

PA13-205

SB1019

Environment	1877, 1881-1882, 2080, 2081, 2083-2085, 2088- 2092, 2149-2150, 2167- 2168, 2200-2233, 2288, 2290-2293, 2437-2438	58
House	6563-6602	40
Senate	2041-2053, 2068-2070, 4893-4895, 5043-5044	21
		119

H – 1169

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 20
6540 – 6911**

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

24
May 28, 2013

THE CHAIR:

The bill, as amended, passes.

Would the Clerk please call House Calendar Number
689 -- 589. I'm sorry.

THE CLERK:

On page 27, House Calendar Number 589, favorable
report of the joint standing committee on Judiciary,
Substitute Senate Bill 1119, AN ACT CONCERNING
ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF
ENERGY AND ENVIRONMENTAL PROTECTION.

SB 1019

DEPUTY SPEAKER BERGER:

Representative Gentile, the House chair of the
Environment Committee.

REP. GENTILE (104th):

Good morning, Mr. Speaker.

THE CHAIR:

Good morning, ma'am.

REP. GENTILE (104th):

Mr. Speaker, this is a bill that's come down to
us from the Senate, where they had adopted actually
Senate Amendments "A," "B," and "C." We will be
discussing those as I bring out the bill.

This is actually part of the department's efforts
to streamline their regulations and their policies in

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

25
May 28, 2013

an effort to be more efficient. It makes a number of technical and conforming changes to the department, including allowing certain notices to be posted on the website for easy access.

Mr. Speaker, before I get into that I would move acceptance and passage of this bill.

DEPUTY SPEAKER BERGER:

The motion before the Chamber is acceptance and passage in concurrence with the Senate.

REP. GENTILE (104th):

-- And that I be allowed to summarize.

DEPUTY SPEAKER BERGER:

Please proceed on the underlying bill.

REP. GENTILE (104th):

Thank you, Mr. Speaker -- sorry about that.

DEPUTY SPEAKER BERGER:

That's quite all right.

REP. GENTILE (104th):

So, as I said, it's a number of technical and conforming changes allowing the department to post notices on the web site for easier access. It allows the DEEP commissioner to establish lines to restrict activity along certain tidal or inland waterways or flood-prone areas.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

26
May 28, 2013

It eliminates the requirement that the DEEP commissioner annually submits an inventory of known contaminated wells and leaking underground storage tanks, and it repeals a Mid-Atlantic States Air Pollution Control Compact, among other things.

With that, Mr. Speaker, I would like to call -- I believe the Clerk is in possession of Senate Amendment "A," LCO Number 6672. I ask that the Clerk call and that I be allowed to summarize?

DEPUTY SPEAKER BERGER:

Would the Clerk please call Senate Amendment Schedule "A," LCO Number 6672.

THE CLERK:

Senate Amendment "A," LCO 6672, as introduced by Senator Meyer, et al.

DEPUTY SPEAKER BERGER:

Madam Chair seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization? Is there objection to summarization?

Seeing none, please proceed.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

With that, this amendment revokes any order of

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

27
May 28, 2013

the commissioner establishing stream channel
encroachment lines on or before October 1st of 2013
and, Mr. Speaker, I urge adoption.

DEPUTY SPEAKER BERGER:

Thank you, madam.

The motion before the Chamber is adoption of
Amendment -- Senate Amendment Schedule "A."

Will you comment on Senate Amendment Schedule
"A"?

Representative Shaban of the 135th on the
amendment.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

If I may, a quick question, through you, to the
proponent of the amendment.

DEPUTY SPEAKER BERGER:

Please proceed.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Just to kind of flush out what we're doing here.
The simple explanation that the Chairwoman gave us I
think is accurate, but I want to make sure we're
focused.

We're revoking any order of the DEEP commissioner

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

28
May 28, 2013

establishing streamline encroachment lines on or before October 1, 2013? Is that -- so anything that happens after October 1, 2013, can the commissioner still establish streamline encroachment lines? The bill -- or the amendment reads kind of in a peculiar way so if we could highlight that.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker, yes.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, Mr. Speaker.

And with that, I rise in support of the amendment. I think that the streamline encroachment establishment has been sort of an issue in and out of this Chamber for quite a bit and needs some more study and concern because, obviously, once we start drawing lines on people's private property, all kinds of issues get triggered so I think that this amendment is a good one, and I urge support.

DEPUTY SPEAKER BERGER:

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

29
May 28, 2013

Thank you, Representative.

Will you comment further on Senate Amendment
Schedule "A"?

Representative Carter of the 2nd on Senate
Amendment "A."

REP. CARTER (2nd):

Good morning, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Good morning, sir.

REP. CARTER (2nd):

A question, through you, to the proponent of the
amendment.

DEPUTY SPEAKER BERGER:

Please proceed, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

Through you, in our current statute, how are the
encroachment lines considered -- or how are they
developed?

Through you, Mr. Speaker

DEPUTY SPEAKER BERGER:

Representative Gentile -- Representative?

REP. GENTILE (104th):

Through you, Mr. Speaker, that would be through

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

30
May 28, 2013

the commissioner's authority.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Through you, Mr. Speaker, so it's my understanding then all this does is just streamlines the process and it doesn't give the current commissioner any more power?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would be absolutely correct.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further Senate Amendment Schedule "A"? Will you comment further on Senate Amendment Schedule "A?"

If not, I will try your minds.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

31
May 28, 2013

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed?

The ayes have it. The amendment is adopted.

Representative Gentile, will you comment further?

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Now we move on to Senate "B." The Clerk is in
possession of LCO Number 6684. I ask the Clerk please
call it and that I be allowed to summarize?

DEPUTY SPEAKER BERGER:

Will the Clerk please call Senate amendment --
signified as Senate Amendment Schedule "B," LCO Number
6684.

THE CLERK:

Senate Amendment "B," LCO 6684, as introduced by
Representative Meyer, et al.

DEPUTY SPEAKER BERGER:

The Chairwoman seeks leave of the Chamber to
summarize the amendment.

Is there objection to summarization? Is there

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

32
May 28, 2013

objection to summarization?

Seeing none, please proceed, Representative.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Once again, as I mentioned, this is in an effort to streamline and create efficiencies of the department, and Senate "B" actually removes the provision that eliminated the requirement for the commissioner to prepare, annually amend, and make publically available a list of certain inland wetlands general permit holders, and I urge adoption.

DEPUTY SPEAKER BERGER:

The motion before the chamber is on adoption of Senate Amendment Schedule "A." Will you comment further on Amendment "B," Amendment "B"?

Representative Shaban of the 135th on Senate Amendment "B."

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Again, through you, a couple of quick questions to the proponent on Senate "B."

DEPUTY SPEAKER BERGER:

Please proceed, sir.

REP. SHABAN (135th):

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

33
May 28, 2013

Thank you, Mr. Speaker.

For the information of the Chamber, through you, Mr. Speaker, what is the difference between a general permit and a special permit in connection with what DEEP does to protect our state?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, the general permit is absolutely just that, more general. It covers a lot of different things.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

So with the elimination of Section 9, has the routine or the ability of DEEP to issue general permits, is it being altered in any way?

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no, it is not.

DEPUTY SPEAKER BERGER:

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

34
May 28, 2013

Representative Shaban.

REP. SHABAN (135th):

Through you, Mr. Speaker, similar question with respect to special permits. With the elimination of Section 9 here is the ability or the contours of special permit issuance is that being changed in any way?

Through you.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, once again, no, it is not.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I rise in support also of Senate "B." I think in a streamlining bill, it probably makes some sense to continue to streamline so I urge support.

Thank you.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on Senate Amendment

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

35
May 28, 2013

Schedule "B"?

Representative O'Neill of the 69th.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker.

The amendment -- perhaps, I should frame this as a question. Does the amendment eliminate Section 9?

Through you, Madam -- Mr. Speaker. Sorry.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, yes, it does.

DEPUTY SPEAKER BERGER:

Representative O'Neill.

REP. O'NEILL (69th):

Because in reading section 9, it appears that section 9 eliminates certain requirements that this legislature has imposed upon the commissioner of the DEEP to do certain things which I took to be the thrust of streamlining. So, for example, is the commissioner still going to be required to prepare a list of the general permits which the existing law requires would not have been required if section 9 remained in the bill but by eliminating section 9 then it seems as if the commissioner will continue to be

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

36
May 28, 2013

required to prepare a list of the general permits and make it available to the public; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER BERGER:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you.

Will you comment further on Senate Amendment Schedule "B"? Will you comment further on Senate Amendment Schedule "B"?

If not, I will try your minds. All those in favor of Senate Amendment Schedule "B," signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed?

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

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

37
May 28, 2013

Will you comment further on the bill as amended?

Will you comment on the bill further as amended?

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Moving on to Senate Amendment "C," Mr. Speaker, the Clerk is in possession of LCO Number 6838, I ask that the Clerk call it and I be allowed to summarize that.

DEPUTY SPEAKER BERGER:

Thank you --

REP. GENTILE (104th):

And just as a point of reference just to put the Chamber on notice, I will be urging rejection of this amendment.

DEPUTY SPEAKER BERGER:

Will the Clerk please call Senate Amendment Schedule "C," LCO Number 6838.

THE CLERK:

Senate Amendment Schedule "C," LCO 6828, as introduced by Senator LeBeau.

DEPUTY SPEAKER BERGER:

The good chairwoman seeks leave of the chamber to summarize the amendment, Schedule "C," Senate

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

38
May 28, 2013

Amendment Schedule "C."

