

**PA12-196**

HB5343

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**COMMERCE  
PART 2  
284 - 565**

**2012**

18  
amg/gdm/gbr COMMERCE COMMITTEE

March 6, 2012  
10:00 A.M.

REP. BERGER: Thank you, Senator.

Mr. Brown.

ERIC BROWN: Good morning, Chairman Berger, Chairman LeBeau, members of the Commerce Committee.

I am Eric Brown, with CBIA, and I am delighted to be here to submit testimony on Raised Bill 5343. I have, in fact, submitted written testimony so I will just summarize.

First of all, you know, this is entitled "The Brownfield Bill," and we're -- continue to sing your praises about the effort you've all made on brownfields redevelopment. It was a great bill last year. Unfortunately, this bill, particularly Subsection 1(b), is -- is not a brownfields bill. It's not about brownfields at all. It's about spill-reporting. It's about setting a legislative foundation for advancing a certain perspective on how Connecticut spill-reporting programs should work.

And I include in my testimony some brief history on the -- on the problems with spill-reporting and the 43 years that have gone by since the regulations called for by the General Assembly in 1969 have yet to be adopted, but I won't bore you with those details.

I guess, what I want -- the main point I want to make is what DEEP, I think, is trying to get at here is a broad change in their remediation program. And that is important and we are working -- and many stakeholders are working with them on that. What they talk about here, though, is -- is just how big a

net we're going to cast to bring more sites into their remediation program, not brownfields remediation program, their overall remediation program. And that's a very tough question.

And in the context of the discussions that have gone on, what we've tried to emphasize is the department needs to balance how big a net you're going to cast with -- wow, that was quick -- off-ramps to getting out of it. And so, to sum up, I'll just say that this bill, Section 1(b), talks about casting a huge net to bring thousands of more sites into their spill-reporting and remediation program. It doesn't say anything about how they're going to get them out of there in a quick and expeditious fashion. That's controlled by the state clean-up standard regulations which need to be revised to make this work.

These have to be done at the same time spill-reporting and changes to the regulations. And we can't just have this, sort of, unilateral let's go down the path of a huge net and we'll worry about how to get people out of the net in a quick and expeditious way later on.

Thank you. I'm sorry I ran over my time. I'd be glad to try and answer any questions.

REP. BERGER: Okay. And thank you, Eric, for coming forward, and thank you for your work in the past, too, on your brownfields commitment and the legislation at work through this committee and through the General Assembly.

But we are aware, on the same page here, that -- 5343 is really a template, so to speak, for us to go to a study of these issues. We're not creating law in -- in passing and

voting on this out of committee. We're -- we're saying, hey, let's look at this, and -- and possibly reporting back to this committee and into the Environment Committee, in 2013, in the long session, we could potentially look at this, you know, just to clarify that for the record and for members here, and also look forward to you sitting with us and adding in some language in the revisionary brownfield bill that we have before the committee, which -- which will mature before our JF deadline here.

So thank you.

ERIC BROWN: I look forward to that. And thank you very much.

Yeah, I just -- I just want to stress how sensitive an issue this is for industry, when language is put out to create a statutory -- there's at least to be statutory language -- I'm not even sure what the first sentence means: "A commissioner will make such recommended changes and shall include recommendations related to" -- I don't know what that means, but I do know it talks all about this all-encompassing spill-reporting program which drives -- you know, industry is scared to death of that. And we've told the department that might work, if you have this whole other component.

So we're very nervous about having one piece in the legislation and not the other. I think the deadline can just be extended to next year. I've put -- I've put -- I've listed in my testimony suggested changes, because this idea of spill-reporting is sprinkled throughout the bill and how that could be omitted. And that would lathe the process to go forward without the prejudice of any

legislative statement about we ought to go this way with spill-reporting. That would be most appreciated.

But thank you again for your time.

REP. BERGER: Thank -- thank you, Eric.

Any other questions?

Senator LeBeau.

SENATOR LEBEAU: Eric, thank you for coming today and testifying on this bill.

I'm looking at your recommendations and, frankly, I'm not as familiar with this bill as I should be. Are there -- are there other pieces of substance in the bill that you feel positive about, that you feel the rest of bill -- I mean, essentially, you're asking for removal of some various sections and some wording changes on some specific sections.

If those were made, would you be supportive of the bill?

ERIC BROWN: Oh, absolutely. We're supportive of the -- of what they're calling this "clean-up transformation effort." We're supportive of the general principles that have come out so far.

As you know, this is the continuation of a study that was called for in last year's Legislation. But what changes here, if you look on line 6, where it says, you know, "There'll be an ongoing review of the General Statutes as they relate to brownfield remediation and development," citing the -- the section (inaudible), and then it says "Such report shall include recommended changes

to such statues and regulations." And then all of the sudden there's this "or any recommendations for any new program for the responding to hazardous material releases." That's sort of where we take this big leap from where we were last year.

So all I've referenced in my testimony in terms of changes are any references to this new other program, to get that out of there. Keep the focus on brownfields, let the stakeholder process continue, again, without the prejudice of any Legislative push one -- one direction or other.

REP. BERGER: Thank you, Mr. Brown.

ERIC BROWN: Thank you.

REP. BERGER: Thank you, Senator.

Representative Becker.

REP. BECKER: Thank you for being here this morning.

I -- I'm reading your testimony as you're speaking and I'm trying to piece it together, so forgive me --

ERIC BROWN: Sure.

REP. BECKER: -- for reading it on the fly but, as I understand it, when you explain the historic context, you're saying that, as interpreted by the former DEP, all spills would need to be reported, and the Legislature tried to narrow that by saying only those that are hazard -- potentially hazardous to propose a threat to human health or the environment. And then DEP countered by saying that they're the only ones who can decide whether that's so or not.

And so, is that currently where we sit, so that all spills need to be reported, at least in now DEP's mind?

ERIC BROWN: In DEP's mind, that's correct. There's a legal argument that because the statutes said -- says you'll report in accordance with regulations adopted by, and since those regulations have never adopted, you can make the argument that, at least under that statute, you know, you don't have to report anything.

So this is creating great confusion in industry for -- for decades now. And there's been three attempts, that I'm aware of, in the last 20 years, advisory groups to come up with these spill-reporting regulations, and each of those efforts have failed.

So that is what the current state of affairs is. And it's kind of like some companies say, you know what, so be it, we're going to report everything. And then they'll make hundreds of thousands of calls a year, others say, you know, we'll just use our best judgment, but they're afraid when they get an inspection, some inspector might say, well, that was a spill, even though, you know, there was no floor drain, it was inside and you cleaned it up quickly, it was a spill and you should have reported it, so there's that uncertainty. And it's -- it's a long standing issue.

REP. BECKER: So I'm trying to understand, in the current draft of the bill as it's written, if, right now, the universe is all, at least from DEP's perspective, how does this bill make it worse than all, because if, in fact, you were reporting all, I'm not quite sure I see how this can --



ERIC BROWN: Well, what it does -- I asked --

REP. BECKER: -- make that more difficult.

