

PA13-15

SB1010

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 5
1323 - 1665**

2013

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March 8, 2013
10:30 A.M.

the next time.

Okay. We're very pleased to have the Commissioner of the Department of Energy and Environment Protection, Dan Esty.

Good morning, Commissioner.

COMMISSIONER DANIEL C. ESTY: Good morning, Chairman Meyer. I'm hoping I can bring Deputy Commissioner Whalen and Deputy Commissioner McCleary along with me to both comment on some of the legislation before you today and to provide answers to questions that go beyond the scope of the Commissioner's expertise.

HB6437

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SB1013 SB1014

First, let me say a huge thank you to the Committee. I am pleased at the success we've had over the last several years working together to address issues. And I'm grateful for the leadership of the Committee and for the ranking members who I've worked with very carefully. So, thank you all and thank you for the opportunity and, today, talk with you about several things that we care a great deal about.

And let me start if I can where you just left off by thanking the Mayor and thanking Marilynn for their leadership on the mattress stewardship program. And the legislation before you which I think has been refined and calculated to be a very good consensus piece of legislation, one that we're excited about. And, Chairman, you were both correct in indicating that Pat Wildlitz is a real leader on this. And we owe her a debt of thanks for having guided us to the point where we are today.

So, I'm sorry that Pat is not here. But I honor her work on this over several years. And I think the recognition of this is an important

So, we are excited about the legislation before you. The bill, of course, does not impose a mandate on our municipalities. So, I think it's a great recognition of the choice that people should have. But, most fundamentally, I think by creating a unified structure across the state, we overcome one of the great challenges that has, frankly, I think been a challenge across the State of Connecticut for decades. And that is, our tradition of home rule and 169 cities and towns going off in their own directions.

And in our desire to bring together sufficient supply of potentially recyclable products like mattresses having a unified structure that aggregates the supply and allows the market to work better is really the state doing its policy job in a very effective way. I think the idea of consistency will help that market function. And I think we really have here, again, a consensus draft that I believe will become a model for the country.

So, thank you for the opportunity to talk to that bill for a moment. I'd like to switch gears if I can and address an inner related set of four bills, Senate Bill 1010, Senate Bill 1012, 1013, and 1014 which all relate to what I would call an interrelated or interconnected set of issues involving our response to storms, our coastal exposure and the challenge of climate change, and, frankly, our desire and this department's focus on resiliency as a much greater priority in our public policy.

In leading into my commentary on these bills, I want to thank, in particular, Representative Albis and the entire coastal taskforce. I have been really pleased at the ongoing back and forth between the department and the coastal

taskforce and am grateful for the leadership of that committee in providing an opportunity for dialog on what represents some challenging choices. We have some really difficult issues here. And, once, frankly, I'm grateful we have a legislature that is called upon to answer.

I'm happy to offer some thoughts on how to balance some of the things that are before us, but I fundamentally do believe it's the legislature that is the body best positioned to trade off some of the choices between cost and protection, between risk born by communities and born by individuals and the desire for us to be more resilient and protected going forward versus the desire of some to rebuild in place and as they always have been.

So, we've got some tough choices, but I would like to just share a few quick thoughts. With regard to Senate Bill 1010, our department supports the concept of incorporating resiliency criteria for STPs and for water infrastructure under the clean water fund. We already do this to some degree. And I think there is, though, a value in recognizing the importance of that thrust.

With regard to Senate Bill 1012, we've already started collecting information and providing guidance, but we do need greater efforts and assistance in promoting best practices for non-structural adaptation and response. So, I think the idea of bringing together best practices for coastal structures and trying to imbed that in our policy structures, both, at the local and state level does make sense.

With regard to Senate Bill 1013, this we think is a very important bill, perhaps, the biggest of the four that I'm speaking about today and offers, really, an importance past forward for

SENATOR MEYER: Pretty comprehensive package by the Department. We appreciate it.

Commissioner, with respect to coastal management, an argument can be made that the package of bills we're looking at today is too soft in the following respects. First, we're not really setting strict standards with respect to reconstruction of buildings which have been hurt by extreme weather or new buildings that are going into locals that are subject to extreme weather. Secondly, we have not adopted an idea of yours. And that idea was to create a public/private fund by which shoreline building owners could, voluntarily, if they chose, sell their structure into that fund. Do you have any comment on whether we should be looking at a more rigorous schedule or should we be waiting to get the data that one of the bills has here and look at this again next year and the year after?

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SB1012
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SB1014

COMMISSIONER DANIEL C. ESTY: Senator, I think this is at the heart of the balance that I said we have to strike. And I'm grateful that the Legislature has prime responsibility for it because I think these are not easy choices. And, frankly, as you know and as I think the coastal taskforce brought forward in its series of hearings, there is on the one hand a real risk of allowing people to rebuild in the same old way, particularly, on the beach in harms way. But in the other corner of that debate are people with great family traditions and histories of being on the water three and four generations in the same beach cottage. And I'm very aware of the settled expectations of some of those folks that they have a property right to rebuild.

I think there are two possibilities here.

Well, three factors. One is I do think we need to get a better foundation of understanding what the options are. I think the data is called for will be useful. Second, I think there is a new structure of market pressure that's about to be brought to bear by FEMA with rules that are going to make it much more difficult to get flood insurance if you don't lift your facility or move it back from harm's way or, in otherwise, make it less of an exposure from a FEMA insurance point of view. So, I think the discipline of that new market structure from FEMA has yet to be seen and yet to be -- we're unclear as to how far that goes to addressing the concern you've raised which I share. By the way, I fundamentally do share that concern.

You raised the idea of a buy-out fund which I have introduced. And I do think that's an important consideration. We are looking to see whether there's any possibility of deploying some of the storm Sandy money that will be coming to the State of Connecticut to create such a fund. Governor Cuomo in New York is proposed a similar kind of fund. I do believe this is the right way to balance that sense of private property right with the public value of taking people out of harm's way, particularly, who voluntarily want to remove themselves.

The State of Connecticut, as you probably know, has historically tried to move people back. We've had some success, particularly, after extreme storm events. Silver Sand State Park in Milford is a function of a series of houses having been wiped out in a hurricane of '38. I think there's some places where we know the exposure is very high and where we would do well to, again, create some kind of an opportunity to clear back houses that are very badly damaged and won't be easily rebuilt. But

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I think we don't presently have the funds to set up that buy-out fund. It is a tough economic moment. So, I would urge that we keep an eye on that and together work on this as the potential for resources emerges.

SENATOR MEYER: Commissioner, McCleary, did you want to comment on any of this?

DEPUTY COMMISSIONER McCLEARY: I think Commissioner Esty, actually, covered almost everything I would have said. The only thing I can add is that we are aggressively looking at what I would call best practices whether it means meeting with the State of New York which I believe we're setting up in the next week or so to understand, both, exactly what they're doing prospectively, but, also, how they've been so effective in convincing the federal government to take on some of these relatively high costs that states, themselves, are having a difficulty bearing.

SENATOR MEYER: Questions or comments?

Representative Albis.

REP. ALBIS: Thank you, Mr. Chairman and Commissioner Esty. Thank you so much for your input, your advice, and your assistance throughout the process of the Shoreline Task Force and us coming up with our report and recommendations. It's very much appreciated. And it's great to have you hear today.

I just wanted to get a comment about Senate Bill 1013, the Center for Connecticut coast. First of all, I agree with you, we can't focus entirely on the coast because it's not just a coastal issue, it's an issue statewide where there are -- anywhere where there's a flood zone. So, I think it's important to really

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SENATOR MEYER: You will have one.

Senator Fasano. We will then be turning to the public list and alternating.

SENATOR FASANO: Thank you, Mr. Chairman. I do want to point out the fashionable boots worn by the Commissioner.

SB 1012
SB 1014
SB 1013

Chairman Gentile, Chairman Meyer, members of the Committee, I'm here to talk about a few of the bills. And I want to start with Senate Bill 1010, AN ACT CONCERNING SEA LEVEL RISE FOR FUNDING OF PROJECTS AND THE CLEAN WATER FUND.

I think this is a good attempt at doing it. And I think it's a good idea. What I do want to point out is the standard that we use for residential is you're only allowed to use, let's say, protection. This is mitigate which one would leave to believe that it's mitigation against sea level rise onto a project, existing project, perhaps. But the standard that's used for homes is when it's necessary and unavoidable, no issue of feasibility, either structural or feasibility in terms of cost. And I only rise that standard because the hypocrisy that sometimes happens is we tend to make it tougher for homeowners to live along the shoreline then we do for either state facilities or municipality facilities. And this is an example of where we use a softer standard because we don't want to burden states or burden the state or burden the municipality and a much tougher standard when it comes to home.

And the ability of a homeowner to protect themselves in this building, I would suggest, is a lot less than the building -- of the ability for certain agencies and municipalities to protect themselves in this building. So, I

raise that more as a point of policy that's in this bill.

Next is Senate Bill 1012 best practices for coastal structure and permitting.

SENATOR MEYER: Senator, before you move off of 1010

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SENATOR FASANO: Yep.

SENATOR MEYER: -- are you proposing any alternative language here in this bill in 1010?