Is there objection to summarization? Is there objection?

Seeing none, please proceed, madam.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, this amendment -- if we enacted this amendment, we actually would be in violation of federal laws and regulations and, as a result, would lose money that the department receives from the federal government; and that is why, Mr. Speaker, I would urge rejection.

DEPUTY SPEAKER BERGER:

The motion before the chamber is rejection, rejection of Senate Amendment Scheduled "C."

REP. GENTILE (104th):

Mr. Speaker, and with that I request that we do this by roll call vote.

DEPUTY SPEAKER BERGER:

Yes. The motion before the chamber is a roll call vote. The motion before the chamber is a roll call vote.

All those in favor of a roll call vote, signify by saying aye.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

39
May 28, 2013

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed?

The ayes have it.

The requisite 20 percent has been met. When the vote is taken, it will be taken by roll.

Will you comment further on the rejection of Senate Amendment Schedule "C"? Will you comment further?

Representative Cafero of the 142nd, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, a few questions, through you, to the proponent of the amendment.

DEPUTY SPEAKER BERGER:

Representative Gentile, prepare yourself.

Representative Cafero, please proceed.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, I noticed from the amendment before us, what this amendment is calling for -- and I realize that the chair of the Environment Committee is

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

40
May 28, 2013

asking for its rejection -- but what the underlying
bill --

DEPUTY SPEAKER BERGER:

Representative, could you hold just one second,
sir?

REP. CAFERO (142nd):

Sure.

DEPUTY SPEAKER BERGER:

Could we have quiet in the chamber please. There
is debate on rejection of Senate Amendment Schedule
"C," so the representatives can hear each other.

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, the amendment that we are being
called upon to reject indicates that notwithstanding
anything in our statutes, effective January 1, 2014,
that the DECD, the Department of Energy and
Environmental Protection and Public Health shall
jointly establish procedures that would abate any fine
or penalty assessed after that date against any
business by any said department for a first time
violation of a noncriminal regulation when such
business takes full remedial measures not later than

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

41
May 28, 2013

30 days after the assessment.

It sounds like a very reasonable thing to do. Basically, what it's saying is if any of these departments comes across a business that's in violation; they would have established a procedure to abate any fines if, in fact, that business corrects it if it's noncriminal and they've corrected their mistake within 30 days.

Now, we've been told by the chair of the Environmental Committee -- Environment Committee that if we pass this amendment we'll be in violation of federal law and maybe jeopardize some of our programs. And that's the problem that I have with rejecting this. Because all of this amendment says is that these three departments shall jointly establish procedures to abate these fines or penalties. It doesn't say they have to. It doesn't say which fines or penalties, and I've been told that the fines and penalties that we're talking about are fines and penalties that are recommended or imposed by the federal government that these state agencies are in charge of enforcing. So that part I get.

If there's a federal fine or violation, we're being told that if these departments waive that fine

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

42
May 28, 2013

we might be in violation of federal law. But that doesn't say that our own state fines that might be imposed by the DECD or the Department of Energy and Environment or Public Health can't be abated or forgiven.

So, through you, Mr. Speaker to Representative Gentile, does she know why we would be in jeopardy of losing federal funds if, in fact, any of these departments chose to develop procedures that would waive only those fines imposed by state agencies not the ones assessed by federal agencies?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it is my understanding that this does not impact state fines at all. The departments would still have the ability to do that. The problem lies in the fact that some of the federal programs that come down are not specified or, you know, they come in and they go into the system so this would overstep our boundaries and it would put us in jeopardy of federal funding. There's no distinction.

DEPUTY SPEAKER BERGER:

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

43
May 28, 2013

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, I guess I would ask is the gentlelady saying that, under current law, with our without this amendment, the Department of Economic and Community Development, the Department of Energy and Environmental Protection and the Department of Public Health can, on their own, waive any fine if, in fact, they find that a state business has corrected their problem within 30 days?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct. They have the discretion to be able to do that at this time.

DEPUTY SPEAKER BERGER:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, if that was the case why was it necessary, initially, for this amendment to be put into -- or tagged onto this bill wherein it says notwithstanding anything to the contrary or any

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

44
May 28, 2013

provisions to the General Statute. Why would this be necessary if, in fact, it was already a power that these agencies had?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

And through you, Mr. Speaker, the proponent of this amendment I believe was Senator LeBeau, and I did not have the opportunity to speak with Senator LeBeau about the reasoning behind that so I'm unable to answer.

DEPUTY SPEAKER BERGER:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, to the good gentlelady, wouldn't it be possible for legislative intent to simply describe this amendment as only allowing these departments to set up procedures to abate any fine or penalties assessed after January 1st, only those penalties that are assessed by the state agency and not the federal government?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

45
May 28, 2013

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, as I understand it, it would not be the case.

DEPUTY SPEAKER BERGER:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, with all due respect that makes no sense to me. This amendment before us says that these agencies will develop procedures wherein they could abate violations. So these agencies can develop these procedures that say when it is a federal penalty, we will not abate them; when it's a state penalty, we will. And this amendment does not contradict that as a matter of fact if what the gentlelady is represented to this chamber is the case and she could state that for legislative intent, we're all set.

So again, through you, Mr. Speaker, why would that expression of legislative intent, as we adopt this amendment, not be sufficient because all we're asking these departments to do is adopt procedures wherein they could say federal fines don't get waived, state fines do.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

46
May 28, 2013

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I'm sorry, but I don't have an answer to that question.

DEPUTY SPEAKER BERGER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentleman of the chamber, we constantly hear about Connecticut's reputation in the business community. We constantly hear about our woeful standing amongst all other states with regard to how business friendly we are. And here we have an amendment that basically says state agencies could waive fines when someone's made an honest mistake and they correct it within 30 days. That's a good thing. This amendment is a good thing. It's a good thing to broadcast throughout the business community that we are trying to make Connecticut more business friendly.

And as soon as we try to do it, we're asked to reject it. What message does that send?

Ladies and gentlemen of the chamber, I believe it

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

47
May 28, 2013

has been clear by the dialogue between myself and Representative Gentile that the legislative intent is simply to allow these departments to abate any state fines and choose not to abate any federal fines which may jeopardize federal programs. But at least we'll have on record that they can develop procedures, which would abate state fines when the business corrects their mistake within 30 days. I think that's important to be on the books. I think it's an important message to send. And I would be opposed to rejecting this amendment and ask for this Chamber's adoption.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative Cafero.

Will you comment further on Senate Amendment Schedule "C"?

Representative Shaban of the 135th, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I, too, rise in opposition to the motion to reject this for much the -- obviously, the reasons that the good minority leader just espoused. But through you, if I may, just explore a little bit

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

48
May 28, 2013

further this concept with the proponent of the motion.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Representative Gentile, please prepare yourself
for a question.

Representative Shaban, please proceed, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And through you, if by chance this amendment gets
rejected or we move to not adopt it and it has to go
back to the House and it ends up in that way, through
you, Mr. Speaker, is there a prohibition of some sort
where DEEP can't do this anyway, at least with respect
to state regulations? This, to me, seems to flesh out
a good idea, something we should do for, obviously,
business friendly purposes and just good public policy
but if for some reason we can't seem to wrap our arms
around that, I'm trying to figure out through this
discussion if we could still ask DEEP to do it anyway?

Through you.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (140th):

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

49
May 28, 2013

Through you, Mr. Speaker, DEEP already does it and this would not preclude them from doing so.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Is the chairwoman aware, specifically -- and I'm not sure if you were asked this before if you were I apologize -- but specifically of which provisions of federal law, just by virtue of acts not by citation, that this amendment would possibly run afoul of?

Through you.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (140th):

Through you, Mr. Speaker, I can think of maybe the Clean Water Act or the Clean Air Act, something like that.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

You know, that's kind of a -- it's funny the way that we do these things with EPA basically comes in

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

50
May 28, 2013

and typically blesses, more or less, our state programs and generally sets a floor saying at a minimum we would like you to not enforce -- or propagate our general, federal standards with respect to what the EPA has promulgated and then the states can either bolster that, round it out, flesh it out and sometimes even pass regulations and law that arguably are more strict, but, with that, that does grant the state some authority and some flexibility and some proper authority to set their own rules, to regulate their own communities, to figure out what's the best way to effect this type of public policy within our borders. And frankly, this amendment, I think, is dead-on accurate of one of the ways we should do that, i.e., you make one mistake, you've had one -- it's basically a one-strike rule. It's basically a one-strike rule. It's not even saying a free -- it's not even saying you get a freebie. It's not even saying you get a free pass. It's saying that if this is your first offense -- if this is your first offense, we have a mechanism in place to get that away. It's no different than any other administrative or executive power that the government, typically, offers its citizens, whether it's a speeding ticket,

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

51
May 28, 2013

whether it's some kind of consumer protection fine,
whether it's anything else.

So I think Senate "C" was a good idea. I think Senate
"C" is a good idea and in order -- this is a
streamlining effort. If we're going to help
streamline DEEP, the purpose of doing so -- the
purpose of doing so is to help the regulated
community. Senate "C" helps the regulated community.

With that, I urge rejection of the motion to
reject Senate "C." I know that was sort of a double
negative but such is the procedural posture we're in.
So thank you, Madam Speaker, and I thank the
chairwoman.

DEPUTY SPEAKER BERGER:

Thank you, Representative Shaban.

Will you comment further on Senate Amendment
Schedule "C"? Will you comment further?