ERIC BROWN: -- any question -- It's a good question. I think what it does is, in -- in statute, okay, adds to the uncertainty. Now, I've got 450 that says, oh, only spills that pose a potential risk to human health and the environment, but now I've got this statement -- and to -- and to Representative Berger's point, it's true, this isn't, sort of, stating what has to be but its making a very strong statement of what -- what these recommendations should deal with.

And, again, we're not necessarily opposed to it, if the other changes are made. Because what DEP is saying is we are going to create off-ramps so if it's a minor spill, quickly cleaned up, doesn't create a threat, you'll be out as soon as you get in. And we'll say, well, okay, if that's the case, we -- we can maybe live with this. But those are negotiations that have to go on simultaneously. We can't have the all-encompassing spill and then hope that this other piece will come in in a satisfactory way that, you know, what --

REP. BECKER: Understood. So it needs to be flushed out more and the details --

ERIC BROWN: And worked on simultaneously.

REP. BECKER: Right.

ERIC BROWN: And I think that's the intention. The remediation standard regulations are undergoing revisions now, and so that's part of the process. But, see, we get very

prejudiced if this passes and it's sort of setting in people's mind that we're going to have this all-encompassing. Now, we're in a tough position in terms of what if they propose off ramps that really we don't see as significant.

REP. BECKER: Right.

ERIC BROWN: We'd lose -- we're, sort of in a, you know, a weak position, because there's already this Legislative direction, if you will. So that's the nature of --

REP. BECKER: Understood. And to the Chair's point, to keep those negotiations alive, this bill would need to stay alive to see how we'd -- how those mediations go to --

ERIC BROWN: Technically, Section 1(a), that changes the deadline from January of '12 to January, '13, yeah, technically, that -- but that's all you would really need. It doesn't need to have all this other -- the stakeholder process -- I can't even believe I'm going to use this word -- is very robust, and will continue to be, and is going to go on for another eight, nine, ten months. And we think that should be allowed to go forward without any, sort of, pressure, one way or other, from the agency -- from the Legislature, other than to say we want to see the recommendations January 13.

REP. BECKER: Thank you.

ERIC BROWN: Thank you.

REP. BERGER: Thank you.

Any other questions from committee members?

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Senator Gary LeBeau,  
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Members of the Commerce Committee  
Room 110, Capitol Building  
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**TESTIMONY OF NANCY K. MENDEL**  
**Environmental Attorney, Principal**  
**WINNICK RUBEN HOFFNUNG PEABODY & MENDEL, LLC**  
**Submitted to the**  
**COMMERCE COMMITTEE**  
**March 6, 2011**

Re: Raised Bill No. 5343 An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs

*I would like to express support for Section 1(a) of Raised Bill 5343, but with the strong recommendation to delete in its entirety subsection (b) of the Bill as being problematic, unnecessary and premature.*

I am an environmental attorney with 20 years experience working on the clean-up and redevelopment of brownfields, large and small, on behalf of buyers, sellers, private developers, manufacturers, municipalities, non-profits and fortune 500 companies in every county in the State. I have served as outside environmental counsel to the City of New Haven and the City of West Haven on several of their respective MDP projects, and to REX Development, the economic development entity for the fifteen towns served by the South Central Regional Council of Governments (SCRCOG) on their DECD and EPA brownfield assessment and remediation grant and loan programs, and have seen firsthand the challenges to Brownfields' site redevelopment. I have worked in the trenches with the Connecticut Transfer Act, the Voluntary Remediation Programs, the Licensed Environmental Professional program, Covenants not to Sue, Environmental Land Use Restrictions and all aspects of the Remediation Standard Regulations.

Over the last 20 years, I have been involved in various legislative and regulatory initiatives as a member of Coalition for Clean Sites back in the mid-90s, as past Chair of the

Environmental Section of the CBA, and most recently as a member of a group of volunteers who drafted the Comprehensive Brownfields Remediation and Revitalization Program, a version of which was passed last year as Section 17 of P.A. 11-141. This new program has already had significant beneficial effect on some of the most challenging brownfields in the state with bona fide prospective purchasers taking on their redevelopment in light of the new liability relief offered by Section 17.

Most if not all in the regulated community strongly supports the ongoing process currently underway at the Department of Energy and Environmental Protection (DEEP) by the Commissioner to review the general statutes as they relate to Brownfields remediation and development and more importantly, review and consider revisions to the Connecticut Remediation Standard Regulations (the RSRs) which form the foundation of any clean-up in the state. It is to be applauded. However, it is just that – an ongoing process.

Subsection 1(a) of RB No. 5343, reflects the results, to date, of DEEP's transformation and review process and DEEP's decision to postpone making recommendations to the legislature until January 2013. Subsection 1(a) requires that the Commissioner consider the recommendations of the report submitted to the legislature by DEEP pursuant to Section 6 of public act 11-141 and five additional key goals to be considered in developing any changes to the statutes and regulations or in the development of a new program. Any new program being proposed should consider each and every one of these goals. On these we can all agree.

However, subsection 1(b) of RB No. 5343, as proposed, is not really about brownfields, which are underutilized or abandoned environmentally impacted sites. In reality, Subsection 1(b) outlines a new and significant regulatory structure for threatened, new and historical releases at active sites, not brownfields. Subsection 1(b) mandates the commissioner to develop a new spill program which includes increased investigation and remediation requirements, new timeframes, additional documentation, new fees, public notification and other similar requirements.

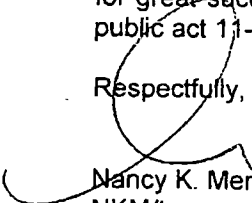
The transformation process is ongoing. Stakeholders are vested in working with the commissioner in developing a more streamlined and efficient remediation process. They have identified the goals for doing so, which are outlined in subsection 1(a). No limits or dictates should be imposed on the rest of this process. While subsection 1(b) lists issues to be considered by the commissioner, the legislature should not tie either the commissioner's or the stakeholders' hands by legislatively requiring these elements be included before the process has even been completed. Subsection 1(b) should either be deleted in its entirety, or reworded from a "shall include recommendations relating to" to a "may include recommendations relating to" so as not to mandate the outcome of what we all hope will be a successful process.

Most importantly, I bring to the attention of the committee, one key element without which no new program or changes to existing remediation statutes will be successful. There absolutely needs to be a concerted and dedicated effort by both DEEP and the regulated community to work together over the next 10 months, to identify the key elements of the RSRs and the way they are administered, that if changed, would make any program, new or old, workable, more streamlined and efficient. This effort needs to happen now, as a pre-requisite to any further legislative change in any of the existing remediation programs or the development of a new program

DEEP uses the analogy of a highway when it speaks about the transformation process and where it sees remediation programs going in the future. It contends that it is focused on streamlining the system while providing more so-called "off-ramps" for sites to get out of the regulated remediation system earlier and with more certainty, than is currently the case. However, what is being outlined in subsection 1(b), only widens the entrance ramp into the regulatory remediation process, capturing significantly more sites by its overreaching proposal, without truly fixing and/or widening the highway along which these sites will travel – which highway is the RSRS. Right now, of 3700 Transfer Act sites, only about 700 have reached closure. If you talk to LEPs, most would agree that the primary reason for this lack of successfully closed sites is the unworkability of the RSRS. If you don't fix and widen the highway, by making the RSRS more practicable, usable, self-implementing and risk based, then you will create a remediation traffic nightmare, before ever reaching any of these newly created off-ramps.

