are more along the administrative costs and the administrative overheads, and I know there's been kind of a back and forth debate as to actually what that is between, I think it's your chairman or your president of your board

and some of our chief elected officials.

And I was wondering if you could comment on that difference in administrative overhead costs and perhaps that's what people are trying to really get at in terms of tightening budgets at the local level.

TOM KIRK: I guess the best way to answer that is to look at each of the project budgets. They're located on the web and are available to the public.

Administratively, the CRRA has a general administrative budget, and that is fed by the four projects, and the contribution to the administrative budget from the projects is dependent on the size of the project and how much time CRRA administers on an individual project.

So a project like the Southeast Project in Preston, that consumes much less time and effort from CRRA, would be charged less than Mid-Conn, which is far and away the bulk of our time and effort.

From a general standpoint, our administrative spending is decreasing for two reasons. One is, a general attention paid the cost of the last seven years, obviously, but also our function and our mission is changing as our projects evolve.

Our Bridgeport Project evolved from a 500,000-ton-per day commitment of 18 towns to 12 towns committing less than 500,000 tons today, and an ownership of the personal property of the plant by the operator. That was a contractual requirement of a contract entered into back in the early eighties, and

was an unfortunate outcome, frankly, to lose direct control of that facility.

But as a result, a half a dozen transfer stations that CRRA used to operate are now being operated directly by the cities, by the towns so our contribution down there, our scale house operators, our enforcement personnel, the administration of scale tickets, weigh ins and billing of the towns is no longer done by us, so as a result we've had a reduction in our administration costs.

We have about 15 percent less head count than we had a couple years ago, and I expect that to continue to evolve as the other projects evolve through the expiration of their initial term contracts.

The Wallingford Project, for instance, is coming to a close. The initial term is coming to a close in July 1st of this year. Our involvement in that project will be severely, substantially less than it was in past years, and we've already made administrative adjustments for that.

In the next three or four years we will see a change in administrative attention to the Mid-Conn Project. That could be much less administrative attention or it could be actually more if the CRRA as public employees is able to provide better value to the towns with CRRA public employees operating instead of the present configuration of private contractors.

REP. ROJAS: And you mentioned your website and our costs associated for like executive pay, government relations works. Are all of those on the website as well, those costs detailed

there?

TOM KIRK: Personnel salaries are not on the website. All of our contracts with consultants, contractors, there's a special legislative requirement for our legal spending to be on there. So just about everything is.

As a public agency, we're also required to provide, we're subject to FOIA requirements and on a number of occasions we've had FOIA requirements for the salary information. In fact, just recently, a couple days ago, and that's always provided.

So we are, although we're a quasi-public agency, we're still required to meet all the public transparency requirements of a public agency, and frankly, we think we do that pretty well.

REP. ROJAS: You know, being that the salaries are obviously public information, why wouldn't they be listed on the website so that the public could view those? The salaries, you say that it's subject to FOI rules?

TOM KIRK: Well, we haven't in the past, and I don't think we intend to in the future, put salaries of our employees on the website. I don't know if that's expected. It hasn't been in the past.

REP. ROJAS: No, I appreciate your answer. I just, it helps to get your head around exactly what are driving the costs that are driving up tipping fees, so that municipalities can really understand what it is we're paying for when we do, we get our garbage serviced.

TOM KIRK: Okay. The administrative costs from

either Mid-Conn town of Manchester has a, the finance director is on the board of directors, you know, has, certainly the board has their arms around those costs specifically.

The last calculation of our administrative costs was 3.34 percent. That might be the present fiscal year or next fiscal year, I'm not sure. But it's typically in the range as expected, and that will, as I explained, change as our mission changes as we evolve from the present contracts into renewal contracts.

REP. ROJAS: I appreciate your answers. Thanks for being here.

SENATOR COLEMAN: Thank you. Representative Aman.

REP. AMAN: Yes. Just a quick question. The current board has 12 members on it and this bill does not change that total board of 12?

TOM KIRK: I believe the current board, legislation requires 11 board members. A number of them, three appointed by the Governor and the rest appointed by legislative leaders. The 11 board members include municipal officials, which include, which are defined as the chief elected official, mayor, first selectman or finance director or city manager. And also, two or three seats, three seats I believe, for experts in energy, business and the environment.

REP. AMAN: So it's only a change of one person on the board. The current board members, you just said that there were four out of the eleven, four of them are municipal officials and the rest have some other relationship.

TOM KIRK: I think it's eight. I think eight are municipal officials.

REP. AMAN: Eight. Then the balance have some other position other than a municipal official?

TOM KIRK: Yes.

REP. AMAN: You also mentioned earlier that the private haulers make up a very large percentage of your business.

Under the reconstructed board the way we're talking about doing it, would they have, the private haulers have any representation on the board?

TOM KIRK: No.

REP. AMAN: So you'd have, again, a very large proportion of your business without a direct input to the board of directors as to the problems who may or may not be causing the private haulers.

TOM KIRK: Yes. I'd like to think of it as an opportunity for us to solve the problems as opposed to us closing the problems.

We are, they are our customers, and although it's, they're private haulers and they're private businessmen, they're frankly an important piece of the solid waste management program here in Connecticut.

They range in size from one truck outfits to 500 truck, 400 truck outfits. They typically are, they are in each case providing a service for a fee either to a municipality or more likely a business or resident.