Representative Carter of the 2nd, sir.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

I rise in strong opposition to the motion.
Ladies and gentleman, this chamber we talk about our
state's businesses everyday and what we do to help or
hurt them. You know, obviously, this in small measure

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

52
May 28, 2013

can be something that would help the businesses in our state. How many times does somebody go out there and have some nuisance fine that is put on them for just a small mistake? In this amendment to the bill, we have the ability to look at those instances and say, You know what? It was just a mistake, you've already taken remediation and fixed it within 30 days.

You know, we talk about having some common sense in this place. I think, obviously, this is one of those things that makes a lot of sense. Our businesses right now in this state struggle everyday to keep afloat and I imagine that their over regulated because the last few years that I've been here, I've seen us pass a lot of regulation and sometimes it's really hard to keep up.

I think having some reasonable means for somebody to have a little say into whether that fine goes through or not makes a lot of sense and can go a long way to help our businesses in this state.

Ladies and gentleman of the Chamber, I urge you to vote against rejecting this amendment. It passed the Senate. It's a good amendment and it should stand.

Thank you, Mr. Speaker.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

53
May 28, 2013

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on Senate Amendment
Schedule "C"? Will you comment further?

Representative O'Neill of the 69th, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker.

If I may, a question, which I believe, is more of
a parliamentary inquiry. The motion that's before us
it to reject Senate "C." If one wanted to support
that motion to reject Senate "C," would one vote "yes"
for rejection of Senate "C," or are we voting in
effect "no" on an adoption of Senate "C."

I'm not quite sure what happens, which way we
would vote in order to determine the outcome so,
perhaps, Mr. Speaker, you could clarify for me. If I
wanted to oppose the rejection of Senate "C," if I
wanted Senate "C" to remain part of the bill what is
the appropriate vote for me to cast?

DEPUTY SPEAKER BERGER:

And thank you, Representative. I was going to
explain that when we were done with our dialogue and
debate but a green vote, a green vote, is a vote for
rejection of Senate Amendment "C," so if you wanted to

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

54
May 28, 2013

not reject, you would vote red.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on Senate Amendment
Schedule "C"? Will you comment further on Senate
Amendment Schedule "C"?

Again, for the Chamber's indulgence, a green vote
is rejection of Senate Amendment "C."

If there's no further debate, the machine will be
-- will members please take their seats, the machine
will be --

REP. CAFERO (142nd):

Mr. Speaker?

DEPUTY SPEAKER BERGER:

Yes. Representative Cafero, for what purpose do
you rise, sir?

REP. CAFERO (142nd):

For a point of order, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Yes, sir.

REP. CAFERO (142nd):

-- in parliamentary procedure.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

55
May 28, 2013

DEPUTY SPEAKER BERGER:

Yes, sir.

REP. CAFERO (142nd):

There's a lot of confusion, I know on this side of the aisle. I believe there's an amendment before us. There's been a motion to reject the amendment so if we are about to vote on that motion, could you once again clarify the meaning of voting green and voting red?

DEPUTY SPEAKER BERGER:

Yes, sir, I will.

There will be a roll call vote on the rejection of Senate Amendment "C." A green vote is a vote for rejection of Senate Amendment "C." A red vote would be for Senate Amendment "C" to remain on the bill.

Staff and guests please come to the well of the House. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please come to the chamber immediately?

DEPUTY SPEAKER BERGER:

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

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

56
May 28, 2013

If all of the members have voted, could you please check the board to see if your vote has been properly cast.

If all of the members have voted, the machine will be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

THE CLERK:

Motion to reject Senate "C"

Total Number Voting	141
Necessary for Adoption	71
Those voting Yea	93
Those voting Nay	48
Those absent and not voting	9

DEPUTY SPEAKER BERGER:

Senate Amendment "C" is rejected.

Will you comment further on the bill as amended?

Will you comment further on the bill as amended?

Representative Gentile of the 104th, madam.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, and with that, as I had summarized the bill previous to this, I just would urge passage of the bill.

DEPUTY SPEAKER BERGER:

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

57
May 28, 2013

Thank you, Madam Chair.

Will you comment further on the bill as amended?

Will you comment further on the bill as amended?

Representative Shaban of the 135.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Now that we're on the bill, as amended, if I may
a few questions through you to the proponent.

DEPUTY SPEAKER BERGER:

Yes, Representative Gentile, please prepare
yourself.

Please proceed, Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Looking through the bill and, of course, the OLR
bill analysis, I note that the bill, the previous
version and the one as amended rather, tweaks the
Attorney General's authority seemingly with respect to
our radioactive regulations. For the sake of the
chamber, could the Chairwoman just at least summarize
what those changes are, especially, vis-a-vis, what we
just passed through these amendments?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

58
May 28, 2013

Representative Gentile.

REP. GENTILE (140th):

Through you, Mr. Speaker, it is my understanding that what it does it would make the Attorney General's authority in conformance with all of the other department's authority and the commissioner's authority.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And if the Chairwoman knows, through you, either under existing laws or under the law that could become law if this is adopted, is there a private right of action to enforce these radioactive standards?

Through you.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (140th):

Through you, Mr. Speaker, absolutely.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

I'm sorry. I couldn't hear the good

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

59
May 28, 2013

representative. I'm sorry.

DEPUTY SPEAKER BERGER:

Please repeat the answer, Representative Gentile.

REP. GENTILE (140th):

Through you, Mr. Speaker, yes, there is,
absolutely.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Well, through you and I ask this almost
rhetorically if the Chairwoman has an idea. I don't
remember if we went over this in the public hearing.
Do we know, roughly, how many enforcement actions,
whether they be private or through the Attorney
General have actually happened in the State of
Connecticut in the last handful of years.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (140th):

Through you, Mr. Speaker, I'm sorry. I didn't
get all of that. Could the good gentleman please
repeat that.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

60
May 28, 2013

DEPUTY SPEAKER BERGER:

Representative Shaban, could you please repeat your question for the Chairwoman, please.

REP. SHABAN (135th):

Happy to do so. Through you, Mr. Speaker, do we have a rough idea of how many enforcement actions, whether it was by private action or by the Attorney General, have been pursued in the State of Connecticut in the last five or so years?

Through you.

DEPUTY SPEAKER BERGER:

Representative Gentile.

REP. GENTILE (140th):

Through you, Mr. Speaker, I thank the gentleman for repeating that but, no, I do not have a specific number in front of me.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Herein lies, I guess, some of the -- and I thank the chairwoman for her responses -- yet, again, another reason why, perhaps, it would be nice to have added -- or kept Senate "C." We're changing the way,

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

61
May 28, 2013

potentially, the Attorney General could go after businesses where seemingly -- or expanding or reinforcing or magnifying the way private entities could go after private businesses, but at the same time, we're not giving those private businesses at least the procedural ability to get out from underneath those attacks.

So I thank the chairwoman for her responses on this. I mean, overall, the bill isn't bad. It isn't bad. I mean posting things by Internet makes some sense, conforming some of the language that is outdated or not needed makes some sense. There was some noise regulations that used to be managed by, first, it was local, then it was up at DEEP so the localities didn't know what to do with it. That has since been taken out. That makes some sense. And then there were also some other concerns with general and special permits, most of which seemed to have been addressed, although there's still some more work to do here. So overall this streamlining effort is not so bad. It's not so bad. I think it's a positive step.

Sadly, though, I think we could have made it a whole lot better, a whole lot more business friendly and could've been a whole lot more positive for our

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

62
May 28, 2013

state and our regulated community, but with that, I intend to support this bill, as amended, and hopefully, we can pursue some of the concepts that we, for whatever reason, have let slide off the table.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill as amended?

Will you comment further on the bill as amended?

If not, will staff and guests please come to the well of the House? Will members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately?

DEPUTY SPEAKER BERGER:

Have all of the members voted? Have all of the members voted? If all of the members have voted, please check the board to see if your vote is properly cast.

If all of the members have voted, the machine will be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

63
May 28, 2013

THE CLERK:

Substitute Senate Bill 1019, not in concurrence
with the Senate, as amended by Senate "A" and "B"

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER BERGER:

The Senate Bill 1019, as amended, passes.

Would the Clerk please announce House Calendar
Number 346.

THE CLERK:

On page 12, House Calendar 346, favorable report
of the joint standing committee on Human Services,
Substitute House Bill 6610, AN ACT CONCERNING FEDERAL
MEDICARE WAIVER.

DEPUTY SPEAKER BERGER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Mr. Speaker, good morning.

DEPUTY SPEAKER BERGER:

Good morning, ma'am.

REP. ABERCROMBIE (83rd):

S - 658

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 7
1827 - 2152**

the ordinance establishing New London's stormwater authority to grant it the power.

THE CHAIR:

Excuse me a moment, Senator.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, pardon the interruption but we find that this -- this bill may be the subject to an amendment so for that purpose would move that it be passed temporarily.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes thank you, Madam President.

If we might return to the item that had been passed temporarily earlier, Calendar Page 50, Calendar 304, Senate Bill 1019.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thanks, Madam President, and good evening again.

I move acceptance of the Committee's Joint and Favorable Report and move passage of this bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

I will briefly. Members of the Circle this bill does several things. It's a priority of the Department of Energy and Environmental Protection. The first is it tightens law enforcement with respect to violations of our radia -- radiation and radioactive materials laws.

It -- it tightens them by requiring notice and hearing. It allows cease and desist orders. It allows an appeal as well. Those are obviously are very important orders because radioactive materials are a danger.

The bill also does some -- a few other different things. It allows DEEP to post its public notices on its website instead of the newspapers and I'm told through the public hearing that that will save some \$215,000 a year. It also, in effect, deregulates the old stream channeledge -- channel encroachment lines that we had and makes this now permissive.

