

PA12-172

HB5344

Commerce	406-412, 437-438, 520-527	17
House	4747-4774	28
<u>Senate</u>	<u>4441, 4497-4499</u>	<u>4</u>
		49

**JOINT
STANDING
COMMITTEE
HEARINGS**

**COMMERCE
PART 2
284 - 565**

2012

26
amg/gdm/gbr COMMERCE COMMITTEE

March 6, 2012
10:00 A.M.

Thank you for your testimony.

ERIC BROWN: Thank you very much.

REP. BERGER: Bill Ethier.

BILL ETHIER: Thank you, Representative Berger, Senator LeBeau, members of the Commerce Committee. My name is Bill Ethier. I'm the CEO of the Homebuilders Association of Connecticut. And our 1,000 small-business members build between 70 and 80 percent of all new homes in the state each year.

I've submitted written testimony on two bills to you today, but I want to spend the bulk of my time expressing our strong support for 5344, the bill that deals with streamlining DEEP's storm water general permit process. And I want to thank the chairs and the committee for -- for raising this bill and your -- really, your leadership in reforming the permitting process in our state agencies. It's -- it's greatly appreciated.

HB5341

This bill will -- will greatly streamline the -- the process without changing any substantive requirement for protecting our waters from storm water runoff, and that's important. We -- we don't -- the -- the storm water requirements at the agency are extensive, that's not the issue. The issue is the permitting review process and when you can get the go ahead to -- to continue with your project.

I've provided you with some background on the storm water permit process in my written testimony. Basically, what this bill does is it authorizes qualified professionals to certify to DEEP that the permit requirements

are met.

The agency must accept that certification and there are safeguards built in through, you know, the agencies audits and the storm -- current construction storm water permit that we're negotiating, I've been working very closely with the agency and other stakeholders, such as the Connecticut Fund for the Environment, really, for the last two years, in crafting that -- that permit. It's -- it's almost done.

I think we have agreement, in concept, on the few remaining issues but, you know, we're just waiting for language from the agency. And the agency is, I believe -- I'm not going speak for them -- but fully on board with this concept.

I believe CFE is on board with the concept. And most recently, we met with a fairly large group of engineers and landscape architects on some remaining issues that they have as well. That meeting took on February 7.

So I encourage you to look at our written testimony and all the reasons that -- that we list to support this bill and encourage your strong support. And before the bell goes off, I just want to quickly comment on the other Bill 5341, which is an ACT CONCERNING ADDITIONAL BUSINESS RIGHTS RELATED TO ZONING ENFORCEMENTS.

You know, I read this bill just last Friday, finally got to it. And as a land use lawyer whose been before Planning and Zoning Commissions, I'll summarize -- I'll just quickly say my first reaction was "yikes." And the same reaction, I can say, is from other land-use lawyers in the planning and zoning section of the bar.

I'm not sure what the issue was that prompted this bill, but the solution that is provided here in the language cannot be the answer. It -- it really mixes up local authorities, building officials from zoning officials. So I'd be happy to discuss that with you or work with you to craft a solution that works to address whatever the problem is but, anyway -- I'll stop there. I heard the bell and I apologize for going over.

I'd be happy to answer any questions that you may have on these bills.

REP. BERGER: Yes. And thank you for your testimony. I know that you've been working, Bill, on this, you know, over the course of several months at a lot of different placeholders and I see Connecticut Fund for the Environment, you know, is supportive. However, within some of the opposing testimony, which we'll shortly hear, the Connecticut Society of Civil Engineers appears to be opposed to this, and, you know, I -- I thought there was some discussion with that group in arriving at some consensus language. And I don't know if you can clarify that for me.

HB5344

BILL ETHIER: Well, yes, I thought so, too. Frankly, surprised as well. As I mentioned, on February 7, we did meet, including representatives of that organization at the agency. It was a -- about a two-hour meeting. And I, you know, after two hours of negotiations, I think we worked out, at least in the context of the construction storm water permit, the agency's crafting, maybe not necessarily with this language but of the statute.

But the statute is more general in nature. It talks about qualified professionals, as defined by the agency. And you got to remember that this statute applies to all the agency's storm water permits. I believe they have four.

We've been working in the permit process on one, the construction permit. There's also the industrial storm water permit. There's the MS4 permit that applies to municipalities. Municipalities have to apply to DEEP for their storm water permits as well.

And the issue, as I understood it, with the engineers was they were very concerned about the way the permit was crafted about who could -- who would be qualified to certify to the agency. And the way the permit was crafted was that licensed engineers could do so, licensed landscape architects, and that for nonengineered systems there was this sort of third category of professionals that were -- had a designation from this outside group, EnviroCert.

And so what we decided on at this meeting, and I think resolved the issue, was that that third category would no longer be an option for certifying. So, as I understand it, you have to be a professional licensed engineer or a professional landscape architect. Both the statute and the permit will say that if a storm water control requires engineering, engineered systems, you have to be a professional licensed engineer. All right.

The other issues that were out there were the agency is looking for some years of experience, all right, to do this. Originally, it was eight years, and I think what we settled on, again, at the February 7th meeting was, if you do hold one of these

EnviroCert certifications, we'll knock off, I think, two years off that experience requirement. I mean -- and the experience requirement sort of makes sense, from -- at least from my perspective.

You want people that know how to do this stuff, you know, because you're -- you're certifying to the agency and it's in lieu of the agency's own review. So you want some experience requirements that people know how to do storm water control plants.