SENATOR FASANO: I would, frankly, like -- the reason I raise that is I'd, frankly, like to see that language incorporated in the Section 22A 92B which deals with home structures. The word "feasibility" is not put in there at all. I'd like to see that change to be consistent with Senate Bill 1010.

In Senate Bill 1012, best practices for coastal structure and permitting, I think that the change that I'd like to just put in there, I think this is a good bill. I would like to add that it also come back to -- strike that. I'd like to add that we had the Connecticut Home Builders Association and, also, that I have some language if the chairs would so permit me to give which would allow Connecticut Home Builders and if it's not Connecticut Home Builders some input from the building industry to also provide the information.

In addition, I would ask that it be turned over -- the information with the 90 days submitted to the chairs and ranking members of the Environment Committee and the planning and Development Committee. And the reason why I would add the building industry is because, with all due respect to DEEP, it seems to me

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according to the testimony I saw, it doesn't even reach three quarters of an inch or, basically, it's just about three-quarters of an inch in 10 years. So, this seemed overreaching.

And that impact would be if you go with the two to four, would, obviously, impact the CAM reports because if you're looking at that, the sea level rise, you have to move the jurisdictional line up. It has a tremendous impact on the maritime folks as well as shoreline folks. So, if Dave Sutherland's language which talks about using that standard or a particular standard for escape routes or evacuation routes, I'm all in favor of that. We should look at the worst case scenario and plan for the best case or more logical scenario. So, I'd be all in favor of that particular change.

With that, I don't have any other comments, frankly. And, certainly, I'll pass out or give to the clerk the suggestive language that I have for 1010.

SENATOR MEYER: Okay. Senator Fasano, we thank you for the contributions you've made over the last couple of years to coastal management.

All right. Representative Albis.

REP. ALBIS: Thank you, Mr. Chairman. Senator Fasano, I just want to first thank you for your service on the Shoreline Task Force. You've been great to work with. And I know you've brought a very good perspective that I think we needed on the task force. So, I was happy to have you serve with the rest of us on the task force.

I would like to address Senate Bill 1014. I

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MICHAEL CICCETTI: It's in my testimony, sir.

SENATOR MEYER: It's your testimony.

MICHAEL CICCETTI: Yes.

SENATOR MEYER: Okay, good. Great. Thanks.

Any questions? Representative, no? Thanks so much.

MICHAEL CICCETTI: Okay, thank you.

SENATOR MEYER: Our next witness is Kachina Walsh-Weaver followed by Joseph Wasserman.

KACHINA WALSH-WEAVER: Good afternoon, Senator Meyer, members of the Committee, Kachina Walsh-Weaver with the Connecticut Conference of Municipalities. I am here in support of House Bill 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM. We've testified in support of this bill a number of times over the last several years. We see this as a positive step towards creating a statewide mattress stewardship program for end of life's management of mattress disposal.

(HB 6538)

As has been stated before by people before me, there's a huge cost associated with the disposal and treatment of these mattresses at the end of life. Municipalities have been burdened with this and they're looking for some relief. There's been previous product stewardship programs that have been implemented in Connecticut seem to be very successful, the reducing costs on the local level. And we are happy to support that again this year.

If I could just quickly support a few other bills that are in front of you today, the sea level rise bills. We're very happy to see

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these move forward. We think the tools that will come out of them will be very helpful to everyone. We would like to continue to work with the Committee and other individuals on these issues to make sure that the best approaches are always taken.

Lastly, House Bill 6438, AN ACT CONCERNING ARBOROUS AND TREE WARDENS. We certainly understand some of the genesis behind putting some new requirements and professionalizing these programs -- these individuals a little bit more. We are concerned that additional costs and time constraints placed on them might shy some of these individuals who some of which are volunteers on the legal level. We might have a little bit of a difficulty bringing more people in if they're going to have pay more and do more in order to volunteer their time for these services. So, we would just encourage you to be sensitive of that as you move forward with the language.

(HB 6538)

SENATOR MEYER: Okay, Kachina, we do appreciate your consist support of the mattress stewardship program. And your -- you proposed this before and thank you for being consistent.

HB6437

KACHINA WALSH-WEAVER: On the arborous and tree wardens, I think we're taking -- going in the direction of more training and certification because of what we've been through with the storms.

HB6538

KACHINA WALSH-WEAVER: Certainly.

SENATOR MEYER: And we're advised that so much of our power outages come from trees that have fallen on wires. And if we can have more training and more professional approach towards tree cutting or removal, you know, we're going to have fewer power outages. But to have power

outages for five, six, and seven days because of tress that have not been trimmed or pruned or cut, you know, it's something that's hurting the residents of this state. So --

KACHINA WALSH-WEAVER: Certainly.

SENATOR MEYER: -- that's, in part, what we're trying to get at here with this bill.

KACHINA WALSH-WEAVER: And we do understand that. And we appreciate that, certainly. I know DEEP had talked earlier about some of the online testing that they're doing, online for boating licenses and, maybe, something along those lines could also be looked at for these individuals to make it as easy possible having to get trained as you're seeing -- as you're desiring them to be.

SENATOR MEYER: Any questions?

Yes, Representative Albis.

REP. ALVIS: Thank you, Mr. Chairman.

Kachina, thank you very much for your testimony here today. I just wanted to ask you, what do you think our municipalities' great challenges from we're talking about sea level rising and coastal flooding?

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SB 1012
SB 1013
SB 1014

KACHINA WALSH-WEAVER: Well, I was really hoping I wasn't going to get very many questions on this. I'd have to get back to you on that, really. It's an issue that I'm still trying to wrap my head around entirely. We've had, you know, a number of municipalities come forward with either their stories as it relates to the storms and what they're going through, what they continue to go through almost a year and a half later, actually, a over a year and a half

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later after Irene, not to mention the storm that we had this last year and the winter storms.

There's a lot of rebuilding that still needs to be done. They -- as with a lot of -- as with many instances, there are conflicting requirements in dealing with different agencies and what people know on the local level, what residents are doing. So, there is, obviously, a lot of things that need to be done in this area. Do I have specific suggestions for you, not right at the moment. But we'd, certainly, like to continue working with you. And we think that these bills, certainly, move in the right direction.

SENATOR ALBIZ: Thank you. I do think it would be helpful for the Committee to hear maybe an aggregate description of what the greatest problems municipalities are facing, what challenges they see forthcoming in the future. So, that would be very helpful. Thank you.

SENATOR MEYER: Thank you, Representative Albis.

Okay, appreciate it, Kachina. Thanks.

KACHINE WALSH-WEAVER: Thank you.

SENATOR MEYER: Come see us again.

Our next witness is Joseph Wasserman followed by Aaron Terranova and then Chris Hudgins.

JOSEPH WASSERMAN: Hello. My name is Joe Wasserman. I'm with Connecticut Coalition for Environmental Justice or CCEJ. We work with folks in urban areas in Connecticut around issues having to do with urban pollution and how it affects the health of the residents. I want to thank Senator Meyers and the other

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will be followed by Grant Westerson.

DAVID SUTHERLAND: Thank you. My name is David Sutherland. I'm here today on behalf of the Nature Conservancy Connecticut Chapter. And I'm testifying on two bills: 1010 and 1014. I want to thank the Committee very much for bringing these bills up and express my appreciation for having had the privileges of serving for the past year on the shoreline preservation task force that Representative Albis has very capably shared. It's been a fascinating process and a real honor to work with your colleagues on that task force.

And these two bills, the concepts for them were both approved unanimously by that task force. And I've been fortunate enough to be able to sort of work with some of the members of the task force and suggesting some language.

And with Bill 1010 concerning the clean water fund, just to clarify. The Commissioner testified about this bill previously. But just to clarify with that one, we're just proposing to require that sea level rise be considered in the design of these facilities. I don't think we know enough yet about the costs to mitigate against future damage to actually require it in the construction. So, the language -- and I've proposed some JFS language to clarify the meaning here. It would be to just require the engineers submitted these plans to take into account future sea level rise and how it might threaten that particular facility, what types of measures might be taken to mitigate that threat. And then whether those measures are feasible or not. So, let's at least get it in the design phase.

In terms of Bill 1014 and our definition of sea level rise, it's important to realize that sea



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**Testimony of David Sutherland – Director of Government Relations
Before the Environment Committee – March 8, 2013**

**In Support of Bill 1010 - AAC SEA LEVEL RISE AND THE FUNDING OF PROJECTS
BY THE CLEAN WATER FUND**

On behalf of The Nature Conservancy, I would like to express our strong support for Bill 1010. This bill would require sea level rise (SLR) to be considered in the design of sewage treatment projects funded by the state's Clean Water Fund. This concept was unanimously endorsed by the General Assembly's Shoreline Preservation Task Force

As sewage treatment facilities are designed or redesigned, it is essential that engineers factor in not only storm events, but also the fact that the rate of SLR in Long Island Sound has been increasing significantly. Many scientists are predicting that this SLR acceleration will continue, so that we will see rises of water level between two to five inches per decade. This will provide a "higher platform" for storm waves, intensifying the destruction they can cause to sewage treatment facilities and other structures.

The news story excerpts at the end of this testimony describe the devastating impacts caused when sewage treatment plants were overwhelmed by Storm Sandy.