DEEP has recognized that there has been a great deal of change since the 1950s when these encroachment lines were established. FEMA has come in. A combination of state and federal developments have occurred which have -- suggest making this -- taking away the mandates.

The bill also eliminates the requirement that -- that DEEP would have to create an inventory of contaminated wells and leaking underground storage tanks and it does that because actually those kind of matters, leaking wells and underground storage tanks, are on DEEP's website.

And finally it removes the requirement that the Commissioner prepare and make publically available a list of inland wetland general permit holders every year because that -- no one ever has inspected that list and it does not seem to be applicable any longer.

So that in essence is the bill and we do have several amendments and, Madam Chairman, could the -- the Clerk kindly call LCO 6672.

cah/meb/gdm/gbr
SENATE

367
May 14, 2013

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 6672, Senate "A", offered by Senators Meyer, Chapin, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I -- I move the Amendment and ask the opportunity to summarize.

THE CHAIR:

The motion in on -- on the Amendment.

SENATOR MEYER:

Thank you.

THE CHAIR:

Please proceed, sir.

SENATOR MEYER:

This -- this Amendment is a one sentence Amendment that merely says that an order of the Commissioner that established encroachment lines on or before October 1 of this year shall be deemed to be revoked and again that is the basis of the underlying bill which is we're doing away with these mandatory encroachment lines. That's that Amendment and I would appreciate approval.

THE CHAIR:

Will you remark? Will you remark on the amend -- on Senate Amendment "A"?

cah/meb/gdm/gbr
SENATE

368
May 14, 2013

If not, I'll try your minds. All in favor please say aye.

VOICES:

Aye.

THE CHAIR:

Opposed? Amendment "A" passes.

Senator Meyer.

SENATOR MEYER:

Yes second -- secondly, Madam, there's a -- another Amendment which is LCO 6684. Can that please be called?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 6684, Senate "B", offered by Senators Meyers and Chapin.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I move the Amendment and ask for opportunity to summarize.

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR MEYER:

Yeah this is a -- a simple Amendment that -- that deals with the permitting process and -- and what -- what the Department tried to do was require permitting in -- in many instances which seemed to be overdone

cah/meb/gdm/gbr
SENATE

369
May 14, 2013

and this -- this restores to the -- to the law that it was before with respect to permitting as a more responsible approach toward permitting.

Again I move it.

THE CHAIR:

Will you remark? Will you remark?

Seeing none, I'll try your minds. All of you -- all in favor of the Amendment, Senate Amendment "B", please say aye.

VOICES:

Aye.

THE CHAIR:

Opposed? The Amendment passes.

Senator Meyer.

SENATOR MEYER:

And -- and fin -- and finally, Madam President, will the Clerk please call LCO 6838.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 6838, Senate "C", offered by Senator LeBeau.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Madam President, Senator LeBeau has offered a very creative Amendment here to this bill and I'd like to yield to him with your permission.

cah/meb/gdm/gbr
SENATE

370
May 14, 2013

THE CHAIR:

Senator LeBeau, will you accept the yield, sir?

SENATOR LEBEAU:

Yes I would, Madam President, thank you.

THE CHAIR:

Please proceed, sir.

SENATOR LEBEAU:

First of all let me thank the good Senator and -- and my great colleague Senator Meyer. This is a -- underlying bill is a terrific bill doing all the right things to help make us even better going forward in terms of the Department of Environmental Protection and administrative streamlining.

I move adoption of the Amendment, Madam President.

THE CHAIR:

I believe that was done, sir, if you'll proceed with your explanation.

Thank you.

SENATOR LEBEAU:

Thank -- thank you.

The -- the Amendment that I'm offering here allows DEEP, Public Health and the DECD to jointly establish procedures to abate any fine or penalty assessed after January 1, 2014 against any business by one of those departments if the first time violation is a noncriminal regulation and when the business takes full remedial measures not later than 30 days after such assessment.

Madam President, that is the Amendment.

THE CHAIR:

Will you remark further? Will you remark further?

Senator Meyer.

SENATOR MEYER:

Thank you, Senator LeBeau, and if there are no further questions or comments --

THE CHAIR:

I have to ask -- ask for a vote, sir.

SENATOR MEYER:

Oh I'm sorry, yeah please.

THE CHAIR:

There's a vote -- will you remark on Senate "C",
Senate "C"? Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President, and I apologize for my delay. This is not -- this is my first time seeing the Amendment so I guess -- and I've only gotten to read it once. It seems pretty self-explanatory but if I could, through you, to Senator LeBeau, are -- are we saying under this Amendment that the agencies named therein would set up procedures whereby they would, in effect, agree not to assess any fines to any business for a first time violation assuming there's no criminal violations? Is that correct?

Through you.

THE CHAIR:

Senator LeBeau.

SENATOR LEBEAU:

That is in -- generally correct. I would say that they would have the ability -- if they're setting their procedures, they might have some discretion in

cah/meb/gdm/gbr
SENATE

372
May 14, 2013

doing that but the idea is to give them -- to -- if -- if a business transgresses, they're assessed a fine. That they have 30 days essentially, if they -- if they can change their behavior, fix the problem, that that fine could be withdrawn by the agencies.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

And through you, Madam President, Senator LeBeau, do you -- do you have an example of the type of -- well I guess let me -- let me correct that for a second.

Madam President, through you to the good Senator, in -- and I don't know and I probably should, focusing for example in the what I continue to refer to as the Department of Environmental Protection, now the Department of Energy and Environmental Protection, whether or not they had a similar ability, and I certainly would allow you to yield to Chairman of the Environment Committee if you don't know, through you, Madam President, whether they have the ability to similarly abate fines to homeowners, for example, for a first time violation?

Through you, Madam President.

THE CHAIR:

Senator LeBeau.

SENATOR LEBEAU:

I -- through you, Madam President, I do not know the answer to that. I assume that the answer is no but I will pass that along to the --

THE CHAIR:

Will you yield to --

SENATOR LEBEAU:

cah/meb/gdm/gbr
SENATE

373
May 14, 2013

I would yield to the -- the Chairman.

THE CHAIR:

Senator Meyer, will you accept the yield?

SENATOR MEYER:

I accept the yield and I -- I'm not aware of any power of DEEP to abate a violation to -- of a homeowner.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

And through you Madam President, to Senator LeBeau, do you envision any type of, and if so, what type of legislative oversight or reg -- Regs Review Committee oversight perhaps on what these three agencies will put together in terms of procedures?

Through you, Madam President.

THE CHAIR:

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Madam President.

Through you, I would -- I would imagine that the appropriate committees of the Legislature would over -
- would oversee this and if they come up with regulations, that those would be also probably go in front on the Regs Review Committee.

THE CHAIR:

Senate -- Senator McKinney.

SENATOR MCKINNEY:

cah/meb/gdm/gbr
SENATE

374
May 14, 2013

Thank you, Madam President.

And again just -- if I could just perhaps for purposes of legislative intent because -- well I guess it's pretty self-explanatory but I want to make sure. We're talking about a first time violation by a business that remediates whatever violation they may have within a 30 day period and is it fair to assume that a business may have multiple violations perhaps from different agencies that they would have to clear all violations within 30 days or to be specifically a violation related to the regulatory review of these three agencies?

Through you, Madam President.

THE CHAIR:

Senator LeBeau.

SENATOR LEBEAU:

Through -- through you, Madam President, I would assume the intent here is for those specific agencies and those specific events or transgressions or violations is the -- probably the correct word that need to be fixed and that if they are remediated then they're -- then the fine would be -- it would go away.

If I may, Madam President.

THE CHAIR:

Senator McKinney.

SENATOR LEBEAU:

I -- I think we're trying to do something here that we know at least a couple of states, Minnesota I believe, Ohio, have these kind of regulations that exist that these -- these would essentially say look at -- sometimes people make mistakes, sometimes businesses make mistakes and that to have a more business-friendly environment that this would go a long way towards doing that.

cah/meb/gdm/gbr
SENATE

375
May 14, 2013

Through you, Madam President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

And -- and I guess my last question -- and I don't -- I don't rise in objection, I -- I rise in -- with a -- a lack of complete understanding. I guess my -- my question would be did -- did this concept or something similar have a public hearing in Commerce or the Environment Committee that you may know of?

Through you, Madam President.

THE CHAIR:

Senator LeBeau.

SENATOR LEBEAU:

Through -- through you, Madam President, had a hearing in -- in the Commerce Committee. It was sent over to the Environment Committee and I think through a mistake it was lost in the Environment Committee.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

Thank you, Senator LeBeau. Actually I'm more comforted by that because I -- I do like the idea. Having sat for many years on the Environment Committee, I've seen both sides though. I know that there are some fines and penalties which we need are important to deter bad behavior for the protection of our environment yet at the same time I have heard from a number of businesses that feel that perhaps some of

cah/meb/gdm/gbr
SENATE

376
May 14, 2013

our regulatory agencies, at times, can be somewhat overbearing and I -- I actually like this idea.

I think I've heard similar complaints from homeowners as well and so maybe in the future this is something we could look at as a policy for -- for homeowners if you live along the water and represent the shoreline like I do. Many of your constituents may have run into people at the DEEP from time to time and some for good reasons and some for -- for not.

So thank you for answering my questions, Senator LeBeau, and I stand in support of the Amendment.

THE CHAIR:

Thank you.

Will you remark? Will you remark on the -- on the Sen -- on the Amendment, sir? Senator Meyer.