REP. BERGER: And -- cause, you know, like, if when we were going to move this bill last year towards the end of the session, I believe that, you know, some of the problem was -- was in this area. And -- and the statement that, Bill, that you have just made, would you consider that -- would you consider that a response to their opposition, which in -- which in their testimony states that they -- and I would like you to comment on it further, if you haven't, with your previous statement -- that they oppose Bill 5344, as it encourages the use of nonlicensed professionals and paraprofessionals to engage in critical stages of the general permitting process. So that is their big -- big -- the crux --

BILL ETHIER: And that's -- that's the objection that I just related that I thought we resolved on February 7th.

REP. BERGER: Okay.

BILL ETHIER: Again, the -- the statute is more general in nature. It says the qualified professional, how that's going to be defined, will be defined within the agency permitting process.

REP. BERGER: Uh-huh.

BILL ETHIER: And the only current permitting process that's in play is the construction storm water permit. And, in that context, on February 7th, we agreed that -- that, sort of, third party, nonlicensed person would not be -- would not come into the definition of qualified. So you, again, you have to be qualified licensed engineer or landscape architect.

Landscape architects can do some portion of storm water controls that don't require engineered systems. Now, that's not written into the bill because, again, this is more general authority that applies to all their permits. I guess that's a matter of trust right now of the agency and the direction they're headed. From my perspective, who, frankly, fights with them all the time, I -- I trust where we are in that process.

REP. BERGER: Okay. All right, Bill. I don't have -- I don't see your testimony on this bill here. I'm sure it's in here. But for -- my copy -- it's just that, if you could, kind of, send me another e-mail, or send the committee, a chair, an e-mail about your description right now of what your recollection was of that, meeting in response to the civil engineers concern, so we can, kind of, put that together and determine where we need to go.

BILL ETHIER: I actually have the meeting notes that were written by DEP --

REP. BERGER: Okay.

BILL ETHIER: -- of that meeting. I can forward

that to you.

REP. BERGER: Yeah. Yeah.

BILL ETHIER: What we are waiting on is the actual permit language from the agency --

REP. BERGER: Okay.

BILL ETHIER: -- to confirm our understanding.

REP. BERGER: Okay. All right. Thank you. That will be helpful for us in trying to, you know, actually get something that we might be able to pass this year so -- right. Okay. All right. Thank you.

Representative Becker.

REP. BECKER: Thank you, Mr. Chair.

I want to ask you a couple of questions about 5341, or maybe it's one question really, which is, I note in your testimony you're talking about the statutory confusion, so let's put that aside because, obviously, that can be looked at and fixed. But I'm interested in your comment where you say that we do not know what situation prompted the Legislation but the solution is, you know, confused. And so, as a homebuilder and having the association where you say you do the vast majority of this, are you or your members experiencing problems in getting building permits or certificates of occupancy?

Is that a problem for your association members, as we sit here today?

BILL ETHIER: Assuming we have a market with a buyer -- that's a big assumption, we don't have any today -- but, generally, no.

Thank you. And I'll be happy to take any questions about the project.

REP. BERGER: Thank you for your testimony and thank you for taking the time out to address the committee on this project.

PRESTON WHITEWAY: My pleasure.

REP. BERGER: Any questions from the committee?

Seeing none -- oh, Representative O'Brien.

REP. O'BRIEN: Just a little question. What's the statue you brought with you?

PRESTON WHITEWAY: This -- this is -- in 2010, the O'Neill was awarded the American Theater Wings Tony Award for best regional theater for our contributions to American theater. So this is actually the second Tony we have received. In 1979, we were awarded a special one, and in 2010, I had the distinct, humble pleasure to stand on Radio City Music Hall, accept the -- accept this award for -- on behalf of the O'Neill's contributions to both American and world theater live on CBS.

REP. O'BRIEN: Thank you.

PRESTON WHITEWAY: Thank you.

REP. BERGER: Thank you for your testimony.

PRESTON WHITEWAY: Thank you.

REP. BERGER: Paul Brady.

PAUL BRADY: Good morning. I'm Paul Brady. I'm the executive director for the American Council of Engineering Companies of

HB 5344

Connecticut, representing approximately 85 consulting and engineering firms in the state.

I wanted to discuss Raised Bill 5344, AN ACT CONCERNING STREAMLINING THE STATE'S STORM WATER GENERAL PERMITTING PROCESS. We have been working with the DEEP and a number of other organizations to develop a new general permit for storm water. That process hasn't come to fruition yet, and I think we feel that perhaps this Legislation is a little bit premature in that regard. We're still negotiating that process with them, and there's some other areas in there concerning audits that give us some concern.

But I think if we were to hold on this Legislation, let the DEEP general permitting drafting process continue, we can develop a process that will work pretty well for the state and protect the -- protect the environment.

I'd be glad to answer any questions. Thank you.

REP. BERGER: Thank you for your testimony. Any questions from committee members?

Thank you.

Lindsay Farrell. I guess congratulations are in order, also.

LINDSAY FARRELL: Thank you. Senator LeBeau, Representative Berger, and members of the committee, thank you for the opportunity to speak today about the creation of a task force to create green jobs. My name is Lindsay Farrell. I'm the executive director of Connecticut Working Families.

HB 5340

(14)



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Connecticut

TESTIMONY BEFORE THE COMMERCE COMMITTEE
REGARDING RAISED BILL 5344
March 6, 2012

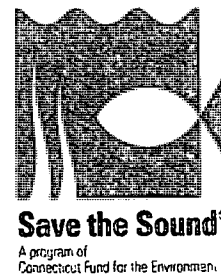
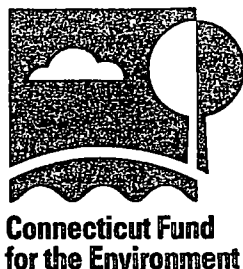
Good morning, my name is Paul Brady. I am the Executive Director of the American Council of Engineering Companies of Connecticut, representing some 85 consulting engineering firms in the state. I would like to testify in opposition to Raised Bill 5344, AN ACT CONCERNING STREAMLINING THE STATE'S STORMWATER GENERAL PERMITTING PROCESS.