So I believe that their customers are well served by having municipal officials on the board. Frankly, I don't think there's a need to have members of the hauling community serve on the board. We listen to them continuously and constantly because they're our customers. They pay the tipping fees, 60 percent of all the tipping fees we collect, that allow us to maintain low tipping fees for the municipalities.

REP. AMAN: Okay. Just to clarify again on the private haulers. If a town has contracted 100 percent of their garbage service to a particular low bidder, you're classifying that as a private hauler, not a municipal hauler that happens.

So it's actually who's driving the trucks and owning the trucks whether it's a municipal or a private hauler?

TOM KIRK: I can provide statistics a number of different ways, but it's a good distinction. The Town of West Hartford, for instance, provides trash collection service to all of its residents.

It's provided by Paine's, a private hauler. And Paine's does the work and is paid for by tax revenues in a check from the City of West Hartford.

Part of the 60 percent of revenues that come to CRRA include the Paine's trucks, and they are included in that 60 percent as a private hauler, even though the waste is actually controlled and paid for by the public.

But generally speaking, more than half of our

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waste is a private issue between a hauler and a resident or a hauler and a business.

REP. AMAN: That was going to be my next question, was trying to pin down how much of it was private hauler, private payer, versus a public or private hauler and a public payer for the service, which you described is West Hartford.

TOM KIRK: The rule of thumb is about half.

REP. AMAN: Okay. Thank you very much.

TOM KIRK: Thank you.

SENATOR COLEMAN: Are there other questions?  
Representative Flexer.

REP. FLEXER: I guess I just have a follow up to Representative Rojas' questions. You were talking about the administrative costs, and that is public information.

I've heard from some municipal officials and municipal employees that they don't have access to that information, so I'm wondering if you can tell me where we might be able to find that, if someone could request that from your office, and if you would provide that information.

TOM KIRK: Sure. The budgets that include a breakdown of all our administrative costs are at [www.crra.org](http://www.crra.org). Hard copies are available from the CRRA. The minutes of the finance committee meeting that goes through it line by line are also posted on the web at that same website.

The minutes of the CRRA board meeting that provides, that approves that finance committee

submittal are also posted on the website. The information is there, but there's a huge amount of information on our website and it may be difficult to slog through it and find it. I'd be happy to help any of your staff, or well, if anyone's interested in it, we can always provide it.

REP. FLEXER: Okay, because I'm actually looking at the budget for this year right now, and I was trying to scan through and find the breakdown for the administrative costs, and I was unable to locate it, but it would be helpful if someone could help me find that.

And I would hope that other folks who ask the question who perhaps don't have the title Representative before their name would have access to that same information.

TOM KIRK: They sure do. Thanks.

SENATOR COLEMAN: Other questions?

Seeing none, thank you, Mr. Kirk.

TOM KIRK: Thank you.

SENATOR COLEMAN: Mayor Currey is next, followed by First Selectman Barlow.

MELODY CURREY: Mr. Chairman, if you would like, we could do it together. It might save you some time since we both are from CRUG.

SENATOR COLEMAN: We encourage joint testimony. (Inaudible).

MELODY CURREY: Thank you, Mr. Chairman and members of P&D. It's a pleasure to be here today. I'm here as Melody Currey, the Chair of CROG,

HB5255  
HB5338  
HB5336  
SB144  
SB159  
SB394  
HB5337

health and in public works also. But this bill would allow communities to share tax revenues also as a result of cooperative activities and that's something that could be very exciting for the future.

Under Senate Bill 144 AN ACT CONCERNING ENHANCED REGIONALISM, and Senate Bill 159 AN ACT CONCERNING INTER-MUNICIPAL COOPERATION AND ENHANCED REGIONALISM, we once again support those.

And we want you to keep in mind that any time we have a municipal agreement coming together, we experience legal counsel fees, administrative time and planning time, and that's necessary for any shared services that we do, so in looking at it, we need to address that.

Now I'd like to move on to the topic that you've been hearing about in the previous speaker, and that is Senate Bill Number 394, and we are here in support of that bill to expand the membership of the board of CRRA to include elected municipal leaders, CEOs of towns.

We don't believe that it's an unwieldy way to do it. We have created a method in which it would be handled and Dick Barlow, who's with me, the First Selectman from Canton has worked a great deal on this, and I'd just like to turn it over to him at this point.

RICHARD BARLOW: Thank you. Good afternoon. My name is Richard Barlow. I'm the First Selectman of the Town of Canton, and sitting before you I am the one first selectman that has appeared at a CRRA board meeting in the last several years. I've been first selectman

for a little over two years.

I took the opportunity to go when CRRA, they were providing funds to municipalities to recycling, chose not by policy not to provide recycling rebates to the Town of Canton and about 11 other municipalities because we had a collection site at our transfer station where the local athletic booster club could collect bottles and cans and CRRA said that voided our ability to receive the rebates. Thankfully, I was able to go to the meeting and get that policy changed.

I, in my former life was with the Department of Environmental Protection for 34 years, the last 14 years, which I was the bureau of the waste management bureau so I am very familiar with solid waste planning and solid waste operations in the state.

I also am one of the individuals that did FOIA, the salaries of the CRRA administrative staff. I did that when I first got into office in an attempt to ascertain the compensation that members providing such services were giving to the Town of Canton.