SENATOR MEYER:

Madam -- Madam President, if there's no further --

THE CHAIR:

No Senator -- Senator, we have to vote on the Amendment, sir, sorry.

Will you remark on the Amendment? Will you remark on the Amendment?

If not, I will try your minds. All in favor of Amendment "C" please say aye.

VOICES:

Aye.

THE CHAIR:

Opposed? Amendment "C" passes.

Now, Senator Meyer.

SENATOR MEYER:

cah/meb/gdm/gbr
SENATE

377
May 14, 2013

It takes a long time for an old guy to learn.

THE CHAIR:

No you're doing fine, sir.

SENATOR MEYER:

Sorry. If there's -- if there's no objection, no other comment, Madam President, may this please go on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, returning to an item that was passed temporarily earlier, and this will be our last item before moving to a vote on the Consent Calendar, and that was the item on Calendar Page 5, Calendar 184, Senate Bill 1026. I believe the bill had been moved and an Amendment had been offered and a Point of Order was pending at the time the bill as passed temporarily.

THE CHAIR:

Mr. Clerk, will you please call the Amendment again -- I mean the bill again, excuse me.

THE CLERK:

On Calendar Page 5, Number 184, Substitute for Senate Bill Number 1026, AN ACT CONCERNING AN ADEQUATE PROVIDER NETWORK TO ENSURE POSITIVE HEALTH OUTCOMES FOR LOW-INCOME RESIDENTS, Favorable Report from the Committee on Human Services.

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk might now call the items on the Consent Calendar before proceeding to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 1, Calendar 545, Senate Resolution Number 27; also on Page 1, Calendar 546, Senate Resolution Number 28. On Page 2, Number 547, Senate Resolution Number 29. On Page 2, Number 549, Senate Resolution Number 31. On Page 5, Number 184, Senate Bill 1026. On Page 7, Calendar Number 253, Senate Bill Number 763. On Page 16, Calendar Number 412, Senate Bill Number 962. On Page 17, Calendar Number 436, Senate Bill Number 673. On Page 18, Calendar Number 438, Senate Bill Number 761. Also on Page 18, Calendar Number 443, Senate Bill Number 1056. On Page 19, Calendar Number 449, Senate Bill Number 828. On Page 20, Calendar Number 461, House Bill Number 6540.

On Page 21, Number 469, House Bill Number 6574. On Page 23, Number 480, Senate Bill Number 238. On Page 25, Calendar Number 501, House Bill Number 5799. Also on Page 25, Number 507, House Bill Number 5117. On Page 26, Calendar Number 508, House Bill Number 6571. On Page 26, Calendar Number 509, House Bill Number 6348. Also on Page 26, Calendar Number 510, House Bill Number 6007 and on Page 26, Calendar Number 512, House Bill Number 6392.

On Page 40, Calendar Number 48, Senate Bill Number 519. On Page 40, Calendar Number 60, Senate Bill Number 859. Also on Page 40, Calendar Number 104, Senate Bill Number 833.

cah/meb/gdm/gbr
SENATE

393
May 14, 2013

On Page 41, Calendar Number 107, Senate Bill Number 917. On Page 42, Calendar Number 123, Senate Bill Number 434. On Page 43, Calendar Number 129, Senate Bill Number 898. Also on Page 43, Calendar Number 139, Senate Bill Number 158. On Page 43, Calendar Number 167, Senate Bill Number 879.

On Page 45, Calendar Number 195, Senate Bill Number 816. Also on Page 45, Calendar Number 204, Senate Bill 652. On Page 47, Calendar Number 241, Senate Bill 1040. On Page 48, Calendar Number 269, Senate Bill 1003. Also on Page 48, Calendar Number 270, Senate Bill Number 1007.

On Page 50, Calendar Number 304, Senate Bill 1019. Also on Page 50, Calendar Number 310, Senate Bill 903. And finally on Page 53, Calendar Number 399, Senate Bill 1069.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote. The machine will be open on the Consent Calendar.

THE CLERK:

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

THE CHAIR:

If all members have voted, if all members have voted the machine will be locked. Mr. Clerk, will you please call the tally.

THE CLERK:

On Consent Calendar Number 1.

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

THE CHAIR:

Consent Calendar is passed.

Are there any points of personal privilege?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

Yeah for a point of information for the Chamber.

THE CHAIR:

Please proceed, sir.

SENATOR DOYLE:

Yes, thank you, Madam President.

Tomorrow the General Law Committee will be meeting at 11:15 outside the Hall of the House. The bulletin said 15 minutes before the early session so now we're making it definitive. Tomorrow at 11:15 outside the Hall of the House the General Law Committee will be considering one bill that was referred to us.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Duff next.

SENATOR DUFF:

Thank you, Madam President.

For the point of announcement please.

THE CHAIR:

Please proceed, sir.

S - 667

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 16
4803 - 5160**

rgd/gbr
SENATE

91
June 4, 2013

SENATOR MEYER:

Madam President, would you consider adding this to our consent calendar?

THE CHAIR:

Seeing no objection, so be it.

Mr. Clerk?

THE CLERK:

On page 26, Calendar 304, Substitute for Senate Bill Number 1019, AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENT PROTECTION. It's been amended by Senate Schedules "A," "B" and "C," and the House has rejected Senate "C," favorable report of the Committee on Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, Madam President.

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

THE CHAIR:

The motion is on acceptance and passage in concurrence with the amendment made by the House.

Please proceed.

SENATOR MEYER:

Colleagues, on May 14, just several weeks ago by consent we in the circle passed this bill. The underlying bill, you may recall, relates to DEEP's administration of -- and oversight of radiation and

rgd/gbr
SENATE

92
June 4, 2013

radioactive material as well as other administrative activities affecting, for example, our tidal wetlands and inland waterways.

During the debate a Senate amendment was offered and that amendment, you recall, allowed the Department of Economic and Community Development and the Department of Public Health to eliminate fines or penalties against businesses for a first-time violation and that bill was passed by us. And then in the House below there was -- it was felt that that was an extreme action and that we should not be doing that. And therefore they eliminated that amendment that we had made.

This bill is important in the public interest of Connecticut with respect to the control of radiation and radioactive materials and the other things that it does. And so I'm asking that we support this bill as amended by the House.

THE CHAIR:

Will you remark?

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

Madam President, I also rise in support of the bill before us. As the chairman of the Environment Committee noted, this bill was before us earlier. It passed out of here unanimously. I understand the reason why that amendment was taken off the bill down in the House and I certainly encourage my colleagues to support the bill before us today.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

rgd/gbr
SENATE

93
June 4, 2013

If not, Senator Meyer?

SENATOR MEYER:

If there's no objection, may it kindly go on our consent calendar?

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

On page 19, Calendar 690, Substitute for House Bill Number 6538, AN ACT CONCERNING ARBORISTS AND TREE WARDENS, favorable report of the Committee on Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

For the last time, Madam President, I do move acceptance of the joint committee's favorable report and passage of the bill again in concurrence with the House.

THE CHAIR:

The motion is on acceptance and passage in concurrence.

Will you remark, sir?

SENATOR MEYER:

Colleagues, this bill has two parts. The first is that it creates an arborist business. Arboretum and arborists, of course, are people who service, protect and preserve trees. And it does create a business and a license to be an arborist and a fee, initial fee of \$240. And the bill provides that arborist businesses will maintain records and perform their

rgd/gbr
SENATE

241
June 4, 2013

Page 3, Calendar 422, Senate Bill 978; on page 4, Calendar 475, Senate Bill 1052; on page 8, Calendar 567, House Bill 6387; Calendar 568, House Bill 6445; and Calendar 580, House Bill 6623.

On page 9, Calendar 583, House Bill 5149; and Calendar 590, House Bill 6680; page 10, Calendar 607, House Bill 6688; and calendar 608, House Bill 6384.

Page 11, Calendar 612, House Bill 6448; and Calendar 621, House Bill 6488. On page 12, Calendar 634, House Bill 6403; and Calendar 636, House Bill 6394; page 13, Calendar 645, House Bill 6454; and page 14, Calendar 652, House Bill 6702.

On page 16, Calendar 674, House Bill 6441; page 17, Calendar 677, House Bill 6644; on page 18, Calendar 685, House Bill 6009; and on page 23, Calendar 380 Senate Bill 1054; page 24, Calendar 452, Senate Bill 1142; and Calendar 566, House Bill 6375.

Page 25, Calendar 646, House Bill 5844; and on page 26, Calendar 304, Senate Bill 1019.

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on a first consent calendar?

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the chamber. Immediate roll call on the first consent calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted. The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

rgd/gbr
SENATE

242
June 4, 2013

The first consent calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would move for immediate transmittal to the House of Representatives of all items acted on thus far today requiring additional action in that chamber.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, on an item previously placed on the foot of the Calendar, would now seek to remove that item and just mark it PR, and that is an item calendar page 16, Calendar 672, House Bill 5480, AN ACT PROHIBITING TAMPERING WITH HYDRANTS. Would just move to remove that item from the foot and to mark it PR.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 6
1666 - 2009**

2013

2
mb/cip/gbr ' ENVIRONMENT COMMITTEE

March 15, 2013
10:30 A.M.

SENATOR CHAPIN: I'm all set. Thank you.

SENATOR MEYER: Okay. Our first witness will be the distinguished Deputy Commissioner of the Department, Commissioner McCleary.