The bill would duplicate proposed language being written by the Department of Energy and Environmental Protection for stormwater general permits. As such, it is unnecessary, potentially in conflict with the DEEP's proposed language and could delay the adoption of the proposed general permit.

Much of the bill describes "qualified professionals" and the need to eliminate conflicts of interest by professionals. Given the nature of the work, the vast majority of the certifications described in this legislation would be required to be issued by Professional Engineers as opposed to other non-licensed individuals. Professional Engineers are already licensed by the State of Connecticut. The Board of Examiners for Professional Engineers and Land Surveyors through the Department of Consumer Protection reviews their qualifications, has issued a nationally recognized code of ethics and administers disciplinary actions when necessary.

Thank you for your time and consideration.

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**Testimony of Connecticut Fund for the Environment
Before the Commerce Committee**

Submitted by Roger Reynolds, Senior Attorney
March 6, 2012

Regarding:

**H. B. No. 5344: AN ACT CONCERNING STREAMLINING THE STATE'S STORMWATER
GENERAL PERMITTING PROCESS**

Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

Senator LeBeau, Representative Berger and members of the Committee:

CFE generally supports H.B. 5344 that would streamline the general permit process by allowing engineers to certify applicant compliance with stormwater requirements subject to DEEP audits of such certifications with the modification set forth below.

We do ask the committee to amend the audit requirement to have a goal of "auditing 10% of applications." As it is written, the "goal" is to audit "up to 10%" of applications which makes the terms "goal" and "up to" largely redundant. Indeed, the inclusion of the term "up to" makes the language largely meaningless as auditing 1% or even 0% of applications would have the effect of fully meeting DEEP's audit goal, which is not what we understand to be the intent of the bill.

We were concerned with earlier versions of this legislation distributed last session that did not include the audit goals. Stormwater General permits are subject to the requirements of the federal Clean Water Act. Without audits, this scheme would amount to self-regulation by consultants, which courts have found to be illegal under the Clean Water Act. *See, generally, Waterkeeper Alliance v U.S. EPA*, 399 F.3d 486, 498-504 (2d Cir. 2005). A vigorous audit system is therefore necessary for this streamlining measure to comply with Clean Water Act requirements for agency review. We are pleased that the Commerce Committee inserted this provision in response to our concerns.

For the reasons set forth above, CFE supports H.B. 5344 with the changes set forth above.



Testimony
Elizabeth Gara
Executive Director
Connecticut Water Works Association (CWWA)
Before the Commerce Committee
Public Hearing
March 6, 2012

The Connecticut Water Works Association (CWWA) supports the intent of HB-5344, An Act Concerning the Streamlining of the State's Stormwater General Permitting Process, but respectfully requests the following concerns to be addressed:

Although stormwater general permits are generally applicable to only a small portion of water utility projects, CWWA is concerned with language in the bill that may be carried over into other general permits that are more routinely applicable to water utility operations. Specifically, CWWA is concerned about the possible interpretation of "financial interest" on lines 17-20 of the bill. Some of the questions of how "financial interest" is defined pertain to whether this precludes an in-house Professional Engineer (PE) from certifying an application or whether "financial interest" would include consulting PEs or professionals that were hired for design of the facility, process, and/or site. The language would preclude water companies from using the firm that is most familiar with the design and thus most qualified to determine and certify that it will comply with the general permit conditions. Retaining another PE to certify the application would not only require paying them to get up to speed on the overall design, etc., but likely would necessitate paying the water company's design firm to assist them.

To address these concerns, we recommend the addition of the following language to amend lines 15-20:

...2) the criteria deemed necessary by the commissioner to establish that the professional qualified pursuant to subdivision (1) of this subsection is independent and does not have a financial interest in the activity that is the subject of the certification, provided reasonable compensation for services rendered in providing a certification shall not be deemed a financial interest, nor shall engaging in activities associated with the development or preparation of such information that is the subject of the certification be considered a financial interest, whether or not the qualified professional is employed by the person seeking coverage under the general permit.

In addition, CWWA has concerns with the provisions authorizing DEEP to audit 10% of all permits as described in lines 53-90. It appears that the bill authorizes audits to be conducted randomly rather than triggered by any issues that would warrant an audit of the work of the qualified professional who provided the initial certification. This is unwarranted and imposes unnecessary costs on applicants who would be responsible for covering the costs of the independent qualified professional hired to conduct the audit as well as staff time, potential project delays, and other out of pocket costs that would be incurred. We therefore recommend the deletion of all language concerning or referencing audits and that, instead, the formidable enforcement language included in the bill be used to discourage any willful noncompliance or abuse of the certification process.

Thank you for the opportunity to comment.



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*Your Home
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 Business*

March 6, 2012

To: Senator Gary D. LeBeau, Co-Chairman
 Representative Jeffrey J. Berger, Co-Chairman
 Members of the Commerce Committee

From: Bill Ethier, Chief Executive Officer

Re: House Bill 5344, AAC Streamlining the State's Stormwater General Permitting Process

The HBA of Connecticut is a professional trade association with almost 1,000 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We strongly support HB 5344 as it will significantly streamline the lengthy and expensive DEEP stormwater general permit (SW GP) process, while not changing any substantive requirement for controlling stormwater runoff, ensuring protection of the environment.

Background: DEEP regulates SW runoff through several permits, which are in addition to local government regulations requiring soil erosion and sediment controls. DEEP's SW GP requirements are extensive to ensure the protection of our waters – *that's not the issue*. The issue is the *permit review process*, which HB 5344 addresses.