Thank you for your consideration and I remain hopeful about the process and the potential for great success by working together for a common goal, just as was done last year with public act 11-141 Section 17 program.

Respectfully,



Nancy K. Mendel  
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March 5, 2012

Sen. Gary LeBeau, Rep. Jeff Berger and Members of the Commerce Committee  
Capitol Building Room 110  
Hartford, CT 06106

Re: Raised House Bill No. 5343, An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs

As a business owner I stand opposed to Section 1(b) of the Raised House Bill No. 5343.

Although the title of the bill is laudable, under subsection 1(b) all spills of nearly any material and of any quantity in an industrial or commercial setting, including historic releases, would have to be reported to the Department of Energy and Environmental Protection. Please understand that the reporting requirements alone will cost businesses time and money. Section 1(b) could also lead to new cleanup requirements with strict time limits.

With this bill and other pieces of legislation like it, the legislature continues to pursue an agenda that undermines the potential for business stability or growth in Connecticut. I respectfully ask the Commerce Committee remove subsection 1(b) before voting on whether to approve the bill.

Sincerely,

A handwritten signature in black ink, which appears to read "Nicholas A. Fanelli". The signature is written in a cursive style with a large, prominent initial "N".

Nicholas A. Fanelli, CLU, CPCU, CIC  
President

**chemswap.com**div. of **t. j. banisch llc**

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March 5, 2012

Sen. Gary LeBeau  
Rep. Jeff Berger  
Members of the Commerce Committee  
Room 110, Capitol Building  
Hartford, CT 06106

Dear Members of the Commerce Committee,

I would like to express my opposition to subsection 1(b) of Raised House Bill No. 5343.

On Tuesday, the General Assembly's Commerce Committee will hold a public hearing on Raised House Bill No. 5343, An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs

Subsection 1(b) of the bill sets the stage for the creation of a new and incredibly broad spill-reporting program. Under this subsection essentially all spills of nearly any material and of any quantity in an industrial or commercial setting, including historic releases, would have to be reported to the Department of Energy and Environmental Protection. The reporting requirements alone will cost businesses time and money, but Section 1(b) could also lead to new cleanup requirements with strict time limits.

This is yet another business-unfriendly bill coming out of the Connecticut Legislature, and my company, chemswap.com, div. T.J. Banisch, LLC is opposing section 1(b) of this bill and asking the Commerce Committee to remove it before voting on whether to approve the bill.

"REJECT SUBSECTION 1(b) OF HB-5343!"

Sincerely,



Tom Banisch  
General Manager



March 5, 2012

Senator Gary LeBeau, Representative Jeff Berger and Members of the Commerce Committee  
Room 110, Capitol Building  
Hartford, CT 06106

Re: Opposition to subsection 1(b) of Raised House Bill No. 5343

Dear Senator LeBeau and Representative Berger:

My name is Dianne Veley and I am the Global Human Resources Manager for The Siemon Company located in Watertown, Connecticut. I am writing to you on behalf of our company to state our opposition to subsection 1 (b) of Raised House Bill No. 5343.

Our company has been in business and family owned since 1903. We currently employ over 300 people in the United States, most of them located in Connecticut, and we are approaching 400 more in our other locations globally. We have deep roots in the community and have no plans to leave Connecticut for another domestic location. However, we find ourselves in a frustrating position of frequently having to write to our state legislators about opposing legislation which is detrimental to our ability to competitively compete in a global environment and to continue to employ Connecticut residents.

This proposal (subsection 1 (b) of Raised House Bill No. 5343) will increase our business costs and our employees' time for what we view as yet another example of over-regulation within the state of Connecticut.

I urge you all to vote no on this proposed legislation. Thank you.

Sincerely,

Dianne R. Veley

Cc: Carl N. Siemon, President, The Siemon Company  
John Rathgeber, President, Connecticut Business and Industry Association

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Testimony of the  
Greater New Haven Chamber of Commerce  
to the  
Commerce Committee

March 6, 2012

**HB 5343: AAC Economic Development Through Streamlined and Improved Brownfield Remediation Programs**

Senator LeBeau, Representative Berger, members of the Commerce Committee, the Greater New Haven Chamber of Commerce appreciates the opportunity to submit testimony today in **Opposition to Subsection 1 (b) of HB 5343**. My name is Louise DiCocco-Beauton and I am the Director of Governmental Affairs for the Greater New Haven Chamber of Commerce, a regional business organization with more than 2,000 members.

While the Chamber recognizes the good intent of HB 5343, there is one subsection of it which does the exact opposite of the bill's intentions, specifically Subsection 1(b) of HB 5343. This section of the bill sets the creation of a new and incredibly broad over-regulated program. Under this subsection, essentially all spills of nearly any material and of any quantity in an industrial or commercial setting, including historic releases, would have to be reported to the Department of Energy and Environmental Protection (DEEP). The reporting requirements alone will cost businesses time and money. This clearly goes beyond the scope of Brownfields Remediation and is very dangerous to CT businesses, jobs and economic development.

The Chamber believes it is safe to say no one is against transforming the current system, but it certainly needs to be properly thought out. We need to ensure our state has a workable and well thought out approach to Brownfields development without making CT more business unfriendly than it currently is.

The Chamber strongly **opposes** Subsection 1(b) of HB 5343 and respectfully urges this committee to delete this section from the bill.

Thank you for your time and consideration.

For more information, please contact Louise DiCocco, Esq., Director of Governmental Affairs, Greater New Haven Chamber of Commerce, and (203) 782-4330 or [ldicocco@gnhcc.com](mailto:ldicocco@gnhcc.com)

**COMMENTS FROM A GROUP OF BROWNFIELD ADVOCATES  
IN CONNECTICUT**

November 14, 2011

Mr. Graham Stevens  
Department of Energy & Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Dear Graham,

As a group of practitioners who were very pleased to have the opportunity to work with the Department of Energy and Environmental Protection, the Department of Economic and Community Development, the Connecticut General Assembly, and the Governor toward passage of Connecticut's landmark brownfield legislation earlier this year, we have an intense and continuing interest in DEEP's activities associated with its "Comprehensive Evaluation and Transformation of Connecticut's Cleanup Laws" initiative. We appreciate this opportunity to comment on the draft workgroup reports made available by DEEP. HB5343

We understand there are further milestones to be met in the course of DEEP's progress toward the development of the report and recommendations DEEP is required to submit to the legislature under section 6 of Public Act 11-141. We feel, though, that it is important to communicate to DEEP now our collective reservations regarding where the process stands as of today and our perception as to where it may be heading.