This legislation would not necessarily require the implementation of SLR mitigation measures in the construction or upgrading of facilities. Rather the bill is intended to require project design proposals to include an assessment of 1) the vulnerability of the new or upgraded facility to SLR over its projected life span, 2) measures which could mitigate direct damage from rising waters or from storm surges intensified by SLR, and 3) the feasibility of implementing such measures. The Connecticut Department of Energy and Environmental Protection would then determine whether to require the measures to be included in the actual construction.

We recommend that the language for the bill be amended as follows for added clarification:

(a) The commissioner shall maintain a priority list of eligible water quality projects and shall establish a system setting the priority for making project grants, grant account loans and project loans. In establishing such priority list and ranking system, the commissioner shall consider all factors he deems relevant, including but not limited to the following: (1) The public health and safety; (2) protection of environmental resources; (3) population affected; (4) attainment of state water quality goals and standards; (5) consistency with the state plan of conservation and development; (6) state and federal regulations; [and] (7) the formation in municipalities of local housing partnerships pursuant to the provisions of section 8-336f; and (8) the necessity and feasibility of implementing measures [identified in such project that are] designed to mitigate the impact of a rise in sea level over the projected life span of such project;

WHICH SUCH IMPACT, MITIGATION MEASURES, AND THEIR FEASIBILITY SHALL BE ASSESSED IN PROJECT APPLICATIONS. The priority list of eligible water quality projects shall include a description of each project and its purpose, impact, cost and construction schedule, and an explanation of the manner in which priorities were established. The commissioner shall adopt an interim priority list of eligible water quality projects for the purpose of making project grants, grant account loans and project loans prior to adoption of final regulations, which priority list shall be the priority list currently in effect under subsection (c) of section 22a-439.

Excerpts from news articles after Storm Sandy:

AP Associated Press

October 30, 2012

Conn. treatment plants discharging raw sewage

Millions of gallons of untreated or partially treated sewage spilled into Long Island Sound and other Connecticut waterways during flooding and power outages caused by superstorm Sandy, officials said Tuesday

The state Department of Public Health urged people to stay away from floodwaters because they may be contaminated by sewer system discharges or sewage backups on private properties

Discharges of untreated or partially treated sewage into waterways were reported in Branford, Bridgeport, East Lyme, Fairfield, Greenwich, Ledyard, New Hartford and New Haven, according to the Department of Energy and Environmental Protection.

The New York Times

November 29, 2012

EAST ROCKAWAY, N.Y. — The water flowing out of the Bay Park sewage plant here in Nassau County is a greenish-gray soup of partially treated human waste, a sign of an environmental and public health disaster that officials say will be one of the most enduring and expensive effects of Hurricane Sandy.

In the month since the storm, hundreds of millions of gallons of raw and partly raw sewage from Bay Park and other crippled treatment plants have flowed into waterways in New York and New Jersey, exposing flaws in the region's wastewater infrastructure that could take several years and billions of dollars to fix.

In New Jersey, workers at the Passaic Valley Sewerage Commission plant, the fifth largest in the country, had to evacuate as floodwaters surged in and wastewater gushed out. The Middlesex County Utility Authority plant in Sayreville, N.J., let about 75 million gallons of raw sewage a day flow into Raritan Bay for nearly a week before power was restored.



Post-Sandy sewage raises water safety fears

October 31, 2012

(CBS News) Superstorm Sandy overwhelmed sewer systems, pouring tens of millions of gallons of raw sewage into waterways along the East Coast. Health departments in several states are now warning residents about tap water.

In Connecticut, 15 to 20 million gallons of partially treated sewage is believed to have flowed into Long Island Sound when pumping stations were overwhelmed by the storm surge.



Testimony of:
Save the Sound
a program of Connecticut Fund for the Environment



In Support of
S.B. 1010 AAC SEA LEVEL RISE AND THE FUNDING OF PROJECTS BY THE CLEAN WATER FUND
S.B. 1012 AAC A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING
S.B. 1013 AAC CLIMATE CHANGE ADAPTATION AND DATA COLLECTION
S.B. 1014 AAC THE DEFINITION OF "RISE IN SEA LEVEL"

Before the Environment Committee

March 8, 2013

Submitted by Leah Schmalz, Dir. of Legislative and Legal Affairs

Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.

Dear Senator Meyer, Representative Gentile, and members of the Environment Committee:

Thank you for the opportunity to comment on Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund; Senate Bill 1012, AAC Best Practices Guide for Coastal Structures and Permitting; Senate Bill 1013, AAC Climate Change Adaptation and Data Collection; and Senate Bill 1014, AAC The Definition of "Rise in Sea Level."

Save the Sound, a program of Connecticut Fund for the Environment **supports all four of these bills**, which together will help the state, municipalities, and citizens better prepare for and adapt to the impacts of climate change on our shoreline.

In less than two years, the Long Island Sound region has been walloped by four major storms — two tropical storms and two snowstorms. Though only some hit Connecticut directly, all four were direct hits on our infrastructure, economy and way of life.

Not only have these storms increased in frequency, they are bringing higher snow and rain amounts, winds, and storm surges — often at historic levels. In last month's blizzard, Milford, CT received 38 inches of snow. Sandy brought Bridgeport a 13.3-foot storm surge, even higher than the 12.1-foot surge that hit the city during Tropical Storm Irene.

In Connecticut, we've begun the process of adapting to effects of climate change. Over the past five years, universities have helped identify new policies, agencies and non-profits have created coastal resiliency tools, and the Governor's office has established workgroups to review natural resources and infrastructure in light of our changing climate. The state has used this information to start taking action, most notably through the first steps of last session's sea level rise bill and currently through

recommendations provided by the Shoreline Preservation Taskforce and found in the four bills before Environment Committee.

Storms Irene and Sandy demonstrated the need to enhance the resiliency of our wastewater infrastructure in the face of climate change. Sea level rise and storm inundation threaten numerous plants along the coast. Reports after Sandy indicated seven of the state's sewage pumping stations were forced to discharge raw sewage into nearby waterways during the storm and four sewage treatment plants were flooded or inundated with water, forcing them to resort to primary disinfectant treatment. Furthermore, Stamford's POTW had operational issues with their treatment system which included losing solids, low UV dosage, and loss of clarifiers. Funding to modify pump stations and electrical systems will be necessary and planning for future expansions and plant sites, in light of climate change, is critical. Connecticut pays for sewage treatment needs through the state Clean Water Fund. Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund, will allow the Department of Energy and Environmental Protection to factor in impacts of sea level rise on potential projects when DEEP considers which projects will receive funding.

Senate Bill 1012, AAC a Best Practices Guide for Coastal Structures and Permitting, will helpfully augment DEEP's current efforts.

To plan effectively for climate change and sea level rise, leaders need further research, accurate information about natural resources and reliable forecasts. Senate Bill 1013, AAC Climate Change Adaptation and Data Collection, directs DEEP and UConn to investigate creating a "Connecticut Center for Coasts." Eventually the Center is expected to map shoreline changes and flooding, develop statewide planning guidelines, create a comprehensive coastal infrastructure inventory and risk assessment, analyze the impact of seawalls in urban and rural communities, develop tools for determining the most appropriate shoreline protection strategies, and more. Save the Sound strongly supports the future creation of such a center. In addition to the development and consolidation of information, outreach that highlights resilient shoreline protection options for our communities is essential. It is crucial that we safeguard homes, infrastructure, and public access, but shoreline communities require options and information to guarantee that they use "living shoreline" techniques—like tidal wetlands, dune systems, beaches and other natural resources—in the adaptation process. Additionally, extensive education is needed to ensure the public understands that those resources are highly susceptible to damage by excessive shoreline armoring.

We know that the water level in Long Island Sound has risen and that its rate of rise is increasing. A bill last session included sea level rise as a factor for municipalities to consider in planning for development. While that was a good first step, it based the definition of sea level rise on past observations, not on scientific projections for the future. Senate Bill 1014, AAC the Definition of "Rise in Sea Level," is intended to build on that new definition by letting municipalities use the best sea level rise projections available for their planning activities. Save the Sound supports the clarifications to this bill proposed by The Nature Conservancy, which are in line with the original intent of the Shoreline Preservation Task Force.

Scientists say the Long Island Sound region will likely see a sea level rise of 1.5 feet by 2050, and 3.5 feet above current levels by the century's end. If levels rise as predicted, not only will we lose shoreline areas and infrastructure, but increased flooding and storm surges will cause more damage in future storms. Identifying and implementing ways to protect our shoreline will be a long-term project, and will require serious commitment and investment by the region. The Shoreline

Preservation Taskforce has done an admirable job of sifting through information and developing recommendations on complex issues and the state must keep up momentum —after all, if the region learned one lesson from Sandy, it is that the storm is brewing. We cannot afford to be caught unaware. Supporting SB 1010, SB 1012, SB 1013 and SB 1014 will help build a balanced approach that helps protect our homes and natural resources.

Thank you for your consideration

Sincerely,

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Testimony of Nancy Watson Before the Environment Committee

Regarding

S.B. 1010 AN ACT CONCERNING SEA LEVEL RISE AND THE FUNDING OF PROJECTS BY THE CLEAN WATER FUND S.B. 1012 AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING S.B. 1013 AN ACT CONCERNING CLIMATE CHANGE ADAPTATION AND DATA COLLECTION S.B. 1014 AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"

Submitted by

Nancy Watson

March 8, 2013 Senator Meyer, Representative Gentile, and members of the Committee, I am pleased to have the opportunity to comment on several bills originating in the recommendations of the Shoreline Preservation Task Force.