Federal law requires DEEP to update its SW GPs every five years. DEEP's proposed new construction SW GP process will be longer and more expensive because – without the process outlined in HB 5344 – SW control plans would go to an outside regional Soil and Water Conservation District for review, which could lead to costly delays. Very high fees would also be paid to the districts. Applications for SW GPs would also be reviewed by DEEP, including its wildlife staff for endangered species issues and other groups for historic preservation and archeological reviews, followed by a public comment process on every permit registration. *The outside district review is a major concern to the industry because of the districts' high fees, possible delays and reports that some of the conservation districts are not objective and are biased against development. Additional DEEP reviews are also a concern due to limited staff resources in the agency.*

The Solution: HB 5344 creates a greatly streamlined and more cost effective permitting alternative that allows "qualified professionals" to certify to DEEP that stormwater control plans meet permit requirements. DEEP must accept the certifications, but the process has checks and balances to ensure the integrity of the certifications and is subject to strong enforcement tools, including audits, to ensure SW GP registrations comply with the law.

"Leading Our Members to Professional Excellence"

Serving the Residential Development & Construction Industry Through Advocacy, Education & Networking

HBA of CT testimony, March 6, 2012

HB 5344, AAC Streamlining the State's Stormwater General Permitting Process

Page 2

HB 5344 will greatly improve CT's economic and housing development process while protecting the environment. DEEP, CT Fund for the Environment (CFE), licensed professional engineers, licensed landscape architects and the HBA of CT have all signed off on this new approach to permitting. For the reasons above and all of the following additional reasons, we urge your support for HB 5344:

Unlike last year's bill, no new license is required for qualified professionals (QPs), nor are they placed on a list at DEEP. **QPs will be defined in DEEP's permits; if you meet the definition, you can certify.** For the construction SW GP – these professionals will be limited to licensed professional engineers and licensed landscape architects.

The legislation does not authorize anyone to do work without a license if such work requires a license.¹ Any engineered SW control system can be done **ONLY** by licensed professional engineers; see HB 5344, lines 33-36.

QPs will have to attain certain years of experience because the certification is in lieu of DEEP or outside Conservation District review of stormwater plans. Everyone wants to make sure that people doing this work are competent to do it right. Lesser experienced professionals can still work on SW control plans; they just cannot certify to DEEP.

DEEP will audit certifications and enforce compliance to ensure integrity of the program and correct any materially inaccurate, incomplete or misleading certifications.²

Municipal soil erosion and sediment control regulations are not affected by HB 5344.

DEEP has had a program since the mid 1990s allowing licensed environmental professionals (LEPs) to certify hazardous waste remediation compliance to the agency. **If we can do it for LEPs and hazardous waste compliance, we can do this for stormwater control compliance**, but in a way that doesn't create a new license requirement for qualified professionals. We have been negotiating for almost two years with DEEP and CFE to incorporate the professional certification of stormwater control plans into the draft new construction activity SW GP. However, DEEP also has other SW GPs for industrial activities and municipal activities (i.e., its MS4 permit) and this legislation could benefit those permit processes as well.

Please support HB 5344 as a significant new way to streamline a major DEEP permit requirement that affects most manufacturing, industrial, economic and housing development activity, as well as municipalities. Professional certifications of permit compliance could serve as a model for many other agency permit processes as well. Thank you for considering our views on this important legislation.

¹ Stormwater controls are divided between engineered systems, which only a licensed professional engineer can do (culverts, drainage basins, etc.), and non-engineered systems (hay bales, silt fencing, rain gardens), which licensed landscape architects can also do.

² Commissioner Esty has said his goal would be to audit up to but no more than 10% of certifications received.

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Testimony Submitted to: Committee on Commerce

Public Hearing Date: Tuesday, March 6, 2012

Subject: Bill No. 5344, AN ACT CONCERNING STREAMLINING THE STATE'S STORMWATER GENERAL PERMITTING PROCESS

CSCE Position: **Opposed**

The Connecticut Society of Civil Engineers (CSCE) Section of the American Society of Civil Engineers (ASCE) is pleased to provide this statement on Raised House Bill 5344. Although we support the state's effort to streamline the stormwater general permitting process, we must **oppose Bill 5344** as it encourages the use of non-licensed professionals and para-professionals to engage in critical stages of the general permit process. As professionals, licensed under state statute and regulated by the Department of Consumer Protection, we believe the citizens of this state deserve the protections that can only be guaranteed by professional engineers that are licensed to practice by the State of Connecticut.

As an organization, we have made our position on this matter clear to the Commissioner of the Department of Energy and Environmental Protection (DEEP) in a letter, dated December 15, 2011. A copy of this letter is attached as part of this testimony. We have also meet with representatives of DEEP and will continue to support all efforts to streamline the stormwater general permit process, provided these efforts require appropriately licensed professionals for the critical design and oversight of this important process.

ASCE, founded in 1852, is the country's oldest national civil engineering organization representing more than 147,000 civil engineers worldwide and 1,650 in Connecticut. Our members are dedicated to the advancement of the science and profession of civil engineering and work in private practice, government, industry and academia. ASCE is a 501(c) (3) non-profit educational and professional society. CSCE is a 100% volunteer organization.