We strongly believe that transformation of any programs in Connecticut – legislative or regulatory, environmental or otherwise - must be designed and implemented in a manner consistent with and supportive of the top priority of Governor Malloy and the General Assembly to grow our economy and create jobs. In reading the workgroup reports, we are concerned that they may be signaling a rush to create the framework of a dramatically new, comprehensive and inventory-driven system. Without proper foundation, legislating such a framework could have the effect of increasing exponentially the universe of sites and incidents pulled into the state program and thereby put before the existing DEEP staff for action and without a clear path out. This direction, without more, carries a corresponding potential for crushing impacts on both the economy and DEEP's ability to discharge its responsibilities consistently, predictably, fairly, and in a timely and cost effective manner that is protective of the environment.

We urge DEEP to resist the urge to craft, in a few short months, an entirely new cleanup program for Connecticut. Rather, we recommend that DEEP focus on the foundational elements essential to building a program that will be risk-based, self-implementing, priority-driven, and effective in driving economic and job growth while protecting our environment, which elements are common themes emphasized in each of the draft transformation initiative

reports. We would be delighted to work with DEEP once again in the coordinated and comprehensive development of a foundation based on these principles.

As a starting point for building this strong foundation, we recommend DEEP focus on revising the state's Remediation Standard Regulations ("RSRs"), which were promulgated in 1996 as required by Section 22a-133k. We recognize and, subject to seeing a draft, support DEEP's recently proposed "consensus" amendments to the RSRs. As you know, DEEP shared a conceptual overview of these amendments with the regulated community at DEEP's Remediation Roundtable presentation last week. But these amendments are not enough to provide the necessary and critical foundation of the type of program DEEP's draft reports seem ultimately to be urging. Unlike earlier failed efforts to amend the RSRs, we are confident that with appropriate focus on the Governor's message and the clear and unwavering principles identified herein, Connecticut can be well on its way in relatively short order to having a cleanup program that protects the environment and fosters sustainable economic development.

Sincerely,



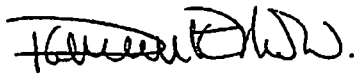

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Elizabeth Barton  
Partner  
Day Pitney LLP



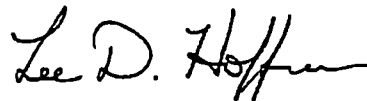

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Eric Brown  
Director, Energy & Environmental Policy  
CT Business & Industry Association



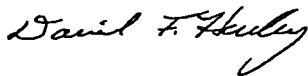

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Statement Regarding Raised Bill No. 5343

Elizabeth C. Barton, Day Pitney LLP

March 6, 2012

My name is Elizabeth Barton. I am a partner in the Real Estate, Environmental and Land Use Department at Day Pitney LLP. We represent and consult with businesses, property owners, developers, lenders, and municipalities throughout Connecticut and also outside Connecticut. I have had the opportunity to be a member of various groups in Connecticut over the years, who have worked on amendments to Connecticut's Remediation Standard Regulations and the streamlining of environmental permitting in Connecticut. I greatly appreciated the opportunity to be a part of Governor Malloy's Transition Team on environmental matters. I am writing today to share concerns about Raised Bill No. 5343.

I commend the Governor, the legislature and Commissioners Esty and Smith for their significant commitment to the furtherance of brownfields redevelopment. This commitment was instrumental in, for example, the unanimous passage of the new Brownfields Remediation and Revitalization Program, otherwise known as Section 17 of Public Act No. 11-141. This Program, which affords first of its kind liability protection and relief, has received well-deserved positive attention outside as well as within Connecticut. Such attention is relevant to the desired and sustainable growth of Connecticut's economy. Other states have taken note of Connecticut's progressive initiative in the brownfields redevelopment arena, when working on their own initiatives to mitigate impediments to the return of these environmentally challenged properties to productive reuse.

But unlike Section 17 of Public Act No. 11-141, Raised Bill No. 5343 is not a "brownfields" bill. Contrary to its statement of purpose, Raised Bill No. 5343 is not providing for "an in-depth analysis of the state's Brownfield remediation and development program." The bill could discourage, not encourage, brownfields remediation and redevelopment. As written, it signals a predetermination of the outcome of a regulatory process. This process affects all properties, property owners and businesses – public and private, large and small - in Connecticut. It is a process that should begin with revisions to the Remediation Standard Regulations, the foundation of Connecticut's remediation programs. The bill's message is that there will be a significantly expanded release response program at an undefined point in the future, with attendant unspecified cost and no indication as to what, if any, thresholds or triggers there will be for obligations under the program. In fact, the language of subsection (b) suggests that all "threatened, new and historical releases" for all properties, i.e., even "minor releases", will carry a notification obligation, multiple reports, fees, and "public participation in proposed and ongoing response actions." The bill does not define "threatened, new and historical releases."

As there was with respect to environmental permitting prior to the development of the Department of Energy and Environmental Protection's general permit program, there appears to be agreement that there is room for improvement in the way remediation works in Connecticut. We have in the neighborhood of 4000 properties in current

regulatory programs and there is dissatisfaction with the implementation of these programs. Respectfully, the answer is not to put more individuals, entities and properties into these programs or revamped programs, especially without additional Department resources to commit to moving properties or release areas through any programs. While the Licensed Environmental Professionals will likely figure prominently in any improvement plan, the initial issue is with the standards that guide their actions. The approach being legislated with Raised Bill No. 5343 is premature.

It is not clear why a bill is needed for the Department to continue with its transformation initiative. If a bill will be moving ahead, Raised Bill No. 5343 should be revised to delete subsections (b), (c) and (d), leaving only subsection (a), wherein the reference to brownfields should be removed.

Thank you.

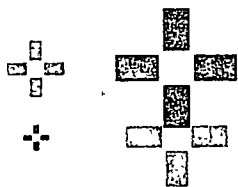
MKR, Inc.  
2080 Whitney Ave  
Hamden, CT 06518

Raised House Bill No. 5343, An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs

While the title sounds great, subsection 1(b) of the bill sets the stage for the creation of a new and incredibly broad spill-reporting program. Under this subsection essentially all spills of nearly any material and of any quantity in an industrial or commercial setting, including historic releases, would have to be reported to the Department of Energy and Environmental Protection. The reporting requirements alone will cost businesses time and money. But Section 1(b) could also lead to new cleanup requirements with strict time limits.

We at MKR, Inc are opposing section 1(b) of this bill and asking the Commerce Committee to remove it before voting on whether to approve the bill.

Thank you  
David Yanaros



NRG Energy, Inc.  
211 Carnegie Center  
Princeton NJ 08540

Testimony of the  
NRG Energy  
in opposition to  
Section 1 (b)  
**HB 5343 AAC Economic Development Through Streamlined and Improved Brownfield  
Remediation Programs**  
Commerce Committee  
March 6, 2012

While HB-5343 is well intentioned, NRG Energy strongly opposes subsection 1(b) of HB-5343, which as currently worded, could lead to the creation of a burdensome and unnecessary new spill reporting program. Under this subsection all spills of nearly any material and of any quantity in an industrial or commercial setting, including historical releases, would have to be reported to the Department of Energy and Environmental Protection (DEEP).

This subsection would derail and indefinitely delay remediation efforts currently underway at our four Connecticut sites. It would add additional investigation, analysis and reporting costs to these already costly remediation projects.