The storms of the last two years have made it clear that Connecticut cannot wait—we must start preparing for the changes that climate change is already bringing to our region. The rate of sea level rise in Long Island Sound is accelerating, and our state and our communities need to start factoring this reality into planning initiatives now. We need initiatives that will ensure shoreline residents live in safe homes, that will move or protect critical infrastructure, and that will make both our human and natural communities more resilient.

As a resident of Riverside, CT – located 10 minutes from glorious Greenwich Point – this is an issue that deeply effects me. Having lived through several storms – particularly the devastating Sandy –it is clear that action can not be delayed. We need to preserve our spectacular shoreline, protect our critically important marshes and safeguard our infrastructure from storm surges and a frightening sea level rise.

Witnessing the devastation to our beautiful beach, as well as several friends' homes, was heartbreaking. It made it clear to me there is no room for delay!

Last year's sea level rise bill was a good start at preparing our state, and the Shoreline Preservation Task Force is doing an admirable job of tackling these difficult issues.

Storms Sandy and Irene highlight the need to make our wastewater infrastructure more resilient to flooding and inundation. During Sandy, seven of Connecticut's sewage pumping stations were forced to discharge raw sewage into nearby waterways, and several plants suffered other serious problems. This is a threat to public health and the water quality of our rivers and Long Island Sound. Pumping stations and electrical systems will need to be improved, and sea level rise should be considered when planning and siting future treatment plant upgrades and new facilities. Connecticut pays for sewage treatment needs through the state Clean Water Fund. Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund, will allow the Department of Energy and Environmental Protection to factor in impacts of sea level rise on potential projects when DEEP is identifying which projects will receive funding.

Senate Bill 1012, AAC a Best Practices Guide for Coastal Structures and Permitting, will helpfully augment DEEP's current efforts. **To plan effectively for climate change and sea level rise, leaders need further research, accurate information about natural resources and reliable forecasts.** Senate Bill 1013, AAC Climate Change Adaptation and Data Collection, directs DEEP and UConn to investigate creating a "Connecticut Center for Coasts." Eventually the Center is expected to map shoreline changes and flooding, develop statewide planning guidelines, create a comprehensive coastal infrastructure inventory and risk assessment, analyze the impact of seawalls in urban and rural communities, develop tools for determining the most appropriate shoreline

protection strategies, and more.

We know that the water level in Long Island Sound has risen and that its rate of rise is increasing. A bill last session included sea level rise as a factor for municipalities to consider in planning for development. While that was a good first step, it based the definition of sea level rise on past observations, not on scientific projections for the future. Senate Bill 1014, AAC the Definition of "Rise in Sea Level," is intended to build on that new definition by **letting municipalities use the best sea level rise projections available for their planning activities**. I support the clarifications to this bill proposed by The Nature Conservancy, which are in line with the original intent of the Shoreline Preservation Task Force.

Thank you for your consideration.

Sincerely,

Nancy Watson
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ENVIRONMENT COMMITTEE

March 8, 2013

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 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

CCM sees the following bills as supportive steps toward assisting our state in minimizing future effects storms on shoreline communities and acknowledging the impacts of sea level rise.

- SB 1010 "*An Act Concerning Sea Level Rise and the Funding of Projects by the Clean Water Fund*" - would provide increased priority ranking for funding through the Clean Water Fund for projects addressing sea level rise.
- SB 1012 "*An Act Concerning a Best Practices Guide for Coastal Structures and Permitting*" - would require the creation of a best practices guide for use by state and local officials for coastal structures and permitting.
- SB 1013 "*An Act Concerning Climate Change Adaptation and Data Collection*" - would require DEEP and UCONN to report to the General Assembly on their efforts to establish a Connecticut Center for Coasts, which would perform data collection and analysis to develop tools used for planning and development in response to rising sea levels.
- SB 1014 "*An Act Concerning the Definition of 'Rise in Sea Level'*" - would further clarify the definition of "rise in sea level".

Over the last several years, Connecticut has experienced back-to-back storms that have been devastating to shoreline communities and the state as a whole. Each of these bills would individually be beneficial to beginning to address the impacts of sea level rise, which in turn would hopefully mitigate the impact of future such storms.

CCM urges the committee to *favorably report* these bills.

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If you have any questions, please contact Kachina Walsh-Weaver, State Relations Manager for CCM via email kwalsh-weaver@ccm-ct.org or via phone (203) 710-9525.



Connecticut Department of
**ENERGY &
 ENVIRONMENTAL
 PROTECTION**

**STATE OF CONNECTICUT
 DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 8, 2013
 Environment Committee

Testimony Submitted by Commissioner Daniel C. Esty
 Presented By Deputy Commissioner Macky McCleary

Raised Senate Bill No. 1010 –AN ACT CONCERNING SEA LEVEL RISE AND THE FUNDING OF PROJECTS BY THE CLEAN WATER FUND

Raised Senate Bill No. 1012 –AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING

Raised Senate Bill No. 1013 –AN ACT CONCERNING CLIMATE CHANGE ADAPTATION AND DATA COLLECTION

Raised Senate Bill No. 1014 –AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"

Thank you for the opportunity to present testimony regarding Raised Senate Bill Nos. 1010, 1012, 1013, and 1014 concerning various aspects of climate change and adaptation to sea level rise. The Department of Energy and Environmental Protection (DEEP) offers the following testimony.

DEEP strongly supports these bills, which arose from the recommendations of the legislature's Climate Change and Shoreline Protection Task Force, chaired by Rep. James Albis. All of these bills would take immediate, practical steps toward long-term measures to help Connecticut adapt to the new normal of sea level rise and more frequent and intense coastal storms. DEEP is looking forward to working with the Task Force, environmental groups, the academic community, and other interested stakeholders to better prepare our state for the climate challenges that we know are coming.

Taking each bill in turn, SB 1010 would add as a priority in Clean Water Fund projects the ability of the proposed project to mitigate sea level rise impacts. This issue was brought into sharp relief during storms Irene and Sandy, when some coastal sewage treatment plants lost power, resulting in sewage being discharged, or risked being inundated by storm surge. Water quality facilities are critical infrastructure, and many are necessarily located at low elevations along the coast and along inland rivers. Thus, it will be a high priority for the Clean Water Fund grant process to consider enhanced coastal and inland hazard resilience among the criteria for selecting projects. Therefore, we suggest that the language in the bill be expanded to include consideration of more intense and frequent storms, both at the coast and inland. With that addition, this bill would grant DEEP the explicit authority to take such issues into consideration statewide.

SB 1012 would require DEEP to acquire information necessary to develop a Best Practices guide for regulating coastal structures. While we have already consulted with other states and agencies and collected much information (see, e.g., the Lessons Learned document at http://www.ct.gov/deep/lib/deep/long_island_sound/shorelinepreservation/lessonslearnedandbestpractices_sandy.pdf), we have not been entirely successful in persuading applicants and consultants to vary from traditional practices in terms of shoreline protective structures. It is generally recognized within the national coastal management community that the preferred adaptation strategy should rely to the maximum extent on natural coastal processes and dynamics, but shoreline armoring is all too often the reflexive, default response. Therefore, we appreciate any initiative that will assist in promoting more innovative and sustainable nonstructural measures such as living shorelines, and we will be pleased to help disseminate this information.

We are particularly supportive of SB 1013, since this bill offers the greatest long-term potential to help Connecticut adapt effectively to a changing coast and climate. This proposal would authorize the creation of a Connecticut Center for Coasts (Center) as a joint project of DEEP and the University of Connecticut, to conduct research, undertake analysis and provide technical education and assistance on shoreline adaptation. The Center would serve as a much-needed focal point for Connecticut-specific studies and research on sea level rise, shore protection, structure design and other coastal issues, and could provide authoritative science-based guidance on local adaptation issues. However, as our experience with storms Irene and Sandy illustrated, climate change can cause increased flooding and other impacts far away from the coast, and we believe that the University's expertise could be even more effectively employed by broadening the scope of the Center's work to include adaptation issues throughout Connecticut. With this caveat, and recognizing that no source of funding is identified in the bill, we remain very supportive of the concept of a University of Connecticut Center for the Coasts and look forward to working with the Task Force, the University, and the legislature to help make it a reality and to expand its focus statewide.

Finally, SB 1014 would amend the recently-enacted definition of "rise in sea level," which looks only at historic rates of sea level rise, to include the option of a projected rise of two to five inches per decade for the purposes of municipal planning. We certainly support the intent of this bill, since any effective planning for the future must consider what is scientifically projected to occur, rather than simply extrapolating from past experience. However, DEEP has some concerns with the language, in part because it appears to be redundant in that the existing definition is already applied by statute only in the context of state and municipal planning. In addition, there may be other ways to select a projected sea level rise number, including projections that may be developed pursuant to section 1 (3)(C) of Senate Bill No. 1013. In any event, we are happy to continue working with the Task Force and other proponents of the bill to create adequate authority for state and local planning that takes into account the full range of potential sea level rise and the future risks associated with it.