Connecticut Society of Civil Engineers

Date: Thursday, December 15, 2011

Attention: Mr. Daniel C. Esty, Commissioner
Connecticut Department of Energy & Environmental Protection

RE: **Comments on Draft Revision to General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities**

The Connecticut Society of Civil Engineers (CSCE) Section of the American Society of Civil Engineers (ASCE) has reviewed the latest Draft Revision to the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (Rev. 7/6/11). Although we support the DEEP's efforts to streamline the application and review process, we have significant concerns regarding the requirements applied to Plan Review Certifications and Inspections. Our primary comments are as follows:

1. Registrations should only be certified by a licensed Professional Engineer in the State of Connecticut, and not a "qualified soil erosion and sediment control professional" as stated in the Draft General Permit (Section 4(c)(2)(Q)). CSCE feels strongly that those certifying any Stormwater Pollution Control Plans have the proper technical training that only a Professional Engineer can provide, even if the plan does not include engineered control measures. Only a Professional Engineer has the capability to evaluate a plan to first determine if the proposed development requires an engineered stormwater control solution, and secondly, certify that the appropriate controls were implemented. A "qualified soil erosion and sediment control professional" as defined by the Draft General Permit would include other occupations that lack the extensive education and technical training required to design such systems, such as landscape architects, surveyors, soil scientist, etc..

CSCE strongly recommends that all language in the Draft General Permit pertaining to certifications be changed to specify certification by Professional Engineers only, and eliminate reference to "qualified soil erosion and sediment control professionals".

2. Stormwater General Permit Implementation Inspections and Routine Inspections are the appropriate role for what the Draft General Permit defines as a "qualified soil erosion and sediment control professional" or a licensed Professional Engineer in the State of Connecticut. Those certified by EnviroCert International as a "qualified soil erosion and sediment control professional" have the appropriate training and background, whether a Professional Engineer, landscape architect, etc. to inspect construction to ensure that the Stormwater Pollution Control Plan is being implemented and followed properly. CSCE feels the language currently in the Draft General Permit regarding inspections is appropriate as currently written.
3. CSCE recommends that the requirement for a "Qualified professional engineer" in the Draft General Permit eliminate the minimum eight year requirement for engaging in the planning and designing of engineered stormwater management systems. A degreed engineer requires a minimum four years of engineering practice in order to sit for the Professional Engineering licensing examination, and once licensed are governed by strict ethical standards that are coincident with licensure as a Professional Engineer. Professional Engineers are ethically bound to practice within their area of expertise. Adding an eight year requirement is redundant and fails to provide any additional measure of protection to the environment or general public and would implement a costly monitoring program duplicating the efforts of existing State Agencies..

CSCE is pleased to offer its full assistance to the DEEP in resolving any outstanding issues associated with the General Permit revisions, or any other issue of concern regarding Connecticut's environmental and stormwater controls.

ASCE, founded in 1852, is the country's oldest national civil engineering organization representing more than 147,000 civil engineers worldwide and 1,650 in Connecticut. Our members are dedicated to the advancement of the science and profession of civil engineering and work in private practice, government, industry and academia. ASCE is a 501(c) (3) non-profit educational and professional society. CSCE is a 100% volunteer organization.

H – 1136

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
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On page 11, Calendar 252, Substitute for House Bill Number 5344, AN ACT CONCERNING STREAMLINING THE STATES STORM WATERED GENERAL PERMITTING PROCESS, favorable report by the Committee on Commerce.

DEPUTY SPEAKER ORANGE:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you. Good afternoon, Madam Speaker.

I move for acceptance of the joint committees' favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

Good afternoon, Representative.

The question is acceptance of the joint committees' favorable report and passage of the bill.

Will you remark?

Representative Berger.

REP. BERGER (73rd):

Yes, again, thank you, Madam Speaker.

The bill before us is legislation that we really should view as improving Connecticut's economy and also the housing development approval process in the state of Connecticut. And when we do that, we are also going to be protecting the environment. This

lg/cd/ed
HOUSE OF REPRESENTATIVES

179
May 2, 2012

bill has been in the works for two years. We addressed this bill last year, and we work at this year with the consensus of several groups. Those groups being DEEP, the Connecticut Fund for the Environment, Engineers and Landscape Architects, and the Homebuilders Association of Connecticut.

The bill will allow DEEP to have independent professionals certify whether storm water general permits meet state and federal requirements. The permit must specify the criteria. A professional must meet to certify this compliance. And also the bill specifies certified professionals duties and obligations and the grounds for rejecting a certification.

Mr. Speaker, the Clerk is in possession of LCO 3457. I asked that he'd call, and I'd be allowed to summarize.

Deputy Speaker Altobello in the Chair.

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO 3457. It shall be designated House Amendment Schedule "A."

THE CLERK:

LCO 3457, House "A" offered by Representative
Berger, Representative Camillo, et al.

DEPUTY SPEAKER ALTOBELLO:

The good Representative seeks leave the chamber
summarize.

I see objection to summarization? I do not.

Please proceed, sir.

REP. BERGER (73rd):

Yes, again, thank you, Mr. Speaker.

The amendment before us does several things.
Number one, the bill allows DEEP to have independent
professionals certify their general permits for
wastewater discharges, as well as stream water runoff.
It also requires the general permits subject to
professional certification. To specify the kinds of
conditions and criteria, a professional must meet,
again, to certify compliance with the permit. It --
it also allows the commissioner to reject a
professional's certification and for the protection of
the process and the protection of the environment,
this will also allow the commissioner an audit
certification, which will require the commissioner to
audit at least 10 percent of the general permit
certifications.

lg/cd/ed
HOUSE OF REPRESENTATIVES

181
May 2, 2012

I move for adoption.

DEPUTY SPEAKER ALTOBELLO:

Question before the Chamber is adoption of House

"A."

I'd just like to make sure both sides of the aisle have the amendment. One moment please.

(Pause.)

DEPUTY SPEAKER ALTOBELLO:

We're still checking to see if this amendment has been distributed throughout the chamber.

Thank you for the indulgence.

Representative Berger.

REP. BERGER (73rd):

Yes, Mr. Speaker. I'd like to withdraw the call of the previous amendment and call 3 -- Amendment 3602.

DEPUTY SPEAKER ALTOBELLO:

Before the Chamber is withdrawal of House "A," withdrawal of House "A"?