DEPUTY COMMISSIONER MACKY MCCLEARY: Deputy Commissioner Whelan is also here with me to talk about some of the EC bills. So, Cochairs Meyer and Gentile and other members of the committee, thank you very much for having us here to testify. We're going to testify on a few bills. I want to first of all offer my thanks to you for moving our other streamlining bill out of Commerce. That's very helpful to us. I think we've got three of these bills this year. This is one of them. There are two more. And then also to the LCO attorney, Brad Towson who has been a wonderful help on drafting our bills, put the streamlining bills on the other bills. There is a lot and there is a lot of language so we really appreciate that.

I am -- I'm sorry. I didn't even introduce myself. I'm Macky McCleary. I'm the deputy commissioner of environmental quality for the Department of Energy and Environmental Protection. I've been here so many times I don't -- I forgot to introduce myself. I apologize -- I want to talk in particular about two items on the agenda today. I'll try to be brief because I know you've got a long agenda so I'm going to cut myself short. The two I want to talk about are our streamlining bill, or as we call it a LEAN bill -- and I'll explain why -- and then I want to briefly talk about our general permits bill, which is House Bill 6536.

SB1019

With regards to our streamlining bill, I just want to highlight why I think this bill is so

regarding coastal that have become apparent since -- in the last 18 months that is kind of requiring us to change the way we think about things so we're certainly open to any conversation like this one about how we can make these processes efficient for people who are trying to both defend their own property and adapt to the changing world of climate change.

I haven't looked at the particulars yet of Senator Fasano's bills so I'm not necessarily comfortable saying whether it's something I agree with or I don't agree with, but conceptually, the concept -- and it follows on a concept that we have already proposed which is that if you're building back what you've already built -- in fact, I was just dealing with a permit like this yesterday. If you're building back something that you've already built, you should have a very limited regulatory interaction. That -- that makes a lot of sense to us and that is actually something as you mentioned we both proposed and delivered on prior to this, but in terms of specifics of the bill, I'm not certain conceptually that concept of it's the same as it was before that you should have limited interactions. I think that makes sense to us in general.

SENATOR MEYER: Please continue, Mackey.

DEPUTY COMMISSIONER MACKY MCCLEARY: So I mean, I can actually -- I'll cut short my conversation around 1019 there and just go -- I want to briefly talk about the general permits bill, as well, if that's okay. This is a little bit arcane, but one of the components of the streamlining for us on our side has been -- and people have noticed this -- a shift from individual permitting to general permitting.

That shift is reflective of several things. It is reflective of a change in the regulatory environment, which means that -- fundamentally the regulatory world that we live in the in the 70s where or the 80s when we really required -- we really had to be on people in order to get them comply is fundamentally different than the business environment of today where so many businesses in this state share environmental values with the state.

The general permit is reflective of that change and what that means is that it's a permit that doesn't require as much immediate oversight upon entrance. It presumes a certain level of compliance and then it's audited. And the challenge is is that more and more of our regulated (inaudible) moves from individual to general permit, over time there is actually a revenue challenge because the statutes are currently written, it's not entirely clear that it's possible for the Commissioner to institute a fee on a general permit. It would be annual fee because you don't have to keep coming back to us. And so this bill essentially gives us that capability without being specific about how it gets implemented in the near term given the current situation, but it's very important because over time what we're doing is while we're making the regulatory process easier for our regulated community, we're also -- we've removed the ability that the permit fee gives to pay for the oversight that we do and this would kind of bring that tool back into our tool shed so it's very important to both us and to the executive branch in general.

So maybe it would -- actually, why don't we do the EQ and then see --

SENATOR MEYER: Ms. Whalen, do you have anything

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 7
2010 - 2351**

2013

SENATOR MEYER: Okay. Next is Lauren Savidge followed by Eric Brown.

LAUREN SAVIDGE: Thank you, Senator Meyer, Representative Gentile, and Members of the Committee. My name is Lauren Savidge, and I am a legal fellow with Connecticut Fund for the Environment. We submitted written testimony on a number of bills, so I'd like to discuss two of them before you this afternoon.

HB 5480
SB 1019

First, we support Proposed Bill 6536, AN ACT CONCERNING GENERAL PERMITS AT DEEP, which would allow the Department of Energy and Environmental Protection to collect an annual fee for general permits. General permit programs are, at DEEP, an effective means to monitor projects with environmental impact throughout the state and grant permits in a timely fashion so that regulated projects are not unduly delayed.

For the general permit regulatory programs to be effective and carry out their respective environmental goals, the Department of Energy and Environmental Protection must have the resources to monitor compliance with the program. But DEEP is an agency of limited resources, and this annual fee on general permit holders would provide the support needed to ensure compliance.

We also submit this testimony in support of Proposed Bill 6537, AN ACT CONCERNING WATER QUALITY AT THE UNIVERSITY OF CONNECTICUT, which would require UCONN to comply with certain water supply planning procedures that are required of other water companies. Clean and safe public drinking water has been a state priority for years, and drinking water quality is directly affected by the maintenance of source water watershed land.

This legislation would regulate UCONN as a water company and provide the same strong protections of watershed land. UCONN should be regulated as all other water companies, because its development projects directly impact drinking water watershed lands, and UCONN does supply water. Water supply planning must be improved throughout the state in general, and I think this bill highlights that.

In 2010, DPH stated the need for a statewide water supply plan. This type of statewide coordination is necessary to outline goals and policies to guide future development and water company projects that minimize the negative impacts on our drinking water quality. However, no such plan has been developed yet.

Until a statewide water plan is created, the state drinking water supply is at risk of overuse in some areas and abundance in others because of poor planning across the regions in the state. Water management planning would facilitate cooperation and ensure that water supply expansions consider future impact on regional and overall state drinking water quality.

This legislation is a step in the right direction in water planning to require UCONN to comply with certain water plans already required of other water companies. We also submitted testimony on Bill 5480 supporting it and also opposing Section 14 of Bill 1019. And we are happy to answer any questions, and thank you for your time.

SENATOR MEYER: Thank you, Lauren. You're very comprehensive here. That's a tricky bill, the UCONN bill.

HB 6537

SENATOR MEYER: The next witness is Eric Brown.
Does business in a sound environment, Eric Brown.

ERIC BROWN: In a sound environment. Thank you, Senator, Senator Meyer and Representative Gentile and Distinguished Leaders and Members of the Environment Committee. My name is Eric Brown, and I'm director of energy and environment policy for CBIA, and I'm here to offer testimony on two bills, first, Senate Bill 1019.

HB 6536

This is the, one of the DEEP streamlining bills. Our particular concern is with Section 6, and I have actually submitted revised testimony, because you guys are so efficient that our concerns with Section 11 have already been addressed.

So Section 6, I think, is, if it's possible, taking streamlining to the extreme. What this does is give the commissioner tremendous powers with respect to referrals to the Attorney General's office, which are typically reserved for complex, major cases.

What we have here is basically unlimited ability to refer cases not only for violations that have occurred but for potential violations which the commissioner determines are about to occur. And that is just, not just complex or major violations, violations of any, essentially, environmental law or regulation or order, no matter how major or minor.

So I understand it's a resource saver to be able to shove as much off as possible to the Attorney General, but I think we need to work on the language here to provide some constraints to ensure that our members and

other regulated businesses don't find themselves sitting in the Attorney General's office for matters that really should be resolved through the (inaudible) agency.

SENATOR MEYER: Eric, did you offer some different language?

ERIC BROWN: I do not offer language. I would be happy to work on that, but I do not offer anything in my testimony.

SENATOR MEYER: Okay, but you --

ERIC BROWN: Let me give some thought to that.

SENATOR MEYER: Yeah, because this is a concept. It looks to me it's got an either yes or no. I'm not sure you can --

ERIC BROWN: Yeah.

SENATOR MEYER: -- modify what the --

ERIC BROWN: Well, there is a lot of discretion in it, and I'm not sure you want to legislate discretion. But on the other hand, I'm not sure what we're, I mean, there's already the ability to refer for at least actual violations, not so much for, you know, the (inaudible) violations.

But, so that's probably the number one. We probably want to get that out of there at least. But I will give that some thought and try and come up with something to submit for your consideration.

SENATOR MEYER: Okay. One variation on that, one modification could be that the department could seek an injunction only when the person

has engaged in a violation, not is about to engage, which is, could be pretty subjective.

ERIC BROWN: It could be. I mean, I'm open to the idea of even if it hasn't happened, if, you know, if there's some standard in there that, you know, has reason to believe that an event is about to occur that could have a, maybe a, just off the top of my head, a significant, a direct impact on the environment, you know, something that says there's something, there's reason to believe there's something serious is about to happen --

SENATOR MEYER: Okay.

ERIC BROWN: -- we're certainly open to that as well. On the second bill, 6536, that's the general permit fee bill. And I know this Committee is very concerned about DEEP funding, as are we. But I think we have two flaws with this particular proposal.

One is the amount. If we look at the cost of a general permit now, what this bill would do, and my 16-year-old son, Jerrod, would be giddy to know that I made a math error here, but it would actually increase the cost of these permits by 80 percent. We had 55 percent in our testimony.

So first of all, the concept of, you know, and that abruptly, putting that much significant increase on a general permit is a problem, keeping in my also that a lot of businesses have more than one general permit. So this could, really could have a significant cost impact.

The other aspect of it is the annual nature of it, and I, we just had a meeting of our environmental council this morning, and I

JOYCE HEMINGSON: Well, I admire your stamina. Good afternoon, Senator Meyer and Representative Gentile and remaining Members of the Committee. My name is Joyce Hemingson. I'm president of FairWindCT, and I'm here to comment on House Bill 1019, the STREAMLINING ACT.