Additionally, this subsection appears to conflict with the DEEP's own spill reporting and cleanup regulation revision process on going at this time.

Thank you for your time and consideration on this matter.

Sincerely,  
NRG Energy, Inc.



P.O. Box 847  
Canaan, CT 06018-0847  
Telephone (860) 824-0711

P.O. Box 99  
Kent, CT 06757-0099  
Telephone (860) 927-4651

P.O. Box 655  
Norfolk, CT 06058-0655  
Telephone (860) 542-5518

[www.raynardpeirce.com](http://www.raynardpeirce.com)

March 5, 2012

Sen. Gary LeBeau, Rep. Jeff Berger and Members of the Commerce Committee  
Capitol Building Room 110  
Hartford, CT 06106

Re: Raised House Bill No. 5343, An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs

As a business owner I stand opposed to Section 1(b) of the Raised House Bill No. 5343.

Although the title of the bill is laudable, under subsection 1(b) all spills of nearly any material and of any quantity in an industrial or commercial setting, including historic releases, would have to be reported to the Department of Energy and Environmental Protection. Please understand that the reporting requirements alone will cost businesses time and money. Section 1(b) could also lead to new cleanup requirements with strict time limits.

With this bill and other pieces of legislation like it, the legislature continues to pursue an agenda that undermines the potential for business stability or growth in Connecticut. I respectfully ask the Commerce Committee remove subsection 1(b) before voting on whether to approve the bill.

Sincerely,

A handwritten signature in black ink, which appears to read "Nicholas A. Fanelli". The signature is written in a cursive style.

Nicholas A. Fanelli, CLU, CPCU, CIC  
President





Testimony of the  
Greater New Haven Chamber of Commerce  
to the  
Commerce Committee

March 6, 2012

**HB 5343: AAC Economic Development Through Streamlined and Improved Brownfield Remediation Programs**

Senator LeBeau, Representative Berger, members of the Commerce Committee, the Greater New Haven Chamber of Commerce appreciates the opportunity to submit testimony today in **Opposition to Subsection 1 (b) of HB 5343**. My name is Louise DiCocco-Beauton and I am the Director of Governmental Affairs for the Greater New Haven Chamber of Commerce, a regional business organization with more than 2,000 members.

While the Chamber recognizes the good intent of HB 5343, there is one subsection of it which does the exact opposite of the bill's intentions, specifically Subsection 1(b) of HB 5343. This section of the bill sets the creation of a new and incredibly broad over-regulated program. Under this subsection, essentially **all** spills of nearly any material and of any quantity in an industrial or commercial setting, including historic releases, would have to be reported to the Department of Energy and Environmental Protection (DEEP). The reporting requirements alone will cost businesses time and money. This clearly goes beyond the scope of Brownfields Remediation and is very dangerous to CT businesses, jobs and economic development.

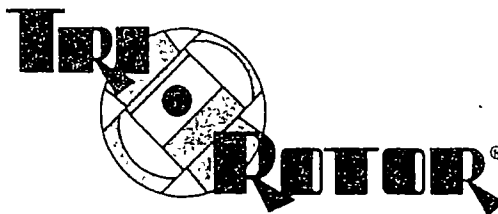
The Chamber believes it is safe to say no one is against transforming the current system, but it certainly needs to be properly thought out. We need to ensure our state has a workable and well thought out approach to Brownfields development without making CT more business unfriendly than it currently is.

The Chamber strongly **opposes** Subsection 1(b) of HB 5343 and respectfully urges this committee to delete this section from the bill.

Thank you for your time and consideration.

For more information, please contact Louise DiCocco, Esq., Director of Governmental Affairs, Greater New Haven Chamber of Commerce, and (203) 782-4330 or [ldicocco@qnhcc.com](mailto:ldicocco@qnhcc.com).

Henry L. Nikora, PRESIDENT



Manufacturers of Positive Displacement Rotary Piston Pumps

05 March 2012

Sen. Gary LeBeau, Rep. Jeff Berger and Member of the Commerce Committee  
Room 110, Capitol Building  
Hartford, CT 06106

Opposition to Raised House Bill No. 5343

Senator Gary LeBeau et al.

This is to advise you and all of the members of the Commerce Committee that we are opposed to Raised House Bill No. 5343 and specifically request that you and the entire committee do not allow this Bill or any part of it to pass.

We thank the CBIA for informing its members of this Bill and its ramifications and additional costs to manufacturers in this state.

Our appreciation goes out to all of the dedicated people in the CBIA for handling this opposition in the proper fashion to assure defeat of this Bill in its entirety.

Sincerely,

TRI-ROTOR, INCORPORATED

A handwritten signature in black ink, appearing to read "Henry L. Nikora". The signature is fluid and cursive, written over the printed name below it.

Henry L. Nikora

36 East Lawton Street • Torrington, CT 06790  
Tel. (860) 482-8581 Fax (860) 482-8435 • www.trirotor.com



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March 5, 2012

Sen. Gary LeBeau, Rep. Jeff Berger  
& Members of the Commerce Committee  
Room 110, Capitol Building  
Hartford, CT 06106

**Re: Raised House Bill No. 5343, An Act Concerning Economic Development  
Through Streamlined and Improved Brownfield Remediation Programs**

To Whom It May Concern:

Please be advised that Leed-Himmel Industries, Inc. strongly opposes Subsection 1 (b) of Raised House Bill No. 5343. We feel this legislation will create more labor intensive reporting requirements which will result in higher costs to our business. During these challenging economic times we cannot afford to absorb anymore additional costs, and therefore, request that you vote against said legislation.

Sincerely,

Michael Origi  
EHS Manager



Sen. Gary LeBeau  
Rep. Jeff Berger  
Member of the Commerce Committee  
Room 110, Capitol Building  
Hartford, CT 06106

March 5, 2012

URGENT and IMPORTANT

Dear Sirs:

I run a 50+ year old chemical related manufacturing business, headquartered in Connecticut. We employ hundreds of skilled, well compensated personnel. We have a sterling reputation for scrupulous attention to environmental and worker health and safety.

A proposed section of a proposed bill will do nothing to make Connecticut cleaner or safer, and everything to make it even less attractive for high quality employers.

This letter is to inform you of my opposition to subsection 1(b) of Raised House Bill No. 5343.

Please remove this subsection 1(b) from this bill before voting on whether to approve it.

Very truly yours,

A handwritten signature in black ink that reads "David A. Rothberg". The signature is stylized with large, sweeping loops.

David A. Rothberg  
Chairman and CEO

Cc: Department of Energy and Environmental Protection  
Attn: Dan Esty - [daniel.esty@ct.gov](mailto:daniel.esty@ct.gov)

**Innovative Tile and Stone Installation Systems**



**Connecticut Fund  
for the Environment**



**Save the Sound**<sup>®</sup>  
A program of  
Connecticut Fund for the Environment

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

Submitted by Jessica Morowitz, Legal Fellow  
March 6, 2012

**H.B. 5343, AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH  
STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS**

*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.*

CFE supports H.B. 5343, An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs, in so much as the bill takes a step back and allows for more time to undertake the evaluation and transformation of Connecticut's cleanup laws. This is a very important process with significant implications for human health, the environment and the economy, and as such allowing for more time will allow for a more thoughtful and robust process. With that being said, CFE does have concerns about certain concepts being considered in this process and hopes that the additional time will be well spent and will resolve these concerns.