Without objection? Without objection?

Seeing none, so ordered.

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Mr. Speaker, and sorry for the confusion on the LCOs. The Clerk is in possession of LCO Number 3602. I asked that he call, and I be allowed to summarize.

DEPUTY SPEAKER ALTOBELLO:

Would the Clerk please call LCO 3602. It shall be designated House Amendment Schedule "B."

THE CLERK:

LCO Number 3602, House "B" offered by Representative Berger, Representative Camillo, Senator LeBeau, et al.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger on the rewind, you have the floor, sir.

REP. BERGER (73rd):

Yes and thank you, Mr. Speaker. Sorry for the delay.

LCO Number 3602 and amending the bill does what was previously described by this Representative in 3457, and I move adoption.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is adoption.

Further on House "B"?

Representative Berger, further?

Further on House "B"?

Representative Camillo of the 151st, just wishing him a nice afternoon. Nice to see you, sir, in the chamber.

Representative Sawyer of the 55th District, you have the floor, madam.

REP. SAWYER (55th):

Mr. Speaker, question, through you to the proponent of the amendment that is in our hot little hand.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. SAWYER (55th):

Thank you.

Mr. Chairman just for legislative clarification -
- as soon as I find the line. In line 51, it refers to the coverage under the general permit is a governmental entity including a federal, state, or municipal entity. In Connecticut, we have a very interesting little situation in a few areas in our towns in which we have boroughs that are separate but within a municipality. Would they also be included? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, they would be included,
yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Sawyer.

REP. SAWYER (55th):

Thank you and I think the Chairman.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Representative Nardello of the 89th, you have the
floor, madam.

REP. NARDELLO (89th):

Thank you, Mr. Speaker.

A question to the proponent of the amendment?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. NARDELLO (89th):

Mr. Speaker, could the proponent of the amendment
please tell me who -- how is this going to change who
conducts these permitting requirements. In other
words, who was able to do this before and who will be
able to do this now based on the new language?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, to Representative, previous to this -- this was -- this process was encumbered upon DEEP, which basically had a stretch on its personnel to be able to expedite these permitting processes. This will not allow for a certification processing and criteria established by DEEP for professional engineers to be certified to do this work for storm water, and, et cetera, which are covered under the underlying amendment which would now be the bill, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative.

Representative Nardello.

REP. NARDELLO (89th):

Thank you.

And through you, Mr. Speaker, can you give me an example of who these independent entities will be. Do they already exist? Or are they something that we are creating?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, the -- the individuals would be certified qualified professionals, which would then -- who then would be certified by DEEP, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, I guess I need just a little bit more explanation on what a certified qualified professional. So it is a professional what? Is it someone that has an engineering background? Do they -- are they certified to have a certain background? In other words, what criteria will they need to meet in order to do this?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, a qualified professional will be defined in DEEP's permits with experience criteria based -- based on their certification, such as, in lieu of DEEP or outside soil conservation district individual. So DEEP will certify these qualified professionals through a criteria they will establish and then allow them with

lg/cd/ed
HOUSE OF REPRESENTATIVES

187
May 2, 2012

approval of DEEP to also then be certified and subject to audit. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, and I think the answer, but just an additional -- I still have a little bit of confusion as to who -- what is the criteria for the qualified professionals to come to DEEP for the certification. In other words, who is it that's going to be able to come to apply to DEEP for this? Is it any individual? Do they have to have a certain educational background or professional background? Who qualifies to come to DEEP to apply for this certification?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, certainly, it's not anyone off the street, through you, Mr. Speaker to the good Representative. They would have to meet the criteria, again, an engineering background, storm water knowledge and criteria and education and experience to

lg/cd/ed
HOUSE OF REPRESENTATIVES

188
May 2, 2012

be able to be allowed for the certification. Through
you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Nardello.

REP. NARDELLO (89th):

Mr. Speaker, I thank you for the answer -- the
gentleman for the answer. I do have some concerns
about this because I think there is a lack of clarity
in the bill in terms of who exactly is going to be
doing this and how this is going to go forward, so I
will express those concerns when I vote, and I thank
you very much.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Nardello.

Further on House "B"?

Representative Camillo of the 151st, you have the
floor.

REP. CAMILLO (151st):

Thank you, Mr. Speaker.

A question through you for clarification and
point -- purpose of legislative intent?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CAMILLO (151st):

Okay.

Subsection 1(e) of the amendment includes several provisions that relate to the auditing certifications submitted by DEEP by qualified professionals. On line 157, the amendment states, "In addition, the commissioner may require independent verification of all and any part of the certification submitted by qualified professional." Is my understanding correct that is authority to require third-party verification is limited to those instances where the commissioner has initiated a formal audit certification? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker to the Representative, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Camillo.

REP. CAMILLO (151st):

Thank you and I thank the gentleman for his answer.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

-- of the 85th, you have the floor, madam.

REP. MUSHINSKY (85th):

Question, through you to the proponent of the amendment?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Dean.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

Through you to Representative Berger, I understand the history of this bill and that it is a working coalition of the environmental community and the building community and the regulatory agency. And in the committee, there is testimony that we would like the goal that the commissioner of DEEP audit at least 10 percent of the permits to avoid the problem of self-regulation and then a temptation to the -- to avoid regulation because it's now in the hands of the regulated community. So the audit -- the possibility of an audit keep the system honest. Is that 10

lg/cd/ed
HOUSE OF REPRESENTATIVES

191
May 2, 2012

percent audit still in this amended version of the
bill? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker to Representative, it
is, in fact, in the amendment.

DEPUTY SPEAKER ALTOBELLO:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

And, through you, the parties that worked out
this compromised language are all still in favor of
this compromise? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

I'm sorry, Mr. Speaker, I was distracted. If the
good representative could repeat that please.