FairWind is a nonprofit volunteer group formed by Connecticut residents in 2010 in response to three wind projects that were coming before the siting council. We joined Attorney Richard Blumenthal then at his press conference and called for regulations to protect citizens from the siting of 40-story industrial wind turbines in industrial, in residential neighborhoods.

And we went on to support Public Act P.A. 11245, which is still winding its way through the Legislature. As I understand it, if passed, this bill would repeal the existing control of noise regulations, which, although they date to 1978 and need revisions, are at least detailed. And it would leave nothing specific in its place.

The proposed language deletes a comprehensive statewide program of noise regulation and seems instead to shift responsibility for noise standards and the cost of monitoring and enforcement to each of Connecticut's 169 towns. The proposed language also deletes regulation of stationary noise sources in order to protect the public health safety and welfare.

Large industrial wind turbines that can stand 492 feet tall to the tip of the blades and sweep an area close to two acres with each rotation are such stationary noise sources. The blades generate audible and inaudible

frequencies, and the tips can move up to 180 miles an hour. Sound is also generated by equipment within the nacelle.

Last year, Maine lowered its allowable nighttime noise from industrial turbines down to 42 dBA from 45 dBA. Maine has the most installed industrial wind turbines of any of the New England states.

Massachusetts law allows 10 BA, dBA above ambient noise levels, but its towns can pass more restrictive bylaws. Just this month, the Town of Falmouth lowered its threshold for the sound setback for turbines from eight decibels to six. This is the same town whose selectmen voted to remove two town-owned industrial wind turbines because of noise and health complaints, most from people living within a radius of three-quarters of a mile from the turbines.

In other countries and states where industrial turbines have been placed too close to homes, people have even abandoned their property as a last resort. Connecticut needs noise standards that protect our citizens and their property. If DEEP does not take the lead on this, then it will fall to local government.

DEEP does have links to town noise ordinances on its website. It looks like 67 of the 169 towns are there currently. So that leaves more than half of the towns in the state with no specific noise regulations. Thank you, and I'd be happy to answer any questions.

SENATOR MEYER: When you were describing yourself, you were concerned about a project. What was the, what was your relationship to noise? I'm trying to just understand that.

JOYCE HEMINGSON: Well, FairWind commented on --

SENATOR MEYER: FairWind --

JOYCE HEMINGSON: -- on many aspects of the wind turbine --

SENATOR MEYER: It's a wind turbine --

JOYCE HEMINGSON: -- projects.

SENATOR MEYER: Okay.

JOYCE HEMINGSON: One, the siting council denied the one in prospect, and it approved six industrial turbines for Colebrook where I live.

SENATOR MEYER: Okay. And so you're concerned about DEEP's effort to get out of noise control and turn it over to the towns on the ground that --

JOYCE HEMINGSON: Well, I want to see --

SENATOR MEYER: -- the towns for --

JOYCE HEMINGSON: -- I want to --

SENATOR MEYER: -- for tax purposes may want these turbines, and you, you're worried about the noise.

JOYCE HEMINGSON: Well --

SENATOR MEYER: Is that --

JOYCE HEMINGSON: I want to figure out where the noise control is going to go if DEEP is not going to have it --

SENATOR MEYER: Okay. Well, this bill is pretty clear it's going to go back to the towns.

JOYCE HEMINGSON: Right. Well, so the towns need to be aware of that then and, because it's going to cost them money to either have equipment jointly with the districts of health to monitor noise for projects such as industrial wind turbines.

SENATOR MEYER: Okay. Do you object to the responsibility going back to the towns?

JOYCE HEMINGSON: I think that, no, I think it would be a good thing if they understand that they now have the responsibility and what it means.

SENATOR MEYER: So then you support this bill as long as the towns are properly informed?

JOYCE HEMINGSON: Well, each town would have to come up with its own regulations, and so it would be different for every town. It's hard to support not knowing what the towns would come up with.

SENATOR MEYER: Okay. Some towns don't do any noise. My town doesn't do any, has no noise ordinance, and that bothers some people, but --

JOYCE HEMINGSON: Right. Well, if you had an industrial wind turbine coming to a neighborhood of single family homes, you might want your town to look into it.

SENATOR MEYER: Okay. Any other comments or questions? Senator Chapin.

SENATOR CHAPIN: Thank you, Mr. Chairman. I, if 67 towns already have noise ordinances, I guess

this isn't the first time the agencies try to get out from underneath the requirement to enforce this. And I've always worked under the assumption that 67 towns who have adopted noise ordinances have voluntarily taken on the enforcement of that.

And I have never considered that the 102 remaining towns weren't aware that they had that option. I guess I've always assumed that they chose not to do it. It would seem that if we were to pass this bill I don't see any requirement where those 102 towns would have to adopt ordinances. In your case, do you think they would?

JOYCE HEMINGSON: I think they would want to look at it. If you go on the DEEP website and look at the dates of the towns' ordinances, some of those are quite old as well, so they, obviously, they're not updating it every, say, ten years with their plan of conservation and development, for example.

SENATOR CHAPIN: Okay. Thank you. Thank you, Mr. Chairman.

SENATOR MEYER: Thank you.

JOYCE HEMINGSON: Thanks.

SENATOR MEYER: Thanks for your testimony. That concludes the public hearing of the Environment Committee unless there's somebody else who would like to appear before us. Okay. Madam Chairman, do you have anything to add?

REP. GENTILE: Just one thing for the record. I forgot to mention earlier that Representative Urban was going to be in the District on all-day business, so, legislative business.



01 P211/12

FairWindCT, Inc.
P.O. Box 225
Colebrook, CT 06021

**Testimony of FairWindCT, Inc.
Before the Committee on Environment**

In opposition to SB 1019, AN ACT CONCERNING ADMINISTRATIVE STREAMLINING
AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Submitted by Joyce C. Hemingson, Ph.D.
President, FairWindCT, Inc.
March 15, 2013

FairWindCT is a non-profit volunteer group formed by Connecticut residents in 2010. We joined then Attorney General Richard Blumenthal at his January 2011 press conference, calling for regulations to protect citizens from the siting of 40-story industrial wind turbines in residential neighborhoods. We went on to testify at the Energy and Technology Committee's public hearing in March 2011, and supported the passage of PA 11-245 to develop regulations for industrial wind turbines.

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

SB 1019: FairWindCT submits this testimony against HB 1019, An Act Concerning Administrative Streamlining at the Department of Energy and Environmental Protection. If passed, it would repeal the existing Control of Noise regulations (which, although they date to 1978 and need updating, are detailed) and leave nothing specific in its place. The proposed language of Sec. 8 deletes a "comprehensive, state-wide program of noise regulation" and seems instead to shift responsibility for noise standards and the costs of monitoring and enforcement to each of Connecticut's 169 towns.

The language that would be deleted from Sec. 22a-69 1a and 1b regulates stationary noise sources in order "to protect the public health, safety and welfare." Large industrial wind turbines that can stand 492 feet tall to the tip of the blades and sweep an area close to 2 acres with each rotation, are stationary noise sources. The blades generate audible and inaudible frequencies, with the tips moving at speeds up to 180 mph: Sound is generated by equipment within the nacelle as well.

During public hearings before the Energy and Technology Committee and Connecticut Siting Council, FairWindCT submitted testimony about noise regulations and setbacks from homes for industrial wind turbines in other states. Last year Maine lowered the allowable nighttime noise from industrial turbines down to 42 dBA from 45 dBA. Maine has the most installed industrial wind turbines of any state in New England.

Massachusetts' law allows 10 dBA above ambient noise levels, but its towns can pass more restrictive bylaws. Just this month, the Town of Falmouth lowered its threshold for the sound setback for turbines from 8 decibels to 6. This is the same town whose selectmen voted to remove two town-owned industrial wind turbines because of noise and health complaints, most from people living within a radius of 0.75 miles from the turbines.

In other countries and states where industrial wind turbines have been placed too close to homes, people have abandoned their property as a last resort to restore their health. Connecticut needs noise standards that protect our citizens and their property. If the Department of Energy and Environmental Protection does not take the lead on this, then it will fall to local government.

Thank you for your time and consideration of this testimony.

Sincerely,

Joyce C. Hemingson, Ph.D.
President, FairWindCT
P.O. Box 225
Colebrook, CT 06021
jchemingson@aol.com
860-379-6425

p20m20



**TESTIMONY OF ERIC J. BROWN
ASSOCIATE COUNSEL, DIRECTOR OF ENERGY & ENVIRONMENTAL POLICY
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
before the
ENVIRONMENT COMMITTEE
March 15, 2013**

Good morning. My name is Eric Brown and I serve as director of energy and environmental policy with the Connecticut Business & Industry Association ("CBIA"). On behalf of our 10,000 large and small member companies throughout Connecticut, we appreciate this opportunity to share our perspective on:

**S.B. 1019: AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

CBIA opposes Sections 6 of this bill and is supportive of the remainder

CBIA is very supportive of DEEP's efforts to LEAN its processes and eliminate or mitigate programs and procedures that draw scarce and valuable resources away from the core mission of the agency. The majority of this bill aligns well with these efforts. However, there are two sections of the bill we cannot support as currently drafted.

Section 6 greatly expanding DEEP's enforcement authority as well as that of the Attorney General with respect to environmental violations – including anticipated minor violations that pose no present or direct risk to human health or the environment. Specifically, the bill grants the DEEP commissioner authority to request action by the Attorney General, not just for actual, significant or complex violations of environmental requirements – as is generally the case now, but also for situations where, "in the judgment of the commissioner of Energy and Environmental Protection . . . [any person] about to engage in any act, practice or omission that constitutes or will constitute, a violation of any [environmental law, regulation or order]."