I also wanted to know what our local health authority was so that I could compare that to the benefits that we were giving to our municipal employees. So I'm probably unique in that area.

Just a couple thing I'd like to indicate is that while there are eight members that are municipal officials presently on the CRRA board of eleven members, only five of those are statutorily mandated. The other ones are on because of expertise in various fields and in fact Representative, with regard to the

financial officer from the Town of Manchester, it is my understanding that while he was on the board for his financial expertise, he was no longer employed by the Town of Manchester. He has retired, so that would be one less that was there.

The real issue, I think for the municipalities, and we've had extensive discussions at CROG. We've had extensive discussions in Farmington Valley at our subgroup that we meet (inaudible) monthly is that we want transparency. We want a governance change that allows the elected municipal officials to be in the driver's seat.

We have no problem, we recognize that there are certainly areas of expertise that would be beneficial to the board. Our suggestion would be that the advisory committee to the board be made up of those individuals that could provide expertise in various fields.

Just in conclusion, CRRA did establish a municipal advisory committee for the Mid-Conn Project in the last year. That was basically with the assistance of our DROG and I would again say that this is only an advisory committee.

We have no active role and what we're looking for is a more open and more involved role as customers in the facility. I'd be happy to answer any questions.

SENATOR COLEMAN: Are there questions for Mayor Currey or First Selectman Barlow?

Representative Aman.

together and have effective purchasing powers is wonderful. We have a purchasing council of 81 towns presently that purchase items together and we save a lot of money as a result of that.

And I think it would be wise to be able to do that also with insurance.

SENATOR FASANO: I thank you for your answer.  
Thank you.

SENATOR COLEMAN: Are there other questions?  
Representative Rojas.

REP. ROJAS: Thank you, Mr. Chairman. Going back to Mr. Kirk's testimony, too, what are your understanding of the administrative costs and I guess, how do you calculate coming up to that number in regards to CRRA, if you have an understanding of that.

SB394

RICHARD BARLOW: As part of the effort that CROG undertook, realizing that within three years the municipal contracts would be up and we'd be faced with deciding whether to go forward with the Mid-Conn Project, a consultant was retained by CROG to do a study of options.

That consultant advised us that based on their analysis of similar facilities in other states, and in fact one other state where Delaware got a statewide regional resource recovery facility comparable in size to the Mid-Conn Project that the administrative costs appeared to be excessive.

REP. ROJAS: Do you have an actual, did they give you a number of what that excessive cost might be?

RICHARD BARLOW: We'd be happy to provide you that report, would be probably the best way to do that.

REP. ROJAS: And I guess just generally, what's the motivation, I guess, for seeking this change in the membership of CRRA (inaudible)?

RICHARD BARLOW: Well, a major component of our municipal budgets is solid waste disposal, and even though much of it is privately collected, if you go back to the statutory requirements and you look at the court decisions going back to the 1980s of White v. Golandesky, which involved the Town of New Milford, the burden of solid waste disposal rests with the municipalities.

If we can use private haulers and private haulers are available, then that's acceptable. But ultimately it is a municipal facility burden that we're mandated to provide. We want to be able to make certain that we have as much transparency in that process, as much participation in the development of those systems to make certain that it both meets our needs.

One of our concerns has been that quite frankly in some areas CRRA has cherry picked the waste stream that they've chosen to deal with and certain waste streams are a little bit more troublesome and harder to handle, they've chosen not to provide those services.

Recently, they've put on a charge on mattress disposal, which we're going to face at \$45 a mattress this year. There are other options that municipalities will probably use to avoid having used that CRRA service because it's been too expensive for us.

REP. ROJAS: And recognizing that it had to charge, is it a matter of perhaps, have they made the argument that they're just trying to cover their costs of disposing mattresses?

RICHARD BARLOW: You could say that, you know, and I'm sure that's their feeling, that they're only passing on the cost. That being said, I know that Regional Refuse District 1, which is Barkhamsted in New Hartford, they basically process with their staff, those mattresses at their facility for far less than \$45 a mattress.

REP. ROJAS: And I guess in terms of the timing, why now as opposed to next year or five years ago?

RICHARD BARLOW: The timing is really predicated on the fact that we as municipalities have to make a decisions. CRRA is going to be putting out proposals to the municipalities this spring for participation commitment to participate in the project beyond 2012 and we wanted to make certain that we had the ability to have the most influence on that, that it be the most cost-effective system.

The bonds will be paid off for the Mid-Conn Project at that point in time. There will be no obligation, as I understand it by the state in terms of the Mid-Conn Project.

REP. ROJAS: Thank you for your answers. Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you. Other questions.

MELODY CURREY: Mr. Chairman, if I could just answer Mr. Aman's question in relation to the

private haulers and the representation, you should be aware that each, I know in East Hartford, all the haulers are licensed through the Town of East Hartford, and we mandate that all waste must go to CRRA, and I believe the other CRRA towns are the same.

So there is that connection, and why we actually control that also. Just for clarification.

SENATOR COLEMAN: Thank you. Are there other questions from any other members? If not, thank you both.

MELODY CURREY: Thank you.

RICHARD BARLOW: Thank you.

SENATOR COLEMAN: We've reached the end of the first hour and so I will begin to call from the public list. The first person to speak on that list is Jamey Bell.