DEPUTY SPEAKER ALTOBELLO:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Through you, Mr. Speaker, this is a long
amendment and I'm trying to keep up in comparing it to

lg/cd/ed
HOUSE OF REPRESENTATIVES

192
May 2, 2012

the file copy. But, through you, Mr. Speaker, the parties that worked on the original bill are still in support of this amendment, through you, Mr. Speaker, is that true?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker to the Representative, that is correct. The strike-all amendment has the approval all -- of all the parties and placeholders, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Through you, Mr. Speaker, I will support it, and I am -- I am satisfied by the Chairman's answers.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Further on House "B"?

Representative Srinivasan of the 31st, you have the floor, sir.

REP. SRINIVASAN (31st):

lg/cd/ed
HOUSE OF REPRESENTATIVES

193
May 2, 2012

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

DEPUTY SPEAKER ALTOBELLO:

Good afternoon, Doctor.

REP. SRINIVASAN (31st):

Through you to the proponent of the bill, Mr.
Speaker?

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. SRINIVASAN (31st):

Thank you, sir.

In lines 178, 179, it talks about the previous
Representative had just said, auditing 10 percent of
the certifications. And as we go further down the
amendment, on line 185, it talks about subject to
partial or full audit. And I would like to have a
clarification on the 10 percent, is it a full audit,
is in a partial audit? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, it is certainly
the intent of the commissioner to -- to exercise his
right under the 10 percent guideline of the bill to

conduct within that 10 percent a full audit for the safekeeping of what the bill is intended to do and the safekeeping of our -- in the environmental concerns that -- that -- that need to be addressed with the actions we commit through this bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, if I then understand, to the proponent, the 10 percent will be a full audit and so then -- that is why I couldn't understand what is a partial audit? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, that -- that could be judged certainly at the discretion of the commissioner. A partial audit could be on a specific portion after review of the project, the commissioner, would see as a potential, quote/unquote, red flag. If that red flag would then result in a further review this would then kick in a further full audit for -- for the commissioner to allow for flexibility where a

lg/cd/ed
HOUSE OF REPRESENTATIVES

195
May 2, 2012

whole project may not be in dispute, where a smaller part of a project could be in dispute which would create a subject for a full audit. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

And I thank the proponent for his answers.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Representative Nardello of the 89th.

REP. NARDELLO (89th):

Thank you, Mr. Speaker, and I apologize, but I need to do this for a legislative intent. I would like to ask the proponent of the amendment, who he -- what groups he believes will be part of the qualified professionals as they planned this legislation?

DEPUTY SPEAKER ALTOBELLO:

No apology necessary, madam.

Representative Berger.

REP. BERGER (73rd):

Yes. And I think the Representative in her diligence.

The two groups that will have the specific certification would be licensed engineers and landscape architects. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you.

Representative Nardello.

REP. NARDELLO (89th):

Thank you, Mr. Speaker, and I thank him for that answer for clarification, and I do look at the language and it does say that it -- it is concerned and has language regarding a conflict of interest which would be another concern if they're involved with whatever project, so I'm glad that we clarified this for the entire body. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Nardello.

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

REP. MILLER (122nd):

Thank you, Mr. Speaker.

Just a couple of questions to the proponent?

DEPUTY SPEAKER ALTOBELLO:

lg/cd/ed
HOUSE OF REPRESENTATIVES

197
May 2, 2012

Please proceed, sir.

REP. MILLER (122nd):

When you say "certified" as to storm water runoff, would there be any lab testing done of this material? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, I guess to take a stab at that I would believe that there certainly is engineering that's involved with the establishment of the storm water and runoff requirements. I'm not quite sure if during that process samples of soil runoff and water runoff could be taken, but I would imagine they could be if -- if the engineer or project manager so thought that there was a situation where that could potentially be needed. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

Thank you.

And through you, Mr. Speaker, parking lot runoff is generally automobile grease, oil, and whatever,

that comes from an automobile -- hydrocarbon type of stuff. That would not probably require a lab test because I think it's -- it's all one kind of stuff that's going to these storm source. Correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

And through you, Mr. Speaker, airport runoff -- I know you talked about lakes and streams and things of that sort -- water bodies. When they de-ice airplanes at an airport, is that stuff suitable to go into a, I say, a wetlands area? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, I would certainly believe that runoff that could be hazardous to the environment and/or species that are located within that wetlands would not be permitted to be allowed. Through you, Mr. Speaker.

lg/cd/ed
HOUSE OF REPRESENTATIVES

199
May 2, 2012

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

And lastly, very large shopping centers like we have Trumbull, Hartford, Clinton, wherever -- again, these are major shopping areas with 500 to 1,000 cars or maybe even more. Would that present a problem or no? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker to the Representative, I don't believe it would propose a problem. I would also -- I would obviously fall under some criteria for review and potential determinant -- determination of impact to the environment and/or the project. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller of the 122nd.

REP. MILLER (122nd):

Thank you for those answers and I'm just concerned that Long Island Sound is in dire need of being cleaned up from pollution, and all this stuff eventually goes down there. And I want to be sure

lg/cd/ed
HOUSE OF REPRESENTATIVES

200
May 2, 2012

that we -- we try to do our best to make sure this --
anything that's really hazardous doesn't get in there.
So that's my save for today.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller of the 122nd.

Representative Miller of the 36th, you have the
floor, sir.

REP. MILLER (36th):

Thank you, Mr. Speaker. I rise in support of
this bill, and I thought I might be of help explaining
a little bit of the practicality of the storm water
program.