In closing, I would like to express my appreciation to the Environment Committee and to Representative Albis and the Task Force for squarely addressing the issues of climate change adaptation and sea level rise, and by raising these bills, marking the start of a very important and continuing conversation.

Thank you for the opportunity to present testimony on these four proposals. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 860-424-3401 or Robert.LaFrance@ct.gov.

Testimony from Monica Keady Before the Environment Committee Regarding:

S.B. 1010 AN ACT CONCERNING SEA LEVEL RISE AND THE FUNDING OF PROJECTS BY THE CLEAN WATER FUND S.B. 1012 AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING

S.B. 1013 AN ACT CONCERNING CLIMATE CHANGE ADAPTATION AND DATA COLLECTION
S.B. 1014 AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"

Senator Meyer, Representative Gentile, and members of the Committee,

Thank you for the opportunity to comment on the bills originating from recommendations of the Shoreline Preservation Task Force.

Connecticut has been deeply affected by recent storms. Clearly Connecticut cannot wait, but must prepare for the impacts of climate change. Sea level rise in Long Island Sound must be factored into future planning. We need initiatives that ensure the safety of shoreline residents, that move or protect critical infrastructure, and that will make both our communities and natural environment more resilient.

Storms of the past few years have personally affected my family with either flooding, flood damage, downed trees, multiple days of power outages, and constantly preparing for "100-year storms." I've witnessed devastation to beaches in Darien and surrounding towns. For Hurricane Sandy, we were roused at midnight by emergency personnel requesting that we evacuate since we are near the shore. Life as we have known it has changed dramatically in just a few short years.

Last year's sea level rise bill was a good start at preparing our state, and the Shoreline Preservation Task Force is doing an admirable job of tackling these difficult issues.

Storms Sandy and Irene highlight the need to make our wastewater infrastructure more resilient to flooding and inundation. During Sandy, seven of Connecticut's sewage pumping stations were forced to discharge raw sewage into nearby waterways, and several plants suffered other serious problems. This is a threat to public health and the water quality of our rivers and Long Island Sound. Pumping stations and electrical systems will need to be improved, and sea level rise should be considered when planning and siting future treatment plant upgrades and new facilities. Connecticut pays for sewage treatment needs through the state Clean Water Fund. Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund, will allow the Department of Energy and Environmental Protection to factor in impacts of sea level rise on potential projects when DEEP is identifying which projects will receive funding.

Senate Bill 1012, AAC a Best Practices Guide for Coastal Structures and Permitting, will helpfully augment DEEP's current efforts.

To plan effectively for climate change and sea level rise, leaders need further research, accurate information about natural resources and reliable forecasts. Senate Bill 1013, AAC Climate

Change Adaptation and Data Collection, directs DEEP and UConn to investigate creating a "Connecticut Center for Coasts." Eventually the Center is expected to map shoreline changes and flooding, develop statewide planning guidelines, create a comprehensive coastal infrastructure inventory and risk assessment, analyze the impact of seawalls in urban and rural communities, develop tools for determining the most appropriate shoreline protection strategies, and more.

We know that the water level in Long Island Sound has risen and that its rate of rise is increasing. A bill last session included sea level rise as a factor for municipalities to consider in planning for development. While that was a good first step, it based the definition of sea level rise on past observations, not on scientific projections for the future. Senate Bill 1014, AAC the Definition of "Rise in Sea Level," is intended to build on that new definition by letting municipalities use the best sea level rise projections available for their planning activities. I support the clarifications to this bill proposed by The Nature Conservancy, which are in line with the original intent of the Shoreline Preservation Task Force.

Thank you for your consideration.

Sincerely,

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 10
3086 - 3445**

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?
If all members have voted the machine will be locked
and the Clerk will take a tally. And will the Clerk
please announce the tally.

THE CLERK:

Bill number 5979 as amended by House A.

Total Number Voting	123
Necessary for Adoption	62
Those voting aye	123
Those voting nay	0
Absent and not voting	27

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. The bill as amended
passes.

Will the Clerk please call Calendar number 389.

THE CLERK:

Calendar number 389 on page 22 of today's
Calendar, favorable report of the joint standing
Committee of Environment, substitute Senate Bill 1010,
AN ACT CONCERNING SEA LEVEL RISE AND THE FUNDING OF
PROJECTS BY THE CLEAN WATER FUND.

DEPUTY SPEAKER ORANGE:

Representative Albis, good morning.

REP. ALBIS (99th):

Good morning, Madam Speaker. Madam Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

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

REP. ALBIS (99th):

Yes. Thank you, Madam Speaker. This bill comes to us from the Speaker's taskforce on shoreline preservation, specifically regarding projects funded by the Clean Water Fund. And the Clean Water Fund funds mostly in terms of this particular bill water pollution control facilities and all this bill does is require that the Commissioner of DEEP must consider sea level rise when making his priority list for funding such projects. So Madam Speaker, I urge passage.

DEPUTY SPEAKER ORANGE:

Will you remark further? Will you remark further on the bill? Representative Shaban, good morning to you, Sir.

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REP. SHABAN (135th):

Good morning, Madam Speaker. Thank you. Through you, if I may I have a couple of questions to the proponent.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Through you, I wanted to kind of drill down and just flesh out a little bit more about the need for this type of consideration. The shoreline preservation taskforce, if you would just for the Chamber could you just kind of fill us in of who was on it and what it did? Through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker.

The shoreline preservation taskforce was created in February of 2012 following Tropical Storm Irene to investigate the issues of sea level rise, coastal flooding and extreme weather events on our Connecticut coastline. It was a bipartisan, bicameral taskforce. It also included some civilian experts from across the

State. And we came out with a report in January of 2013 detailing many recommendations and this bill comes from those recommendations. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Yeah. Thank you, Madam Speaker.

And I think that's important for the Chamber to know that this was a bipartisan, bicameral broad effort to kind of look at what we should and shouldn't do with respect to what appears to be changing climate conditions. So through you, Madam, I note on line four of the bill it says the Commissioner shall establish or shall -- I'm sorry, shall maintain a priority list. That's already existing law but if the proponent would explain what that priority list is. Through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker.

Through you, this priority list is maintained for all clean waterfront projects. And the Commissioner -

- Commissioner by law must consider a variety of factors including public health and safety, environmental resource protection, the population affected, the standard of water quality goals and standard attainment consistency with the State plan of conservation and development, State and federal regulations and municipalities formation of local housing partnerships.

This bill will simply adds sea level rise to those -- list of priorities so that we ensure that when these facilities are being built they take into account the factors of sea level rise and coastal flooding in case there is a major storm. If -- they are prepared. They ensure that they're vital mechanics are not in areas that are vulnerable and that a facility of this nature can withstand a storm of -- of extreme magnitude. Through you.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And I thank the Gentleman for that response. I guess the -- the prefatory question that some folks might want to get some information on is is sea level

in fact rising. And if the Gentleman could just kind of fill the Chamber in about what the commission or the taskforce rather learned. Through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker.

Through you, the State of Connecticut through the National Oceanic and Atmospheric Administration has two tide gauges, one in Bridgeport and one in New London that measure the rate of sea level rise day in and day out. They take at least one measurement daily. And those tide gauges have shown that indeed the sea level is rising at a gradual rate and that rate has been increasing gradually over the past 15 to 20 years or so.

And it's important that there is a tide gauge in Bridgeport showing sea level rise because Bridgeport was one of the water pollution control facilities that did sustain some damage due to flooding in super storm Sandy. So I think for that reason this bill is very important and I appreciate the Gentleman's questions. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And I thank the Gentleman for his responses. I voted yes in committee on this bill. I'm going to vote yes again today. I think it's -- it's a common sense approach to consider where we're going to put our sewer treatment plants. Obviously if you're too close to the water line or too close to the flood line that's not a good thing. So obviously this is a good idea to stick it on the laundry list of things to consider. I thank the Gentleman for his work on that taskforce and I urge my colleagues support.

DEPUTY SPEAKER ORANGE:

Thank you, Sir.

Will you care to remark further on the bill before us? Will you care to remark further?

Representative Larry Miller of the 122nd. You have the floor, Sir.

REP. L. MILLER (122nd):

Thank you, Madam Speaker. I have some comments I'd like to make regarding sea level rise. This has been going on for hundreds of years. The temperature warms up, the oceans warm up, the water expands. It's

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thermal -- reaction to a thermal -- the sun is heating the water. It expands. And that's why we get a rise in the ocean.

It may be a few inches or whatever it might be but there's nothing that's going to happen that's going to raise this sea level rise to a ten or 20 foot level that the IPCC has warned us about. And of course you've seen some horrific films on television where you see skyscrapers maybe 25, 30 feet under water. You know it's not going to happen. We -- we have melting ice in the Antarctic and other places that also contribute to rising sea level but again the temperatures change.

Mother nature has been the one that controls our -- our climate and we shouldn't forget that because she's the one that's going to control it. As far as the water pollution control plants we keep on expanding them, adding more people who have septic tanks. We put them on -- on a public system to get rid of the waste at a treatment plant however the DEP or DEEP is not doing what I believe they should be doing by lessening the amount of water that's going to these plants. Every time it rains a half inch or a quarter inch they all overflow contributing to

pollution in Long Island Sound.