JAMEY BELL: Good afternoon, Senator Coleman, Representative Sharkey, Representative Aman and distinguished committee members. For the record, I'm Jamey Bell. I'm the Executive Director of Connecticut Voices for Children, which is an independent research-based nonprofit organization dedicated to speaking up for children and youth in the policymaking process that impacts their lives.

Connecticut Voices for Children strongly opposes S.B. 197 seeking to delay further the implementation of Connecticut's 2007 suspension law until July 1, 2012, but I understand that the amended language that was referred to earlier seeks to delay it until 2013.

Are there questions for Mr. Fink?

Seeing none, thank you for your testimony.

Barbara Henry is next.

BARBARA HENRY: Thank you. Senator Coleman, Representative Sharkey, nice to see you again. Senator Fasano and Representative Aman and other distinguished members of the committee, thank you for this opportunity.

I'm here not only as the First Selectman of the Town of Roxbury, I am Vice President of COST and I also was a participant in the MORE Subcommittee that dealt with grants and mandates.

I have submitted testimony on many of these bills and my, Susan Bransfield has also spoken to several of them. I'd like to ditto what she said and speak to H.B. 5331 AN ACT AUTHORIZING MUNICIPALITIES TO JOIN IN STATE CONTRACTS FOR THE PURCHASES OF SERVICES.

SB198  
SB394

COST strongly supports this, as I do. It will provide towns with a mechanism for purchasing services at more competitive rates, resulting in much needed savings.

House Bill 5336 AN ACT CONCERNING SHARED SERVICES, again, we support this strongly, encouraging volunteer efforts to share services certainly makes a lot of sense in these times.

I see that you did change 5337 to only affect regional boards of education. I would ask that you put the municipalities back into that scenario and we would support that H.B. 5331.

[HB5331]

Give towns the opportunity to work together to negotiate lower health insurance costs because it would certainly leverage greater buying power.

We have very few options in trying to manage healthcare costs. Double digit increases have begun to dominate our budget growth.

S.B. 198, I'd like to speak to. COST strongly supports this. It's AN ACT REQUIRING TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES. It will create a more transparent process for voting on unfunded mandates by requiring that two-thirds vote.

The approval requirement will highlight the cost of the proposed mandate to Connecticut's towns and cities and give lawmakers the opportunity to carefully weigh the fiscal impact before passing on other unfunded mandates to Connecticut's taxpayers.

I would also like to speak as First Selectman on S.B. 394 concerning the governance of the Connecticut Resource Recover Act. I am opposed to that bill and as a chief elected official, another entity seeking control of a state asset that might leave my town and others on the outside looking in is a bill that I do not support.

It would be, we would be beholden to the other entities decisions and we may have little voice in how that entity is going to run.

Claims that CRRA is not transparent and unresponsive are, in my experience, false. And I have been very satisfied with CRRA's services and its support for our local programs. So thank you very much for having

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pat/gbr PLANNING AND DEVELOPMENT  
COMMITTEE

March 10, 2010  
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me here today.

SENATOR COLEMAN: Thank you for being here.

Representative Sharkey.

REP. SHARKEY: Thank you, First Selectman Henry and thank you for gracing our hallways with the beautiful picture down in the, yours is one of the pictures down on display in the tunnel. And also, thank you for your help and leadership on the MORE Commission because your input was extremely valuable and I hope that you'll continue to participate obviously, as we go forward.

BARBARA HENRY: I am. I'm looking forward to Phase Two.

REP. SHARKEY: Yeah. Absolutely. On the CRRA bill, I guess that's the first question. The bill as drafted actually would only, I know that there was a movement being discussed where towns would actually, were talking about the notion of taking over the Mid-Conn Project from CRRA when the contract expires soon.

BARBARA HENRY: Right.

REP. SHARKEY: That's not actually in the bill, per se. In this case the bill just would expand the governance of CRRA to include an advisory commission that would, an advisory board that would be made up of the chief elected officials of the towns.

Is that something that you would necessarily object to?

BARBARA HENRY: Well, I understood that the board is made up of municipal officials. There are

eight of them, and I don't, this was going to just expand it to one more person.

REP. SHARKEY: Well, there were a couple of different proposals. One was to create an advisory board that would actually consist of all the, in theory have all of the chief elected officials who are CRRA participants.

So that was really the context in which I was asking the question of you.

BARBARA HENRY: Well, I'll tell you. I feel like I am a member of an advisory board already even though I'm not in, there isn't a formal formed group.

My communications with CRRA have always been, I have had no problems. Whenever I've had a question, I've been answered. If I send an email, I get a response. If I have a concern, they show up.

I'm also Chairman of the Northwest Connecticut Council of Governments, which is the nine northwest towns and they have been invited and show up at a 9:00 o'clock up in Warren on a snow day if they are asked to be there.

So, and those first selectmen, you know, address, present their concerns and most things are addressed. So I don't know what the purpose is of going this route.

REP. SHARKEY: Thank you. Thank you for your testimony.

SENATOR COLEMAN: Are there other questions?

Seeing none, thank you again for your testimony.

12-year schedule anyway.

I did ask OPM for the listing of -- of what towns are sort of in arrears on supplying this. The clerk has copies of the response. I didn't have time to include it with my testimony. You'll see that 47 towns are more than 10 years overdue on supplying this. So I'm going to suggest that this might be reasonable for towns which are reasonably current. But towns which are really fallen far in arrears, one town is actually 40 years overdue. I really don't see giving them yet another break on supplying this. The clerk has copies of the e-mail from OPM if you want to see where the towns are on this.