As many of you know, it was one of the classic
unfunded federal mandates that came down, I think,
originally in the mid nineties. At the time I was an
inland wetlands commissioner in my town and what it --
what it did -- and there is subsequently been a second
storm water program about eight or nine years ago that
came from the federal to the State, and the State
works with municipalities. They requested, among
other things, that all municipalities, many in
Connecticut have subsequently done so, would need to
update their litter ordinance to make dumping in the

water a misdemeanor and, also, most municipalities have subsequently, over the past 10 years or so, come up with a no-dumping ordinance, which also, again, gives way to water pollution as a detrimental thing to our environment.

Among other things that individual towns have done with the State's help in recommending these federal standards are more regular cleaning out and maintenance of catch basins, which is also helpful from a public health's standpoint to limit the risk mosquito breeding with the issues we've had deal with -- with equine encephalitis and West Nile Virus and things like that.

And further recommendations that many municipalities have consented to involved -- there was a question earlier about if water is tested, and yes, it is recommended and many municipalities do test the outflows, particularly, after unusual precipitation events. And depending on the town and the presence of freshwater wetlands and tidal marshes and things like that, they may have different amounts of test spots that they do and different frequencies that they test. And if they see something in these outflows, chemically, that doesn't belong there. With the

updates to the litter ordinance that have been recommended and, in most cases, by municipalities past, they can try to then figure out the source of it and go to the property that may be the cause of some of this and ask them to knock it off.

And in addition, a number of municipalities have been very active in changing practice. For example, many towns that use to have public carwashes at schools and other places whereby the effluent, soapy suds and things like that would go right into the catch basins and right into the watersheds, adding nutrient rich pollution, which could be detrimental. A number of times have changed these practices. In my region, for example, a couple of towns allow their -- either fire departments for their town municipal garages -- which now to conform to these standards, have wash bays where the acidic compounds and other things that are washed off the vehicles land in a wash bay, where they can be then separated and brought to the appropriate place.

And so these are all pretty good improvements, which have resulted from this program. And the idea is to keep just precipitation from storms going to our catch basins and watersheds and to limit all of the

lg/cd/ed
HOUSE OF REPRESENTATIVES

203
May 2, 2012

acidic compounds and other industrial contaminants,
and many towns use licensed environmental
professionals all along to advise them on how to do
these things. And while, originally, when these
programs came out there was some resentment towards it
because, again, it was a unfunded mandate. Most of
the municipalities in Connecticut have been not only
compliant but voluntarily so, very environmental good
stewards. So thank you, Mr. Speaker, through you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller of the 36th.

Further on House "B"? Further on House "B"?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed, nay.

The ayes have it. House "B" is adopted.

Further on the bill as amended? Further on the
bill as amended?

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker.

Yes. We did have this bill last session and a few of the interested parties did raise some concerns. I salute the Chairman of Commerce for getting the interested parties and the various stakeholders together and working out a agreement. One that we can hopefully all support. For anybody who is concerned about DEEP hiring out licensed professionals, I would remember that, A, they are licensed; and B, they have a cloud of audit over them; and C, let's face it, if they don't do a very good job, they're not going to get hired back.

So I think it's a good bill, and I urge passage.
Thank you.

DEPUTY SPEAKER ALTOBELLO:

Easy as [?]ABC.

Further on the bill as amended?

If not, staff and guest please retire to the well the House. Members take your seats. The machine will be open.

THE CLERK:

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

DEPUTY SPEAKER ALTOBELLO:

lg/cd/ed
HOUSE OF REPRESENTATIVES

205
May 2, 2012

Have all members voted? Have all members voted?

Please check the board to make sure your vote has been properly cast.

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

Will the Clerk please take a tally, and will the Clerk please announce the tally.

THE CLERK:

House Bill 5344 as amended by House "B."

Total number voting	145
Necessary for passage	73
Those voting Yea	136
Those voting Nay	9
Those absent and not voting	6

DEPUTY SPEAKER ALTOBELLO:

The bill as amended passes.

Will the Clerk please call Calendar 353.

THE CLERK:

On page 44, Calendar Number 353, Substitute for House Bill Number 5026, AN ACT CONCERNING THE SECRETARY OF STATE'S AUTHORITY FOLLOWING A PROCLAMATION OR DECLARATION OF AN EMERGENCY OR MAJOR DISASTER, favorable report by the Committee on Judiciary.

S - 649

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 14
4223 - 4505**

rgd/tmj/gdm/gbr
SENATE

262
May 9, 2012

Thank you, Madam President.

Calendar page 15, Calendar 464, House Bill 5344, move to place that item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 17, Calendar 475, House Bill 5550. Move to place that item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 18, Calendar 480, House Bill 5258, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 23, Calendar 514, House Bill 5540, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 24, Calendar 521, House Bill 5343, move to

rgd/tmj/gdm/gbr
SENATE

318
May 9, 2012

(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



State of Connecticut

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Bills placed on the Consent Calendar on May 9, 2012

5358
5148
5394
5326
5025
5534
5539
5320
5462
5394
5511
5283
5437
374
5011
5440
5279
5290
5307
5032
5230
5241
5087
5276
5484
5495
5232
5447
5543
5353
5271
5344
5038



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GAREY E COLEMAN
CLERK OF THE SENATE
ERNEST J COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

- 5233
- 5550
- 5258
- 5106
- 5355
- 5521
- 5248
- 5412
- 5319
- 5328
- 5365
- 5170
- 55440
- 5521
- 5298
- 5343
- 5504
- 418
- 5037
- 5467
- 5022
- 5259
- 5496
- 5360



State of Connecticut

SENATE CLERK'S OFFICE
STATE CAPITOL
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Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

319
May 9, 2012

Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

rgd/tmj/gdm/gbr
SENATE

320
May 9, 2012

At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

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

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.