And it was my feeling that we've got to get after people who have sub pumps connected to the public water system, people who have gutters connected to the water system, the pollution (inaudible). There's an awful lot of things that people get rid of their water through the sewer system and generally that water is clean. It doesn't have to be treated.

Unfortunately that's just the way it is and we've been trying to take sub pumps out of the -- the sewer system for -- I don't know, 25, 50 years and it's not just Connecticut's problem. It's a problem all over the country. people don't want to have a -- an area where they're -- somebody can see that they have water in their basement. So they get rid of the water in the sewer system and then you and I have to pay for the treatment.

And unfortunately what is going on today most states -- most cities are increasing their charge for usage of the water pollution control plants because of -- this is -- all this additional water that is going in there. We have

broken pipes in the -- in the State because our system's got to be 50, 60 years old so we're taking in ground water as well. And I think we ought to be looking at reducing what's going down to the water pollution control plants. We're spending billions of dollars trying to correct this problem when we should be looking at what's happening in the communities and how water is being pushed to the water pollution control plants that's costing us a fortune and polluting Long Island Sound on top of it.

So I'm going to support the bill. I think it's a good bill and -- but again I would hesitate that anybody thinks that we're going to be under water in -- in you know -- in five years it's not going to happen. It's not going to happen. So thank you for my -- letting me make -

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DEPUTY SPEAKER ORANGE:

Thank you, Representative Miller.

Will you care to remark further on the bill before us? Representative Giuliano.

REP. GIULIANO (73rd):

Good morning, Madam Speaker, and thank you.

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DEPUTY SPEAKER ORANGE:

Good morning.

REP. GIULIANO (73rd):

A few questions through you to the proponent of the bill please.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. GIULIANO (73rd):

Thank you, Madam. I'm interested to understand how this legislation -- this legislative proposal will impact on the work of local water pollution control authorities. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, this bill only applies to future projects funded by the Clean Water Fund. Through you.

DEPUTY SPEAKER ORANGE:

Representative Giuliano.

REP. GIULIANO (73rd):

Thank you, Madam Speaker. And in addition to the work of water pollution control authorities there are particularly the shoreline and along our lakes but I'm

thinking more in terms of the shoreline there are a number of currently implemented alternative waste water management systems, community systems, some rather environmentally innovative systems that Connecticut has been using now and attempting to implement in shoreline communities to mitigate ground water pollution. And through you, Madam Speaker, the impact on this legislative proposal onto those alternative waste water management systems. Through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. If they are funded by the Clean Water Fund then the sea level rise would be a consideration in their design but if not there would be no impact. Through you.

DEPUTY SPEAKER ORANGE:

Representative Giuliano.

REP. GIULIANO (73rd):

Thank you, Madam Speaker. And I -- I think the -- my colleague speaks to part of the heart of this issue that gives me a bit of pause and that is that these particular systems which either come about as a

function of a DEEP consent order upon a community, a very serious circumstance for a local shoreline community or because there is verifiable ground water pollution that we need to implement some rather innovative alternative technologies and most typically though not exclusively these occur in shoreline communities where any rise in sea level would have its highest impact.

So the -- my point clearly is to be certain that in the 24 lines of this bill we are not inadvertently -- inadvertently impacting not only those systems that currently are in use but are planned to be in use because clearly shoreline communities depend upon a mix of financing to fund these very, very important and expensive initiatives. And part of that mix of funding comes from clean water monies.

In fact most -- the few towns that have implemented alternative waste water management systems or community systems have had a kind of financial plan that embraces some homeownership cost, some community cost, some State clean water money cost and some federal clean water money cost. Through you, Madam Speaker, it appears that -- and I ask for this as an important clarification, my good colleague has said

that there could be an impact as to accessing clean water funds if an issue of mitigating rise in sea level collides with the very important initiative that's being presented by alternative waste water management system within a shoreline community. Am I hearing that correctly? Madam Speaker, through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, could the good Representative please repeat her question.

DEPUTY SPEAKER ORANGE:

The strangest thing just happened. I couldn't hear my own voice. Representative Giuliano, would you repeat your question please?

REP. GIULIANO (73rd):

Thank you, Madam Speaker. I would be happy to. It is an important question.

Through you, Madam Speaker, is there any possibility that the language of this bill would preclude or exclude a community from receiving clean water funds to fund a necessary alternative waste water treatment solution within that shoreline community based upon the DEEP Commissioner's newly

established legislative proposed prerogative in terms of rise in sea level? Through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. I thank the good Representative for repeating her question. It is not the intent to exclude projects that are necessary for -- for construction. It's only the intent to include sea level rise as a factor of consideration in the planning process for these types of projects but again it is not the intent to exclude any of these types of projects. Through you.

DEPUTY SPEAKER ORANGE:

Representative Giuliano.

REP. GIULIANO (73rd):

Thank you, Madam Speaker. And I thank my colleague very sincerely for his explanation and I will take him at his word. I represent shoreline communities as do so many of us who are blessed to live in that part of Connecticut and it is an important factor of consideration in this bill. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam.

Will you care to remark further on the bill before us? Will you care to remark? Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. If I could just two questions to try and clarify an issue that's been brought out through you please to the proposal of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. MINER (66th):

Thank you, Madam Speaker. It's my understanding that these projects are always ongoing and municipalities make application to the DEEP, submit plans and then there's a review process. So I'm trying to remember back when the hearing was held what testimony may have come in with regard to ongoing projects currently in the hopper how soon these new reviews will be done so that we're not constructing or refurbishing a plant to a standard that we know won't be any good even a year from now if the sea water rise continues at the level that it's at even right today.

So if the Gentleman knows, through you, is this -

- is this anticipated to cause the agency to go, you know, right back to the applications that are currently before it and review those and make recommended changes? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. The Commissioner will adopt an interim -- interim priority list of eligible projects going forward based on the new criteria. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. So it sounds like whatever has -- whatever has happened up until today there will be kind of a reevaluation of that and those that need to have critical changes made, those will not be forgotten about they'll be taken into account right now. And then I know that there's a funding structure in place currently.

If the Gentleman knows if there are any different funding scenarios that might come out of this proposal from the agency, will those have to come back to the

Legislature for our blessing or could -- could the agency for instance fund those changes at a different level than they fund the rest of the project? Through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. It's my understanding that that is not addressed in this legislation. Through you.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

And -- and so its absence for being addressed if the Gentleman knows, would they be prohibited from offering a different financing structure for instance if -- if -- I'll use the Gentle lady's town of let's say Madison or Guilford or whatever shoreline community. If they currently have a project in most cases a municipality is established a debt service level. There's usually a grant and a loan that's all been agreed to.

If these changes required by the agency to meet this new standard need to be done would they not be at

the same ratio that the rest of the project would be or would the Commissioner have the authority to require the municipality to pay for those changes one hundred percent? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. It's my understanding that municipalities would not be prohibited from finding alternative funding sources. Through you.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. What I was hoping the Gentleman was going to say was that the additional work that may be required under these new guidelines would follow the same financing structure that the rest of the plan did i.e. not require the municipality to -- to go out and find another funding source. So I don't read this bill as -- as providing that kind of latitude to the Commissioner and I just wanted to be sure that in supporting the bill which I do, I'm not in effect saying to the chief elected official in the

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Town of Madison you're on your own for whatever may
come out of this new study. Through you.

DEPUTY SPEAKER ORANGE:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. I apologize for the
unclear answer before but my understanding is that
Representative Miner is correct in his assessment.
Through you.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And I -- and I do
thank the Gentleman for his clarification. This has
been an issue for the State of Connecticut for -- for
a while. And we continuously see through heavy water
flows and in this case now in higher than anticipated
sea water levels not only the -- the plants themselves
being impacted but the outflow that they collect
spilling into Long Island Sound so I think this is a
worthy project and something worth of our support.
Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Sir.

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

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

DEPUTY SPEAKER ORANGE:

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

And will the Clerk please announce the tally.

THE CLERK:

On Bill S.B. 1010.

Total Number Voting	131
Necessary for Adoption	66
Those voting aye	129
Those voting nay	2
Absent and not voting	2

DEPUTY SPEAKER ORANGE:

The bill passes in concurrence with the Senate.

Are there any announcements or introductions?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 5
1337 - 1682**

2013

matter if what they want to do may have negative consequences for many others, not just their neighbors, but the community more broadly.

SENATOR CASSANO: [Inaudible.]

Senator Fasano.

SENATOR FASANO: Thank you. Thank you, Commissioner for coming here today. You're last statement I would totally disagree with. I think it -- it proves too much for an agency to say those people who complain are complaining because they're not getting what they want. I think that statement proves way too much given the -- the history of DEEP, at least on shoreline issues.

But with that, let me just -- let's start with a comment that you wrote about saying that we just changed last session -- and you and I, with Commissioner Macky, Mack McCleary, went through Public Act 12-101, which was the compromise -- it was Senate Bill -- I forgot what it turned into in terms of a Senate Bill. And you say, in one of your comments that it's way too early, does not see prudent to consider drastic changes as 459 proposes without allowing at least last year's bill to have a chance.