5331, again, is good for the towns to bulk purchasing together with the state, we endorse that.

5383, calls for regional economic development district. Again, it goes to regional cooperation and all this is good and we endorse those concepts.

I'll leave it at that.

SENATOR COLEMAN: Are there questions for Mr. Mador?

Seeing none, thank you for your patience and your appearance here today.

Brian Anderson.

BRIAN ANDERSON: Thanks Chairman Coleman, Chairman Sharkey and members of the Committee.

My name is Brian Anderson. I'm a lobbyist for Council 4, AFSCME, a union of 35,000 public

HB5337 SB394  
SB198 HB5255  
HB5031 HB

and private employees.

I'd like to comment quickly on several bills. The Council supports House Bill 5337. This is a good bill. It makes a lot of economic sense for the state and municipalities to pool health care costs as much as possible. Evidence shows that the state health care plan costs far less per family or individual than new comparable municipal plans. The state family plan costs about \$16,000 year for a health care policy. The comparable for a municipal is about \$25,000 per year. The reason is the big state pool makes things cheaper.

What we'd really like to see at Council 4, are the towns being able to enter in in the state pool to try and make the state pool as big as possible and even further tamp down costs.

In a time of economic crisis like this, we think it makes a lot of sense and would love to see it done this year.

We support Senate Bill 394, AN ACT CONCERNING GOVERNANCE OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY. We think this is an interesting bill and would like to see it move forward. There are major problems in the way CRRA is run. Council 4 gave testimony the other day before the Legislative Program Review Investigations Committee. I tacked that testimony onto the testimony for this committee.

CRRA acts in a very shoddy manner. There's a lack of accountability. There's a willful disregard for public information requests and other unusual going ons at CRRA. We think something must be done to bring public

accountability to this agency. I'd be happy to talk later on specific examples of what I'm talking about that we can show.

Council 4 opposes Senate Bill 198, AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES. We don't think that tampering with the General Assembly rules requiring a super majority is warranted for this.

We opposed House Bill 5255, and I'll summarize. AN ACT CONCERNING MUNICIPAL MANDATES. Our union represents a majority of state marshals. We believe this fund, as it might be the current system makes more sense. Even with the state fund, we don't believe the marshals have the wherewithal to provide the service of warehousing and taking care of tenants property. It's just not something our folks who primarily serve papers are set up to do. Council 4 believes that municipal legal notices should be left to newspapers. It's important for government to remain as open and accountable as possible. Bad contracting and rental deals have been discovered and thwarted because members of the public read these notices in the newspapers. We don't think that the Internet offers a comparable opportunity for public scrutiny.

Basically we oppose 5031. It's quite similar to 5255.

We'd also like to say we know some of the things we talked about cost money. We believe that the state should restructure the income tax and try to capture some of that money from the richest earners who have gotten fantastic federal tax breaks over the last 20 years to try to bring back some common sense to our

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 3  
559 – 770**

**2010**

**Testimony of the Connecticut Resources Recovery Authority  
Before the Planning & Development Committee  
Re: SB 394 AN ACT CONCERNING THE GOVERNANCE OF THE  
CONNECTICUT RESOURCES RECOVERY AUTHORITY  
March 10, 2010**

Good morning, Senator Coleman, Representative Sharkey and members of the Planning and Development Committee. My name is Tom Kirk and I am the President of the Connecticut Resources Recovery Authority and we thank you for the opportunity to provide comments regarding SB 394 AN ACT CONCERNING THE GOVERNANCE OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY.

As you are aware, the General Assembly re-configured CRRA, its Board of Directors, and its management in 2002 after the Enron debacle. The thoughtful re-configuration of the Board and CRRA made sense then and its current configuration makes sense now. One goal of the re-created Board was to have more municipal oversight and you did that by ensuring more representation of chief elected officials from across the state to look after municipal interests and that has been accomplished. We continue to operate in the best interest of the towns. The General Assembly also wisely ensured that some Board members would be required to have experience and expertise in the areas of the environment, public sector or corporate finance or business and industry, and in the energy field.

CRRA functions as an open and transparent quasi-public agency. All of our Board of Directors meetings are open to the public where anybody can come and provide comments and share their views and ideas with the Board of Directors and its management directly. We post all of our agendas and minutes on-line at [www.crra.org](http://www.crra.org) along with an enormous amount of other helpful information on CRRA, its history, disposal and recycling tonnages by town, and how we operate. We also provide numerous monthly, quarterly and annual reports to the Governor, the General Assembly and the Department of Environmental Protection in accordance with state statutes.

The Authority continues its ongoing programs of outreach to Mid-Connecticut Project cities and towns and other community groups and is always working to communicate with its host communities. For example, the Mid-Connecticut Project has an active and engaged Municipal Advisory Committee comprised of chief elected officials of every customer town (70 towns) that provides input to CRR's Mid-Connecticut Project including its disposal fees. Some of our other outreach programs and activities include:

- A special committee to study future disposal options that consists of chief elected officials from East Hartford, Hartford, Canton, Windsor Locks and Barkhamsted along with five representatives from CRRA.
- CRRA has hosted an annual meeting every year for the past six years for all of its member towns to gain feedback from the towns, provide updates to the CEOs on current activities, and share future planning efforts.