First and foremost, DEEP needs to have both adequate staffing and enforcement mechanisms to ensure compliance with the program. Any new program developed should have clear obligations to investigate and cleanup sites (including historical contamination) with enforceable deadlines for meeting progress milestones. By including enforceable deadlines, it will help to move sites through the program and ensure that they are meeting cleanup requirements in a timely manner. This will go a long way to getting sites returned to productive use, which will help the economy without sacrificing human or environmental health. It is important that considerations of economic development do not trump human health and environmental concerns.

In addition, there has been discussion of significantly expanding the Licensed Environmental Professional (LEP) program. This raises serious concerns for CFE due to the potential conflict of interest created when LEPs are paid by and report to the responsible party, which can lead to inadequate cleanups and loss of public confidence in the program. If DEEP is going to allow LEPs to have more authority over the cleanup process, it is important that they have adequate oversight and enforcement ability over LEPs. This should include adequate staff and resources to oversee the program, a robust auditing program, and sanctions for substandard LEP performance.

Public notification, public participation and access to information are also important components of any program moving forward. This is particularly true if LEPs are going to be given more responsibility for implementing the program.

CFE believes that if we are going to undertake a transformation of Connecticut's cleanup laws, we need to take the time to do it right. We hope that the additional time will be used to continue engaging stakeholders and making sure that the resulting program is effective and adequately protects human health and the environment. We thank the Committee for its attention in this matter.



## **COMMERCE COMMITTEE**

March 6, 2012

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

**CCM supports House Bill 5343, "An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs."**

HB 5343 would require the Department of Energy and Environmental Protection (DEEP) to conduct a report to perform an in-depth analysis of the state's Brownfield remediation and development programs and recommend changes to such programs.

Brownfield remediation and redevelopment are key to putting back into use, and back on the property tax rolls, blighted and contaminated properties. Further, programs to support such efforts eases the pressure to use "green" spaces as an alternative. Brownfield remediation is an important part of Connecticut's efforts to 1) spur development in places where the infrastructure to support it already exists, 2) improve blighted areas, 3) limit sprawl and preserve open space in outlying areas, and 4) clean up our environment.

Incentives must be provided to make rehabilitating Brownfields the "path of least resistance."

CCM urges you to **favorably report HB 5343.**

★ ★ ★ ★ ★

If you have any questions, please contact Donna Hamzy, Legislative Associate of CCM  
via email [dhamzy@ccm-ct.org](mailto:dhamzy@ccm-ct.org) or via phone (203) 498-3000.

(4)

**CBIA** CONNECTICUT  
BUSINESS & INDUSTRY  
ASSOCIATION

**EPC**  
ENVIRONMENTAL  
POLICIES COUNCIL

TESTIMONY OF ERIC J. BROWN  
DIRECTOR OF ENERGY AND ENVIRONMENTAL POLICY  
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

Before the  
COMMERCE COMMITTEE  
March 6, 2012

Good morning, my name is Eric Brown, associate counsel with the Connecticut Business & Industry Association ("CBIA") and I am pleased for this opportunity to provide the committee with comments on:

**RAISED BILL NO. 5343:** An Act Concerning Economic Development through Streamlined and Improved Brownfield Remediation Programs

**Position:** CBIA is strongly opposed to the inclusion of subsection 1(b) and other references to a new release reporting program contained in this bill as they are premature, prejudicial to forthcoming stakeholder deliberations, counter to principles previously articulated by DEEP to the legislature, and not aligned with the legislature's directive to streamline the cleanup process for Connecticut brownfields.

**Historic context of the spill reporting debate in Connecticut**

For 43 years, Connecticut has had a statute that declares spills are to be reported to the state "in accordance with regulations . . ." – regulations that have never been adopted. From the statute's inception, the then Department of Environmental Protection's ("DEP") official interpretation was that the statute required ALL spills to be reported. In response to industry frustration with the uncertainty about what spills "really needed to be reported" and in an effort to establish a clearer and more reasonable interpretation by DEP, the legislature in 1995 added a provision to the statute specifying that spills required to be reported were limited to those which "*pose a potential threat to human health or the environment.*" DEP countered by declaring that they were the only ones qualified to determine which spills pose a threat to human health or the environment and that therefore, ALL spills still needed to be reported and the DEP would determine which really need not have been reported - after the fact.



Throughout these years, there has been a significant debate in Connecticut, both outside of the DEP/DEEP and within it, as to the appropriate way to regulate spills in our state. Even more controversial, is the issue of how to handle the reporting, liability and remediation of historic spills. One camp wants all spills of any size of any material anywhere to be reported and for the most part, to be cleaned up in accordance with state remediation standard regulations by professional Licensed Environmental Professionals. The other seeks definitive reporting thresholds for only those spills that pose an unacceptable risk to human health or the environment, consistent with the current law as stated in section 22a-450 of the Connecticut General Statutes.

At least three significant working group efforts, beginning in the early 90s and as recently as 2009, have tried and failed to achieve a meeting of the minds in drafting regulations defining the spills that need to be reported. Now, we see a bill attempting to statutorily fortify, in isolation, the position of those who favor the "all-encompassing" approach under the heading of "streamlining brownfield remediation".

#### **Actions since last year's brownfields legislation**

Last year, the landmark brownfield legislation that started in this committee and wound up with unanimous approval in the House and Senate and the Governor's signature, included a provision that in order to make even further progress, authorized DEEP to conduct a study of its remediation programs and make recommendations to create "a more streamlined or efficient remediation process."<sup>1</sup>

To its credit, DEEP almost immediately began an intensive stakeholder process to identify challenges with the current remediation programs and propose solutions to those challenges.

On November 14, 2011, CBIA joined with several of Connecticut's top brownfield experts participating in the stakeholder process in submitting comments<sup>2</sup> to DEEP that expressed concern that there may be:

"a rush to create the framework of a dramatically new, comprehensive and inventory-driven system . . . [and that] . . . legislating such a framework could have the effect of increasing exponentially the universe of sites and incidents pulled into the state program." "This direction, without more, carries a corresponding potential for crushing impacts on both the economy and DEEP's ability to discharge its responsibilities consistently, predictably, fairly, and in a timely and cost-effective manner that is protective of the environment."

---

<sup>1</sup> See section 6 of Public Act 11-141

<sup>2</sup> See attached letter entitled, "Comments from a Group of Brownfield Advocates in Connecticut, Nov. 14, 2011

On December 21, 2011, DEEP sent a report to the legislature that was encouraging. While no clear specifics were agreed to in the stakeholder process, a solid consensus was reached on some encouraging key principles that the ultimate recommendations should reflect:

- **Protective:** Protect public health and the environment
- **Prioritized:** Focus on the highest risks
- **Flexible:** Allow site-specific decision-making
- **Efficient:** Create more self-implementing options
- **Simple:** Unify the program
- **Reasonable:** Balance level-of-effort with risk and economic factors
- **Transparent:** Improve guidance, public participation, and access to data
- **Certain:** Establish clear and multiple exits with interim milestones

Over the past two months since the report was released, DEEP staff has been working to draft a comprehensive bill that would include the specifics for a new brownfield remediation program reflecting these principles. Throughout that period of time, we have been nervously awaiting the unveiling of the proposal.