I'm just wondering, I didn't see that language when the Environment Committee raised Bill 114, AN ACT CONCERNING SEA LEVEL RISE, where it was agreed that we would look at the National Oceanic and Atmospheric publications to determine sea level rise, and the Environment Committee put in language to say "or Planning and Zoning can

(SB1010)

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rc/gbr PLANNING AND DEVELOPMENT
COMMITTEE

March 18, 2013
10:00 A.M.

choose two to five inches per decade." That's the same bill, the same language. I just don't understand why that objection wasn't raised to Environment by saying hey we just did this bill a year ago; why are you looking to change the very definition that we agreed to?

COMMISSIONER DANIEL ESTY: Because there actually was not a definition, Senator. There was not an approved definition. In fact, the confusion over the definition is one of the sources of problems. So we are trying to adopt the best science, clarify our rules and ensure a planning process. One of the things I think we might agree on is that we would benefit in this state from greater clarity over what kinds of planning should go on at the time structures are being reviewed, potentially designed and permitted. And in that regard we think it's important to have a clear definition. I think this is one that you can invite other witnesses to testify to, but I'm sure if you were to bring before you the scientific experts from NOAA, from other sources including universities, you would find that the current Connecticut statute would be seen as deficient in that regard.

So I do believe there are some tweaks that might be valuable to adopt where there are gaps, clear gaps in the legislation of last year. But --

SENATOR FASANO: So --

COMMISSIONER DANIEL ESTY: -- Deputy Commissioner, do you want to add anything to that?

SENATOR FASANO: So Commissioner, if I could ask either one? We -- we used that -- the decision was to use National Oceanic and Atmospheric online or printed publications to determine sea level rise. That's what we agreed to last year.

COMMISSIONER DANIEL ESTY: Backwards looking, right?

SENATOR FASANO: Excuse me?

COMMISSIONER DANIEL ESTY: Backwards looking?

SENATOR FASANO: Yes, over the most recent decade.

COMMISSIONER DANIEL ESTY: So we think that's a mistake. We think that there is now clear evidence, since last year's bill, that the pace at which we are seeing extreme catastrophic weather events, hurricane-type weather, requires us now to be forward looking, and to use the best forecasts from NOAA, not the backward-looking data.

SENATOR FASANO: And -- and the new language says "or Planning and Zoning can simply use two to five inches per decade." What -- what measurement is that? We went from National -- NOAA publications to Planning and Zoning in each town can set a different standard. How does that -- sea level rise is sea level rise. We got to go to one authority, and we agreed NOAA. Now we're not going to any authority. We're saying Planning and Zoning in each town can make up their own definition of what sea level rise. How does that make sense?

DEPUTY COMMISSIONER MACKY MCCLEARY: So -- I'm Macky McCleary. I'm the Deputy Commissioner of Environmental Quality for the Department of Energy and Environmental Protection. So Senator, I think you are -- not surprisingly as you often are quite perspicacious here -- I think you're being quite perceptive. I think that the goal with the two to five inches, by my understanding, and I think there's -- you're sensing here the relationship, the tense relationship sometimes between people on coastal issues, is to synthesize the best-existing science and understand what might be a range of likely projections for a variety of different areas on the shoreline.

Your point is taken, though. I mean I -- you could think about this. If you think about the major part of our critique, as the Commissioner is saying, is that it's backwards looking as opposed to forward looking. So I can imagine a world in which you chose a particular source for a forward-looking standard. I think the goal here was to try to simplify the workload and the administrative load for the municipalities so that they wouldn't have to do as much of the science work and could actually choose within a range that we think makes sense as a synthesis. But I think you're -- at least you're -- you're philosophical point that A plus B doesn't equal C in this case -- I could see how you might feel that if you look at it from a different direction.

SENATOR FASANO: Well yes there's two-fold. One is that you and I were in the negotiations and I

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never heard from DEEP about this change after sitting down with you last session for days negotiating this bill. And this language came out of Environment. No one from DEEP ever gave me a call to say, hey you know what we worked hard on last year as a compromise, well we're changing it again. So that bothers me. That's number one because that isn't how this building normally operates. Number two -- we went from an objective standard, being NOAA, to a subjective standard being municipalities, without anybody's ability to say well their standard is based upon some scientific analysis. NOAA -- no dog in the fight, no politics, nothing, pure and true, but with this -- I don't even know -- nobody in the state could know where those numbers come from.

DEPUTY COMMISSIONER MACKY MCCLEARY: I think, Senator, in fact those numbers come from an attempt to still be practical implications of the NOAA science. So that's what, in fact, the two to five comes from.

SENATOR FASANO: So why can't we use NOAA?

DEPUTY COMMISSIONER MACKY MCCLEARY: If you want to specify that it's NOAA, I think that's fine. I think the challenge is that it doesn't necessarily provide guidance in a usable form to a Planning and Zoning Commission. But if -- I think the principle that we agree with you on is that we should rely on the best science. We think that NOAA does provide that. I think the point that we have tried to make is that we should be using the forward-looking estimates of sea level rise, not the backwards-looking ones

because we know we have a discontinuity in what the science looks like, and I think that is simply the point.

If you believe that the attempt to translate that science into a kind of rule of thumb that would benefit a Planning and Zoning Commission that may not have the time or the scientific expertise to distill out of NOAA's conclusions what it means in practice, I don't think we would object, and I think there could be a role for the department, or for an ongoing dialogue as to what the translation of best science means into the practice of a Planning and Zoning Commission.

SENATOR FASANO: (inaudible) Esty.

DEPUTY COMMISSIONER MACKY MCCLEARY: Sorry, Senator.
I just wanted to talk with my --

SENATOR FASANO: Sure.

DEPUTY COMMISSIONER MACKY MCCLEARY: -- staff to confirm something. So -- and I think both the Commissioner and I are saying the same thing, which the forward-looking thing is most important to us, and I immediately asked the question of myself when you said, why didn't you call me, because typically I would do that, and I think it should be clear that with a large number of stakeholders in this process, you're going to have a lot of bills created which may seem like they're all from us, but in reality we may not be the source of all of them. So I think the Commissioner is correct in saying we support both the goal and understand the rationale behind

creating that synthesis or translation, but would be absolutely willing to work with you to come up with a more standardized version that refers to a particular expert.

SENATOR FASANO: I appreciate that. Thank you.

Commissioner, going to 459. The issue in 459, or what 459 attempts to do is to say ten feet above the high-tide line, and it should be, I think, landward, not waterwards. It's not in the water; it's above the high-tide line, ten feet above the high-tide line. If someone wants to put on a deck to their house, not related to the actual structure of the foundation, but a deck to the house, they should go to Planning and Zoning. The engineers of Planning and Zoning look at it, and we're just talking about decks right now, what would be the unique interest -- what would be the interest that DEEP would have to comment on such an application? What is the interest for which it seeks to protect?

COMMISSIONER DANIEL ESTY: I think we're -- we're seeking, Senator, to ensure that both people do not put themselves and their structures in harm's way, and that they don't endanger their neighbors. And I think we recognize now that the number of extreme storm events may be rising, and the prospect here is that you could a dock lifted up and dashed against the neighbor's house.

SENATOR FASANO: So let's deal with the first one which is protecting people against themselves. Is it not true that this would have to go through Planning and Zoning and be approved by the



Testimony of:
Save the Sound
a program of Connecticut Fund for the Environment



In Partial Opposition and Partial Support of

S.B. 459 AAC LOCAL CONTROL OVER COASTAL AREAS

S.B. 460 AAC COASTAL PROTECTION MEASURES, ROUTINE MAINTENANCE AND REPAIR OF SHORELINE STRUCTURES, STATE-WIDE POLICY CONCERNING WATER RESOURCES AND PROCEDURES OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Before the Planning and Development Committee

March 18, 2013

Submitted by Leah Schmalz, Dir. of Legislative and Legal Affairs

Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.

Dear Senator Cassano, Representative Rojas, and members of the Committee:

Thank you for the opportunity to comment on Senate Bill 459, AAC Local Control Over Coastal Areas and Senate Bill 460, AAC Coastal Protection Measures, Routine Maintenance and Repair of Shoreline Structures, State-Wide Policy Concerning Water Resources and Procedures of the DEEP.

Save the Sound, a program of Connecticut Fund for the Environment opposes SB 459's sections 1 & 2 and supports its section 3 and opposes SB 460's sections 1, 2 and the changes to "inhabitable structure" in section 4 and supports the CAD cell portion of its section 4, as well as its section 5.

Background:

In less than two years, the Long Island Sound region has been walloped by four major storms — two tropical storms and two snowstorms. Though only some hit Connecticut directly, all four were direct hits on our infrastructure, economy and way of life.

Not only have these storms increased in frequency, they are bringing higher rain amounts, winds, and storm surges — often at historic levels. Sandy brought Bridgeport a 13.3-foot storm surge, even higher than the 12.1-foot surge that hit the city during Tropical Storm Irene.

In Connecticut, we've begun the process of adapting to effects of climate change. Over the past five years, universities have helped identify new policies, agencies and non-profits have created coastal resiliency tools, and the Governor's office has established workgroups to review natural resources and infrastructure in light of our changing climate. The state has used this information to start taking action, most notably through the first steps of last session's sea level rise bill (P.A. 12-101) and currently through recommendations provided by the Shoreline Preservation Taskforce and found in the four bills before Environment Committee. But more must be done—including learning from the difficult lessons provided by Storms Irene and Sandy. A key one is that natural systems are a critical component to our shoreline preservation and that there is a great need to enhance our coasts' resiliency in the face of climate change.