- Authority officials participate in numerous Council of Government meetings on a regular basis throughout the state
- CRRA often hosts the Capitol Region Council of Governments monthly meetings at its recycling educational facility ("Trash Museum") in Hartford.
- Hosts Connecticut Recyclers Coalition regular meetings at its recycling educational facility ("Trash Museum") in Hartford.
- Provide and staff booth exhibits at the annual conventions of both the Connecticut Conference of Municipalities (CCM) and the Council of Small Towns (COST)

CRRA and its Mid-Connecticut Project have recovered from the Enron debacle and have kept disposal fees reasonable, stable and low. The Mid-Connecticut Project towns are not charged for processing their recyclables while participants of other waste-to-energy projects are; in fact, the Mid-Connecticut Project towns receive rebates to towns of up to \$10 per ton for every ton of recyclables they deliver. We have also been in the forefront of electronics recycling during the past decade collecting more than two million pounds of obsolete electronics for recycling from its towns and their residents. We also educate more than 50,000 people, mostly school age children, at our two museums and educational facilities located in Hartford and Stratford where we teach "reduce, re-use and recycle."

Additionally, we continue to move recycling ahead into the 21<sup>st</sup> century with single-stream recycling and have worked with our towns and their haulers on this issue, most notably the City of Hartford which has seen tremendous success with single-stream recycling.

We are happy to continue to work with the Mayors and First Selectmen of all of our towns on these important solid waste issues, however, it is not clear what is trying to be accomplished with this legislation.

We are looking forward to providing the Mid-Connecticut Project towns the best, lowest cost disposal and recycling options when the current town contracts expire in 2012 and are in the process of preparing draft contracts for those towns to review in the coming months.

Finally, we would like to point out that CRRA's Mid-Connecticut Project and Southeast Project still have outstanding bonds. A recent OLR report entitled "Connecticut Resource Recovery Authority: Responsibilities, Liabilities, and Other Issues" noted that the "state has contingent liability for some of those bonds through the Special Capital Reserve Fund (SCRF). Dissolving or reorganizing CRRA would require satisfying those bond obligations secured by SCRF. It might also create a "moral obligation" for the state to satisfy the bonds that are not secured by SCRF."

Thank you for the opportunity to testify on SB 394 and I would be happy to answer any questions.

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Thank you for the opportunity to testify on SB 394 and I would be happy to answer any questions.

## Capitol Region Council of Governments

241 Main St., Hartford, CT 06106  
Phone: (860) 522-2217 FAX: (860) 724-1274  
Web Page: [www.crcog.org](http://www.crcog.org)

**DATE:** MARCH 10, 2010  
**TO:** CHAIRMEN AND MEMBERS OF THE PLANNING AND DEVELOPMENT  
COMMITTÉE  
**FROM:** MELODY CURREY, CHAIRMAN, CRCOG POLICY BOARD  
RICHARD BARLOW, SECRETARY, CRCOG POLICY BOARD  
LYLE D. WRAY, PHD, EXECUTIVE DIRECTOR  
**SUBJECT:** SENATE BILL NO. 394, AN ACT CONCERNING THE GOVERNANCE OF THE  
CONNECTICUT RESOURCES RECOVERY AUTHORITY

The Capitol Region Council of Governments (CRCOG) is a regional planning organization representing the City of Hartford and the 28 surrounding municipalities. We support the intent of Senate Bill No. 394 which would revise the make up of the Connecticut Resources Recovery Authority (CRRA) to provide increased representation by elected municipal officials on the Board. Of CRCOG's 29 towns, 26 members deliver waste to the CRRA Mid Connecticut Project.

Under the present statutory structure only five (5) members of the 11 members CRRA Board are required to be municipal officials. In addition, the statutes require that an additional two ad hoc members shall be appointed for each CRRA project of which one shall be a chief elected official. These ad hoc members shall only vote on matters concerning their specific project. Thus they are not empowered to vote on the overall operating budget of the CRRA.

The Mid Connecticut Project is the largest of the CRRA projects providing service to 70 municipalities. Presently only two (2) of the five (5) municipal members are from Mid Conn municipalities with one municipal position on the Board vacant. Two other members of the Board are municipal officials but there is no requirement that they be such. One is appointed because of his expertise in the energy field and the other for his experience in the environmental field.

The member municipalities of CRCOG recognize that solid waste services represent a major component of their municipal budgets and as such they desire to have a more extensive role in the administration of the Project. After input from the member municipalities CRRA has in the last year established a Municipal Advisory Committee for the Mid Conn Project. That Committee as the name implies is only advisory and the CRRA Board has no obligation to follow the Committee's recommendations. At their meeting on March 3<sup>rd</sup>, the Committee passed a resolution that the Municipal Advisory Committee supports the expansion of the CRRA Board to include Chief Elected Officials from all member towns.

*Testimony Regarding Senate Bill 394: An Act Concerning the Governance  
of the Connecticut Resources-Recovery-Authority*

It is important to the CRCOG members that the member municipalities be given more control of the Mid Connecticut Project as most of the contracts for services between the CRRA and member municipalities expire in 2012. At that time the member municipalities will have paid off the bonds for the Project and will have invested over \$12 million in improvements and upgrades to the facility paid from their tip fees. In preparation of that occurrence the CRCOG began discussions about solid waste options in 2008. CRCOG issued an RFP and secured consultant services which resulted in the completion in November 2008 of a report on potential options for solid waste services. CRCOG has concluded that the current CRRA is not adequately responsive to the needs of its members and has begun establishment of a Central Connecticut Solid Waste Authority pursuant to Chapter 103b of the CGS.