Just over a week ago, we heard from non-DEEP sources that DEEP had decided there was not enough time to draft such a significant bill for this legislative session and that they would be resuming the stakeholder process with recommendations to be developed in time for the 2013 legislative session. This seemed eminently reasonable to us.

**CBIA's reaction to the H.B. 5343 as released.**

CBIA saw the substance of the bill for the first time late last week. Subsection 1(b) represents precisely the isolated legislative initiative, focused on an inventory-driven system that we cautioned against in our November 14, 2011 letter to DEEP.

**Accordingly, while CBIA continues to strongly support the transformation initiative and looks forward to continuing to work collaboratively with DEEP and other stakeholders, we cannot support this bill with the inclusion of subsection 1(b) for the following reasons:**

1. This subsection is premature and ill-advised as it prejudices the months of deliberations yet to be held as recommendations are developed for the 2013 legislative session.
2. Such a program would be counter to nearly all of the eight key principles articulated in the December 21, 2011 report to the legislature and itemized above. The agency promises "exit ramps" that will allow some properties to exit this new regulatory program almost as quickly as they come into it. But there is nothing in subsection 1(b) of this bill that gives us confidence that this will be the case.

3. The issue of release reporting by itself has nothing to do with streamlining brownfield remediation – which was the directive to the DEEP under Public Act 11-141.
4. H.B. 5343 would create the statutory basis for a vastly encompassing reporting system that could unnecessarily overwhelm both industry and DEEP resources;
5. Subsection 1(a) of the bill reflects the DEEP’s decision to postpone making recommendations to the legislature until 2013. However, and significantly, the subsections includes a clause on lines 10 and 11 stating that in addition to recommendations for changing statutes and regulations that “relate to brownfield remediation and development” (see lines 6 and 7), the new report would also be required to include recommendations for a “new program for responding to hazardous material releases.” (i.e. spill-reporting). While the ultimate 2013 package of recommendations may include recommendations for adjustments to or an entirely new spill-reporting program, that should be decided in the context of the stakeholder deliberations that are yet to occur. DEEP should not unilaterally seek a new and separate legislative mandate on this sensitive issue; and
6. Removing the offending clause in subsection 1(a) and all of subsection 1(b) will allow the stakeholder process that successfully achieved consensus on key principles, to move forward with transforming those principles into a comprehensive set of brownfield recommendations that will, as the legislature called for in section 6 of Public Act 11-141, “a more streamlined and efficient remediation process.”

#### **CBIA’s recommendations for amending the bill**

For the reasons articulated above, CBIA respectfully urges the committee to make the following changes to H.B. 5343:

[Note: Suggested new language is underlined, suggested deletions are bracketed]

#### **Beginning on line 10:**

“statutes and regulations, [or any recommendations for any new program for responding to hazardous material releases.] Any recommendation for any such changes [or new program] shall consider ”

#### **Beginning on line 18:**

“environment; (4) the efficacy of responding to releases, including the greater use of and authority for licensed environmental professionals overseeing the investigation and remediation of releases: and [(5)] (4) how any such changes [or new program] may facilitate remediation and”

Beginning on line 24:

Strike subsection 1(b) in its entirety

Beginning on line 64:

“of any such changes [or new program] to ensure, among other things, the appropriate exercise of authority by licensed environmental professionals [and timely and effective action by those responsible for responding to releases.] Such means may include, but are not limited”

Beginning on line 72:

“implement any such recommended [program] changes including, but not limited to, the impact upon federally-delegated programs and the extent, if at all, to which any changes [or program] may be applicable to properties undergoing investigation and remediation under current statutory requirements.”

Once again, CBIA greatly appreciates this opportunity to share our perspectives with this committee that has done so much good work in the past to stimulate brownfield revitalization. We look forward to continuing to work with you and DEEP to continue that important momentum.



*Environmental Professionals' Organization of Connecticut*

P.O. Box 176

Amston, Connecticut 06231-0176

Phone: (860) 537-0337

Public Hearing – March 6, 2012

Sen. Gary LeBeau, Rep. Jeff Berger and Members of the Commerce Committee

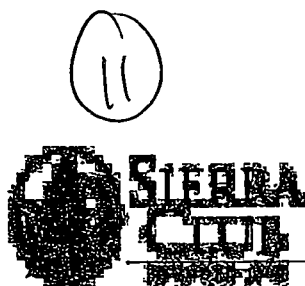
Testimony submitted by Seth Molofsky representing the Environmental Professionals' Organization of Connecticut (EPOC)

**Raised House Bill No. 5343 - AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS**

The Environmental Professionals' Organization of Connecticut (also known as "EPOC") was formed in 1996 to represent the interests of Connecticut's Licensed Environmental Professionals (LEPs). The organization has approximately 500 members representing numerous technical disciplines all working in the area of investigation and cleanup of environmentally-impacted sites in Connecticut. LEPs are the people who are authorized by the CT DEEP to perform investigation and remediation of property in Connecticut and certify, through a Verification, that the property meets the Connecticut Remediation Standard Regulations. The LEPs are therefore directly affected by the policies and procedures established under the General Statutes and their associated regulations for investigation and remediation of contaminated sites in Connecticut, including brownfields.

EPOC and its members have been actively engaged in the CT DEEP's clean-up program transformation process by participating in meetings and the many workgroups during the summer and fall of 2011. We have been supportive of the Department's efforts thus far, and will continue to be an active participant as the stakeholder review process moves forward and we learn more of the specific proposed changes to the remediation programs. We believe this significant undertaking by the CT DEEP requires thoughtful and meaningful input by the many stakeholder groups involved and that the Department should carefully consider the comments these groups will provide in the coming months. EPOC will provide specific comments to your committee and the legislature on any future bills that are introduced in the coming sessions.

Thank you for the opportunity to present EPOC's views on Raised Bill H.B. No. 5343. If you have any questions, please contact me at (860) 537-0337.



*Connecticut Chapter*  
 645 Farmington Ave.  
 Hartford, Connecticut 06105  
[www.connecticut.sierraclub.org](http://www.connecticut.sierraclub.org)  
 Martin Mador, Legislative Chair

Commerce Committee  
 March 6, 2012

Testimony In Favor of  
HB 5343 AAC Economic Development Through Streamlined And  
 Improved Brownfield Remediation Programs  
HB 5340 AA Establishing an Energy-related Jobs Task Force

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

**HB 5343**

DEEP conducted a process in 2011 to examine the state's site remediation programs and consider what changes would create a more effective program. In the fall, six working groups were convened to examine the existing programs, considering the current programs, endpoints and finish lines, triggers and entry points, the LEP program, responsibility and liability, and programs of other states. These groups consisted mostly of environmental attorneys, licensed environmental professionals (LEPs), and DEEP staff. Public interest advocates, and representatives of environmental organizations were pleased to participate as well. I served on one of the groups. The reports from these six working groups were used to craft the DEEP December 21<sup>st</sup> report to the legislature.