SB1010
SB1012
SB1013
SB1014

Conclusion

Scientists say the Long Island Sound region will likely see a sea level rise of 1.5 feet by 2050, and 3.5 feet above current levels by the century's end. If levels rise as predicted, not only will we lose shoreline areas and infrastructure, but increased flooding and storm surges will cause more damage in future storms. Implementing ways to protect our shoreline is a long-term project, and will require serious commitment and investment by the region. The Shoreline Preservation Taskforce has done an admirable job of sifting through information and developing recommendations on complex issues and the state must keep up the momentum. We cannot afford, financially or environmentally, to constantly rebuild our state after these storms. By identifying opportunities to protect and restore existing coastal marshes and expand the use of green infrastructure techniques we can allow for marsh retreat inland, buffer homes and infrastructure against waves, and absorb heavy rains and flooding. Unfortunately SB 459 and SB 460 do none of those things, instead they look to weaken coastal protections and oversight, and encourage hardened—not resilient—shorelines. We ask that you **strike sections 1 & 2 of SB 459 as well as sections 1, 2, and the changes to "inhabitable structure" in section 4 of SB 460. We also ask that you help build a balanced approach that protects our homes and natural resources by supporting SB 1010, SB 1012, SB 1013 and SB 1014 from the Shoreline Taskforce and allowing time for the provisions of P.A. 12-101 to work.**

Thank you for your consideration

Sincerely,

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

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SENATOR LOONEY:

Thank you, Madam President.

Moving to Calendar page 24, the last two items on that page, Calendar 220, Substitute for Senate Bill Number 1001 that item is marked go; and the last item on that page, Madam President, Calendar 221, Senate Bill Number 946, Madam President, move to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to Calendar page 25, Calendar 225, Substitute for Senate Bill Number 1031, Madam President, that item is marked go.

Moving to Calendar page 26, the second item on that page, Calendar 230, Substitute for Senate Bill Number 235, Madam President, move to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

The last item on that page, on Calendar page 26, Calendar 235, Substitute for Senate Bill Number 188, is marked go.

On the next page, Madam President, Calendar page 27, Calendar 237, Substitute for Senate Bill Number 910 is marked go.

Moving to Calendar page 28, the fourth item on that page, Calendar 250, Substitute for Senate Bill Number

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1010, Madam President, would move to place that item
on the Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

The next item Calendar 251, Substitute for Senate Bill
Number 1012, Madam President, move to refer that item
to the Committee on Planning and Development.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

The next page, Calendar page 29, top of the page,
Calendar 253, Substitute for Senate Bill Number 763
that item is marked go; the next item, Calendar 254,
Senate Bill Number 1013, Madam President, move to
refer that item to the Committee on Higher Education
and Employment.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Next item Calendar 255, Substitute for Senate Bill
Number 852 is marked go; last item on that page, Madam
President, Calendar 258, Substitute for Senate Bill
Number 1073, Madam President, would move to place that
item on our Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

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Mr. Clerk, call for a roll call vote, but will you do the proceedings and go through and read the vote on the -- on that Consent Calendar. Read the bills on the Consent Calendar and the machine then will be opened.

THE CLERK:

On page 1, Calendar 96, Senate Resolution Number 19, RESOLUTION CONFIRMING THE NOMINATION OF JASON E. BOWSA OF BROAD BROOK TO BE A MEMBER OF THE CONNECTICUT RIVER VALLEY FLOOD CONTROL COMMISSION, favorable report of the Senate Committee on Executive and Legislative Nominations.

Also on page 1 --

THE CHAIR:

Mr. Clerk, if you'd like you can just read the Calendar Number --

THE CLERK:

Okay.

THE CHAIR:

-- and the Resolution Number. Okay.

THE CLERK:

Great.

Page 1, Calendar 97, Senate Resolution Number 20.

On page 2, Calendar 98, Senate Joint Resolution Number 46; also on page 2, Calendar 99, Senate Joint Resolution Number 47; page 2, Calendar 130, Senate Joint Resolution Number 21; page 2, Calendar 131, Senate Joint Resolution Number 48; page 2, Calendar 136, Senate Joint Resolution 49.

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On page 3, Calendar 197, Senate Joint Resolution Number 50; also on page 3, Calendar 198, Senate Joint Resolution Number 51; page 3, Calendar 245, Senate Resolution Number 22; page 3, Calendar 246, Senate

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Joint Resolution Number 23; page 3, Calendar 247,
Senate Joint Resolution Number 52.

And on page 4, Calendar 316, House Joint Resolution
Number 72; page 4, Calendar 317, House Joint
Resolution Number 73; also on page 4, Calendar 318,
House Joint Resolution Number 74; page 4, Calendar
319, House Joint Resolution Number 75.

On page 5, Calendar 320, House Joint Resolution Number
76; also on page 5, Calendar 321, House Joint
Resolution Number 77; page 5, Calendar 322, House
Joint Resolution Number 78; on page 5, 323 is the
Calendar, House Joint Resolution Number 79.

And on page 6, Calendar 324, House Joint Resolution
Number 80; also on page 6, Calendar 325, House Joint
Resolution 81; page 6, Calendar 326, House Joint
Resolution Number 82; page 6, Calendar 327, House
Joint Resolution Number 84.

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On page 7, Calendar 329, House Joint Resolution Number
85; page 7, Calendar 330, House Joint Resolution
Number 86; page 7, Calendar 331, House Joint
Resolution Number 87; and on page 7, Calendar 332,
House Joint Resolution Number 88.

On page 13, Calendar 128 --

THE CHAIR:

Mr. Clerk, would you also check page 11, Calendar
Number 1 -- 0111.

THE CLERK:

I think that was referred to the Consent Calendar.

THE CHAIR:

It is the Consent Calendar, sir.

THE CLERK:

Oh, yes, yes, yes, you're right. Sorry about that.

On page 11, Calendar 111, Senate Bill Number 825.

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And on page 13, now, Calendar 128, Senate Bill --

THE CHAIR:

Mr. Clerk, would you look at 127, also, please, 127,
Calendar 127.

THE CLERK:

Okay.

Calendar 127, Senate Bill Number 927; also on page 13,
Calendar 128, Senate Bill 1032; and on page 13,
Calendar 137, Substitute for Senate Bill Number 837.

On page 8 --

THE CHAIR:

-- 15.

THE CLERK:

-- 15, Calendar 151 --

THE CHAIR:

Senator, would you look at Calendar 147, please.

THE CLERK:

-- Calendar 147 --

THE CHAIR:

Thank you.

THE CLERK:

-- Senate Bill Number 1061; also on page 15, Calendar
1 --

THE CHAIR:

-- 49.

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THE CLERK:

-- 49, Substitute for Senate Bill Number 909; on page 15, Calendar 151, Senate Bill Number 63.

And, now, on page 16, Calendar 156, Senate Bill Number 1004; also Calendar 157, Senate Bill Number 1006.

And on page 18, Calendar 173, Substitute --

THE CHAIR:

-- Mr. Clerk, can you look at 168 first, please.

THE CLERK:

I'm sorry.

Calendar 168, Substitute for Senate Bill Number 880, and Calendar 173, Substitute for Senate Bill Number 874.

On page 19; Calendar 183, Substitute for Senate Bill Number 853.

And on page 20, Calendar 187, Senate Bill Number 953; also on page 20, Calendar 191, Senate Bill Number 704.

On page 22, Calendar 206, Substitute for Senate Bill Number 950.

On page 23, Calendar 213, Substitute for Senate Bill Number 826.

On page 24, Calendar 221, Senate Bill Number 946.

And on page 29, Calendar 25 --

THE CHAIR:

Sir, on page 28, first.

THE CLERK:

I'm sorry.

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Page 28, Calendar 250, Substitute for Senate Bill
Number 1010.

And on page 29, Calendar 258, Substitute for Senate
Bill Number 1073.

On page 37, Calendar 306, Senate Bill Number 111.

And I think that's it.

THE CHAIR:

Yes, I think so.

This time I'll ask everybody to please vote. The machine is open, and we're voting on the Consent Calendar.

Do you -- would you please announce it again, Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate,
voting today's Consent Calendar. Immediate roll call has been ordered in the Senate.

THE CHAIR:

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

Mr. Clerk, will you please call the tally.

THE CLERK:

On today's Consent Calendar.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

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The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, a couple of additional items. First of all, on a matter adopted earlier today, Calendar 344, Substitute for House Bill Number 6648, would ask for a suspension for immediate transmittal of that item to the Governor.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, for a couple of -- of items for recommittals on the last -- near the end of the Calendar, Calendar page 52, under "Favorable Reports and Resolutions," Calendar 34, Senate Resolution Number 8, I would move to recommit that item to the Appropriations Committee.

THE CHAIR:

Seeing no objection so ordered.

SENATOR LOONEY:

And also, Madam President, Calendar 212, Senate Resolution Number 14, I move to recommit that item to the Education Committee.

THE CHAIR:

Seeing no objection so ordered.

SENATOR LOONEY:

Thank you, Madam President.