CRCOG requests that Senate Bill No. 394 be revised to establish a new Mid Conn Project Board which is comprised of all member municipalities, and that an Executive Committee for the Project comprised of chief elected officials appointed by the member municipalities be created.

CRCOG thanks the Committee for raising Senate Bill No. 394 and looks forward to working with the Committee to make the changes which we have recommended.

**Testimony of the Connecticut Resources Recovery Authority  
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Finally, we would like to point out that CRRA's Mid-Connecticut Project and Southeast Project still have outstanding bonds. A recent OLR report entitled "Connecticut Resource Recovery Authority: Responsibilities, Liabilities, and Other Issues" noted that the "state has contingent liability for some of those bonds through the Special Capital Reserve Fund (SCRF). Dissolving or reorganizing CRRA would require satisfying those bond obligations secured by SCRF. It might also create a "moral obligation" for the state to satisfy the bonds that are not secured by SCRF."

Thank you for the opportunity to testify on SB 394 and I would be happy to answer any questions.

**Council 4 AFSCME supports:**

H.B. No. 5337 (RAISED) AN ACT AUTHORIZING TWO OR MORE MUNICIPALITIES TO PURSUE JOINT EMPLOYEE HEALTH INSURANCE PLANS.

Council 4 strongly supports this bill. It makes good economic sense for the state and municipalities to pool health care as much as possible. Evidence shows that the state health care plan costs far less per family or individual than do comparable municipal plans. We believe that what makes the most sense is for the state to open the state health care pool to the municipalities. In a time of such economic crisis it is a wonder that this has not been done yet.

S.B. No. 394 (RAISED) AN ACT CONCERNING THE GOVERNANCE OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY.

We find this to be an interesting bill and would support it moving forward. There are major problems in the way that the CRRA is run. Council 4 gave testimony (attached) before the Legislative Program Review and Investigations Committee on Monday on the shoddy operations, lack of accountability, willful disregard for public information requests and other goings on at CRRA. Something must be done to bring public accountability to this agency.

**Council 4 AFSCME opposes:**

S.B. No. 198 (RAISED) AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES.

We believe that tampering with the General Assembly's rules and requiring a super majority in such a case is unwarranted.

H.B. No. 5255 (RAISED) AN ACT CONCERNING MUNICIPAL MANDATE RELIEF.

This bill would force state marshals to store the possessions of evicted residential tenants, rather than the municipalities as is now the law. The marshals lack the ability and resources to store such possessions. The marshals are not set up to provide such a service. We believe that the current system, as imperfect as it may be, is the best way to handle this situation. Council 4 also believes that municipal legal notices should be left in newspapers. It is important for government to remain as open and accountable as possible to the public. Bad contracting and rental deals have been discovered and thwarted because members of the public observed them in legal notices. The internet does not offer a like opportunity to the public.

H.B. No. 5031 AN ACT REDUCING COSTS TO MUNICIPALITIES.  
Council 4 opposes this for the same reasons as we cite for HB 5255.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 9  
2597 - 2912**

tmj/gbr  
SENATE

329  
May 1, 2010

temporarily rather than placed on the consent  
calendar.

THE CHAIR:

Thank you, Senator.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if  
the clerk would next call Calendar page 35,  
Calendar 277, Senate Bill 394

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 35, Calendar Number 277, File  
Number 403, Substitute for Senate Bill 394, AN  
ACT CONCERNING THE GOVERNANCE OF THE CONNECTICUT  
RESOURCE RECOVERY AUTHORITY, Favorably Reported,  
Committees on Planning and Development and  
Government Administration and Elections.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

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

tmj/gbr  
SENATE

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May 1, 2010

THE CHAIR:

On acceptance and passage, will you remark?

SENATOR PRAGUE:

Mr. President, the clerk has an amendment,  
LCO 4669. Would he please call and I be allowed  
to summarize?

THE CHAIR:

MR. Clerk.

THE CLERK:

LCO 4669, which has been designated Senate  
Amendment Schedule A. It's offered by Senator  
Prague of the 19th District.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. Mr. President,  
this is -- I move adoption.

THE CHAIR:

Thank you, Senator, will you remark further?

SENATOR PRAGUE:

Thank you. Mr. President, this is a strike  
all amendment. What this amendment does is it  
mandates that any waste energy plant that is

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considering a new site for a landfill has to get written documentation from the Department of Environmental Protection that such a landfill is needed, is needed to meet the solid waste disposal needs of the state. Before they can even set foot on the property where they're proposing to put a new ash landfill, they have to get a written determination from DEP that such a landfill is needed.

This is critically important, Mr. President, to prevent waste energy companies to just go wherever they think they want to go to place a new landfill. Our environmental issues are critically important and I am hoping that this amendment will pass. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. If I may just a question or two to the proponent of the amendment.

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Senator Prague.

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. Through you to Senator Prague, is there anything in the bill or the amendment that you're offering which would negate any type of a local zoning ordinance?

Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Not to my -- excuse me. Through you, Mr. President, to Senator Witkos, there's nothing in the bill that references local zoning. Before local zoning even becomes involved, the waste energy company has to get a determination that such a new landfill is needed. Then the -- I would assume -- that the local zoning comes into place to determine whether it fits the local zoning requirements. But before they can do anything, before they step foot on the property, it has to be determined that there is a need for such a new disposal landfill.

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THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. So just so I'm clear on this. So when a waste energy plant has determined that the current landfill that they're utilizing appears to reach capacity, then they need to contact -- was it DEP or DPH? Through you, Mr. Speaker.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President. This is a DEP issue. There was an incident in the past where CRRA decided they wanted to go into a town in eastern Connecticut, the town of Franklin. They had not gotten a permit indicating need. There is another landfill not far away. They were on the property doing testing and they -- with this kind of amendment in place, they would not be allowed to go on the property until the Department of Environmental Protection says, gives them written documentation that there is a

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need for such a facility.

Need is critically important. I want to make that very clear.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

I understand the need, but I just want to be clear, so when the energy plant assumes that it's nearing capacity, they apply to the DEP and they say, "We need you to come out and evaluate our landfill -- current location -- to determine that it's reached its maximum capacity." And if the DEP says it has not reached its maximum capacity, then they're not allowed to do anything. But if the DEP says that you have reached the maximum capacity, I guess, then they would sign off and they could go and look elsewhere? Through you, Mr. President.

SENATOR PRAGUE:

Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

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No, Senator Witkos, that is not the case with this amendment. You were right to the point where the DEP could evaluate the current disposal area that they're using and if they want to go to a particular area in another place, the DEP will evaluate whether it's needed or not, if there is another facility that they could use close by.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I understand the amendment now. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further on Senate Amendment A?

SENATOR PRAGUE:

Mr. President.

THE CHAIR:

All those in favor of Senate Amendment A, please signify by saying aye.

SENATORS:

Aye.

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THE CHAIR:

All those opposed, nay.

The ayes have it, Senate Amendment A is  
adopted.

SENATOR PRAGUE:

Mr. President, if there's no objection, I  
would ask --

THE CHAIR:

Senator, Senator Prague, we have to have  
roll call vote on this.

SENATOR PRAGUE:

Okay.

THE CHAIR:

Mr. Clerk, please announce the pendency of  
the roll call vote.

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:

Senator Harris.

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Have all Senators voted? Have all Senators  
voted?

Have all Senators have voted? If all  
Senators voted, please check the board to make  
sure your votes are accurately recorded.

If all Senators have voted, Mr. Clerk,  
please announce the tally.

THE CLERK:

The motion is on passage of Senate Bill 394,  
as amended.

|                             |    |
|-----------------------------|----|
| Total number Voting         | 30 |
| Those voting Yea            | 27 |
| Those voting Nay            | 3  |
| Those absent and not voting | 6  |

THE CHAIR:

Senate Bill 394 as amended passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you. Mr.  
President, if the clerk would mark as the next go  
item Calendar page 29, Calendar 194, Senate Bill  
412.

THE CHAIR:

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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Calendar page 35, Calendar Number 277, File 403,  
Substitute for Senate Bill 394, AN ACT CONCERNING THE  
GOVERNANCE OF THE CONNECTICUT RESOURCE RECOVERY  
AUTHORITY, as amended by Senate Amendment Schedule  
"A" --

THE CHAIR:

Senator --

THE CLERK:

-- a favorable report of the Committee on Planning  
and Development. The House passed with House "A" and  
Senate "A."

THE CHAIR:

Senator Gaffey..

SENATOR GAFFEY:

Thank you, Mr. President. I will be recusing on  
this matter pursuant to Rule 15 and yield to my friend,  
Senator McDonald.

THE CHAIR:

Senator McDonald, do you accept the yield?

SENATOR MCDONALD:

I do, Mr. President, and I, too, recuse myself on  
this matter under Rule 15.

THE CHAIR:

Thank you, Senator.

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The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I apologize, Mr. President.

I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

On acceptance and passage in concurrence with the House, will you remark?

SENATOR COLEMAN:

Mr. President, this is a bill that went to the --to the House, was amended in the House. It's back -- I would simply urge passage of the bill as amended by the House, Mr. President.

THE CHAIR:

Thank you, Senator Coleman.

Will you remark? Will you remark further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

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The House put a structural change on the language that some of the House members wanted. And the amendment makes it very clear that before any trash-to-energy plant -- and it actually refers to CRRA -- can step foot on a piece of property, they have to get a Certificate of Need from the Department of Environmental Protection indicating that there is a need in the area; that there are no other facilities around that they could use. It's an important change in the amendment, and I urge adoption.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further on House -- Senate Bill 394? If not, Mr. Clerk, please call.

--

THE CLERK:

An 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:

Senator Fonfara?

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Have all members voted? If all members have voted, the Clerk -- please check your board and make sure you voted correctly.

Mr. Clerk.

THE CLERK:

Motion's on passage of the Senate Bill 394 in concurrence with the action in the House.

Total Number Voting 32

Those voting Yea 32

Those voting Nay 0

Those absent and not voting 4

THE CHAIR:

Senate Bill 394 passed in concurrence with the House.

Mr. Clerk --

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I believe that the item next marked is ready for action. I believe it is single starred. I'd asked for a suspension to take up calendar page 22, Calendar 568, House Bill 5455.

Mr. Clerk -- is there any objection? Seeing no objection, Mr. Clerk.