What became clear to many of us that the state was not yet ready to move forward with a comprehensive restructuring of the existing programs. We were very concerned that the legislature would feel compelled to craft a major bill this session when we were clearly not ready.

We were especially concerned that a concept bill, devoid of content and detail, would go to public hearing, to then be fully drafted in the few short weeks before the committee's JF date.

I am here to fully support HB 5343, which gives us until the start of the 2013 session to craft a program which will best serve us for the coming years. We appreciate that the bill explicitly mentions "protection of human health and the environment". We will not accept a program which turns ownership of the process over to the LEPs in the absence of vigorous and effective agency oversight and accountability. That oversight does not currently exist. Paragraph (c) of the bill does address the importance of this issue.

PLEASE BE ASSURED that my colleagues and I share the same fundamental goals as the business community: a program which will expeditiously remediate contaminated sites and return them to productive use, encompassing both legacy (existing) sites spills yet to come, applying appropriate standards, while fully protecting human and ecological health.

Finally, I renew my plea that the state invest a modest sum in retaining the services of a professional consulting firm to craft recommendations for a successor program.

--over--

**H – 1142**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2012**

**VOL.55  
PART 20  
6485 – 6811**

meb/rgd/tmj/gdm/gbr  
HOUSE OF REPRESENTATIVES

218  
May 7, 2012

SPEAKER DONOVAN:

Thank you, sir.

Representative Brendan Sharkey.

REP. SHARKEY (88th):

Thank you, Speaker Donovan.

At this time, I would move that we recess subject to the call of the Chair.

SPEAKER DONOVAN:

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

(On motion of Representative Sharkey of the 88th District, the House recessed at 2:31 o'clock p.m., to reconvene at the Call of the Chair.)

(The House reconvened at 3:30 o'clock p.m., Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

The House will please come back to order.

Will the Clerk please call Calendar Number 299.

THE CLERK:

On page 38, Calendar 29, Substitute for House



Bill 5343, AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH  
STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS,  
favorable report by the Committee on Environment.

SPEAKER DONOVAN:

Good afternoon, House Chair of Commerce,  
Representative Jeff Berger, you have the floor, sir.

REP. BERGER (73rd):

Yes. Thank you, Mr. Speaker and good afternoon to  
you.

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

SPEAKER DONOVAN:

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

Will you remark?

REP. BERGER (73rd):

Yes. Thank you, Mr. Speaker.

The underlying bill before us is going to require DEEP  
commissioner to report by January 1 of 2013 to the  
Governor, the Commerce Committee and the Environmental  
Committee on streamlining the remediation brownfield  
process. And for the purpose of discussion, through you,  
Mr. Speaker, it was determined by those committees and  
others in consultation with the commissioner that we hold

off from this shorter session because of, quote, the heavy lifting that really needs to get done to prepare a comprehensive document.

So it was the consensus then that we have a report done, a study done. And in that study, reporting back to us we would then be able to evolve legislation that will be both comprehensive and effective. So we are going to also require and make recommendations in several areas that report back to the committees of cognizance and to the Governor's office. Included will be federally delegated programs in reference to the brownfield remediation development, municipalities and small businesses that could be affected by these changes, human health and the environment concerns.

The importance of responding to and adhering to certain releases of contamination into their environment so it was important for us, through the Environment Committee, to have a comprehensive release policy. And also on the remediation as it would affect economic development in all of our municipalities. And included in that report will be implementation suggestions and recommendations on these policies that will be before us.

Mr. Speaker, the Clerk is in possession of amendment LCO Number 5199. I ask that he call it and I be allowed

to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 5199, which will be designated House "A."

THE CLERK:

LCO 5199, House "A," offered by Representative Berger.

SPEAKER DONOVAN:

The Chamber will stand at ease. There seems to be -- missing an amendment someplace.

(Chamber at ease.)

SPEAKER DONOVAN:

The House will come back to order.

The last time we left, Representative Berger moved for the amendment. Will the Clerk please call LCO 5199, which is designated House "A."

THE CLERK:

LCO 5199 House "A," offered by Representative Berger.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize. Any objection?

Representative, you may proceed.

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REP. BERGER (73rd):

Yes and thank you, Mr. Speaker.

And sorry for the delay to yourself and to the Chamber, but we do have the amendment available for review.

The amendment that has been called makes no changes to the reporting requirements listed within the underlying bill, but adds a new exemption to the law requiring DEEP to be notified about real estate transactions involving potentially contaminated property and that is through the Transfer Act. It also exempts from the Transfer Act the following conveyances from the Department of Transportation to the newly formed Connecticut Airport Authority. Located within that amendment and the language is our Bradley International Airport and all related improvement and facilities, state owned and operated general aviation airports and any other airport CEA owns operates and manages.

I move adoption.

SPEAKER DONOVAN:

The question is on adoption. Will you remark further? Will you remark further?

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker.

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A question through you.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CAMILLO (151st):

This amendment has the exemption in it. Would the State in any way be off the hook for something that is contaminated?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker.

They would not. In fact, there is a condition and requirement within the amendment were DEEP would be involved with the process for notification of potentially contaminated property in a transfer. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker.

I thank the gentleman for his answer.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment?  
Would you care to remark further on the amendment? If not,  
let me try your minds. All those in favor, please signify  
by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted. Remark  
further on the bill as amended? Remark further on the bill  
as amended?

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

THE CLERK:

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

SPEAKER DONOVAN:

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

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THE CLERK:

House Bill 5343 as amended by House "A."

Total number voting	142
Necessary for adoption	72
Those voting Yea	139
Those voting Nay	3
Those absent and not voting	9

SPEAKER DONOVAN:

The bill as amended is passed. Will the Clerk please call Calendar 379.

THE CLERK:

On page 17, Calendar 379, Substitute for House Bill Number 5298, AN ACT CONCERNING FUNDRAISING BY VETERANS ORGANIZATIONS, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

Coming up the back is Representative Hennessy. You have the floor, sir.

REP. HENNESSY (127th):

Thank you, Mr. Speaker.

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

SPEAKER DONOVAN:

The question is on acceptance of the Joint

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GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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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

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place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Continuing calendar page 24, Calendar 526, House  
Bill 5148, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 24, Calendar 528, House Bill 5394, move  
to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also on the consent calendar, moving to --

THE CHAIR:

Excuse me. Senator, I'm sorry. Could you go back again on those last two for the page and the calendar. Sorry.

SENATOR LOONEY:

Madam, all right. We're working off a list, Madam President. The bills are House Bills 5148 and 5394.

THE CHAIR:

Page 24? Thank you.

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(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:



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Bills placed on the Consent Calendar on May 9, 2012

5358  
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- 5550
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- 5248
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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

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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.

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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.