Under such authority, for example, a business that has committed no violation of any environmental law or regulation could be referred to the Attorney General's office by DEEP

based solely on the commissioner's judgment that the business has, or is about to miss a deadline for filing paperwork with the agency under the terms of a general permit.

Passing such measures, even just out of this committee, would seriously set-back Connecticut's efforts to change its reputation as a difficult place to do business in part due to its aggressive anti-business regulatory climate.

CBIA appreciates this opportunity to provide testimony on S.B. 1019 and for your consideration of our positions.



ENVIRONMENT COMMITTEE

March 15, 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 has concerns with Sections 8 – 10 of SB 1019 "An Act Concerning Administrative Streamlining at the Department of Energy & Environmental Protection."

Among other things, it appears that this bill (Sections 8 through 10) is transferring the responsibility for regulating noise nuisance from the Department of Energy & Environmental Protection (DEEP) to local governments

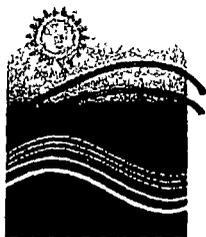
Current law designates DEEP as the agency to, among other things, (1) develop, maintain, and enforce noise regulations around the state, (2) provide technical assistance with implementing such regulations; and (3) disburse funds for such purpose

CCM is concerned that the drafting of these sections shifts responsibility for a statewide program to towns and cities, leaving them without technical assistance and state funding for implementing.

CCM urges the Committee to delete Sections 8-10 of this bill before taking any action.

★ ★ ★ ★ ★

If you have any questions, please contact Kachina Walsh-Weaver, State Relations Manager for CCM via email kwash-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 15, 2013
Environment Committee

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

Raised Senate Bill No. 1019 – AAC ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 1019 – An Act Concerning Administrative Streamlining At The Department Of Energy And Environmental Protection. The Department of Energy and Environmental Protection (DEEP) offers the following testimony.

We appreciate the Committee's willingness to raise this bill at the request of the DEEP. This proposal, which we strongly support, would: 1) Make stream channel encroachment lines optional, effectively sunsetting this duplicative and antiquated program; 2) shorten newspaper public notices for environmental quality programs and provide web-based extended information for additional details; 3) update the radiation program to make its enforcement authority consistent with other environmental quality programs; 4) repeal major portions of the noise program and continue to provide municipalities with the option to adopt a noise program in lieu of the existing state program that is nearly impossible to implement due to a lack of resources; and 5) repeal outmoded programs and statutorily required annual reports.

Eliminate Redundant Stream Channel Encroachment Lines

Section 1 of the proposed bill would allow DEEP to sunset a redundant permitting program, by making such program optional. The Stream Channel Encroachment Line (SCEL) program is a prime example of unnecessary and outdated duplication in our regulatory system. The SCEL program was originally adopted following the floods of 1955 to regulate the placement of encroachments and obstructions riverward of stream channel encroachment lines, thereby lessening the hazards to life and property due to flooding. Stream channel encroachment lines have been established for certain riverine floodplains throughout the State, and are shown on stream channel encroachment line maps, which are on file in the Town Clerk's office in the affected towns. Overall, the SCEL program applies to only a small number of stream miles in Connecticut; in fact, out of the approximately 5,830 river miles in the state, only 270 such miles are regulated under SCEL. Nonetheless, a significant amount of regulatory time is spent by both applicants in preparing SCEL permit applications, and by the DEEP in reviewing such applications,

for only approximately 5% of stream miles in the state. This, coupled with the fact that the SCEL program has been effectively supplanted by other state and federal regulations, warrants sunseting of the current SCEL and therefore also of the program.

Currently projects that occur within such lines are regulated by multiple layers of government and other land use regulatory programs. For example, a private development project that occurs within these lines is also regulated on the municipal level through the requirements of the National Flood Insurance Program (NFIP). Since the creation of the SCEL program, the Federal Emergency Management Agency (FEMA) has developed the NFIP, under which Connecticut's floodways and floodplains have been studied and mapped. The maps, which identify flood-prone areas, have been adopted by 168 towns that participate in the NFIP. Accordingly, Connecticut's municipalities have adopted floodplain ordinances to regulate activities within FEMA flood zones in accordance with FEMA requirements. Municipalities also implement local planning and zoning regulations, as well as inland wetlands regulations, which often affect development adjacent to rivers and streams. On the state and federal levels, a private development project that occurs within SCEL is regulated by the DEEP through various land use regulatory programs such as the Water Diversion program, and by the U.S. Army Corps of Engineers through the Clean Water Act. Sunseting the current SCEL program would eliminate a duplicate layer of regulation.

The language of the raised bill did not include language that would revoke the SCEL that have already been established for 270 river miles. To address this concern, DEEP requests that the committee review a drafting change that we suggest for this section to be inserted after line 24 that adds the following language: Revocation of Encroachment Lines. Encroachment lines previously established pursuant to section 22a-344 are revoked. This would make the application of the change more thorough and consistent.

Shorten Newspaper Notices & Extend Web-Based Notices

Section 2 of the proposed bill would set the stage for improvements to our public notice process, including notices of public hearings, by enhancing the availability of greater amounts of detailed information on the DEEP public notice web page and consistently providing adequate notice in newspapers in order to reach the broadest possible audience and allowing those who require more in-depth information about a particular process to access it with ease. Understandably, public notices have historically consisted of long columns of information that were difficult to read in the newspaper because of their length and often technical content. This proposal recognizes the gains made in technology and harnesses them in a manner that enhances governmental transparency by providing detailed technical information, notice of hearing and public participation in the electronic format; while continuing to provide adequate notice of hearing and public participation in the newspaper.

Improve Radiation Program Enforcement

Sections 3 through 7, and Section 17, of the proposed bill would streamline DEEP radiation regulations by aligning the process for enforcement with respect to registration and regulation of ionizing radiation sources in Connecticut with other similar established programs within DEEP. The LEAN process identified several areas where improvements in the enforcement of registration and regulation of sources of ionizing radiation such as x-ray machines and radioactive material could be improved to make it a more efficient program thereby improving protection of health, public safety, and protection of the environment.

Repeal Some Aspects of Noise Program

Sections 8 through 12, and Section 17, of the proposed bill would make amendments to the noise program to make it smarter and more flexible by providing municipalities the option to adopt a noise program in lieu of the existing state program. Noise events are highly localized, limited in duration and often occur outside of normal working hours. Thus, noise pollution standards are difficult to implement and enforce on a state level. Making the state's noise control program smarter and more flexible by providing municipalities the opportunity to adopt a program that better serves their needs is a reasonable and responsible approach to this issue since local governments are the authorities best situated for effective implementation.

Repeal Outmoded Programs and Annual Reports

Inspection and Maintenance Quarterly Reporting. Section 13 of the proposed bill would streamline reporting requirements for the state Inspection and Maintenance Program. Currently DEEP is required to report to the legislature on emissions reductions from the program quarterly, but cannot due to a lack of resources necessary to refine the raw program data. The annual report that DEEP submits to EPA requires several months to prepare, using an independent contractor to refine the raw data generated by the Department of Motor Vehicles. These limitations make reporting to the legislature on a quarterly basis untenable.

Mid-Atlantic States Air Pollution Control Compact. Section 17 of the proposed bill would repeal an obsolete 1967 statute that proposed a Mid-Atlantic States Air Pollution Control Compact. DEEP recommends repeal of this section because the Mid-Atlantic State Air Pollution Control Compact was never implemented as envisioned. Action by the United States Environmental Protection Agency made implementation of the compact unnecessary by the states.

List of Holders of General Permits. Section 14 of the proposed bill would eliminate the requirement under section 22a-45a(a) of the Connecticut General Statutes (CGS) that the Commissioner annually publish a list showing all current General Permit holders. This is a vague requirement at best, since it contains no information regarding the status of the regulated activity. There is no plausible reason for anyone to need a list of General Permit holders when there are many other types of permits issued on a regular basis. The information such a list would contain would be of limited value to anyone, and such lists have rarely been requested. This section also removes the term minor on line 358 of the proposal because the term minor activity is not defined and it serves no legally defined purpose.

Inventory of Contaminated Wells and Leaking Underground Storage Tanks. Section 15 of the proposed bill would repeal the mandate under section 22a-134q of the CGS to annually submit an inventory of contaminated wells and leaking underground storage tanks to the Environment Committee. DEEP recommends repeal of this section because lists covering this universe and more are available and publically accessible on the DEEP website: List of Contaminated or Potentially Contaminated Sites in Connecticut at:

http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325018&depNav_GID=1626, and the List of Significant Environmental Hazards Reported to DEEP at:

http://www.ct.gov/dep/cwp/view.asp?a=2715&q=324972&depNav_GID=1626.

In closing, taking these steps to LEAN and streamline DEEP statutes will lead to more efficient and effective government that will provide better outcomes for numerous constituents, including businesses, industries and our municipal customers.

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

DEEP Permitting

A Status Report

2013

Deputy Commissioner Macky McCleary

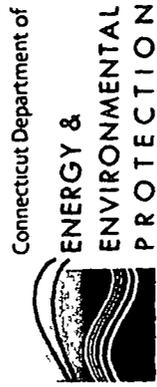
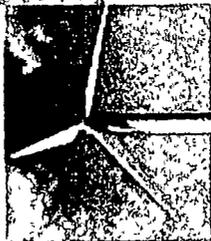


Connecticut Department of Energy and Environmental Protection

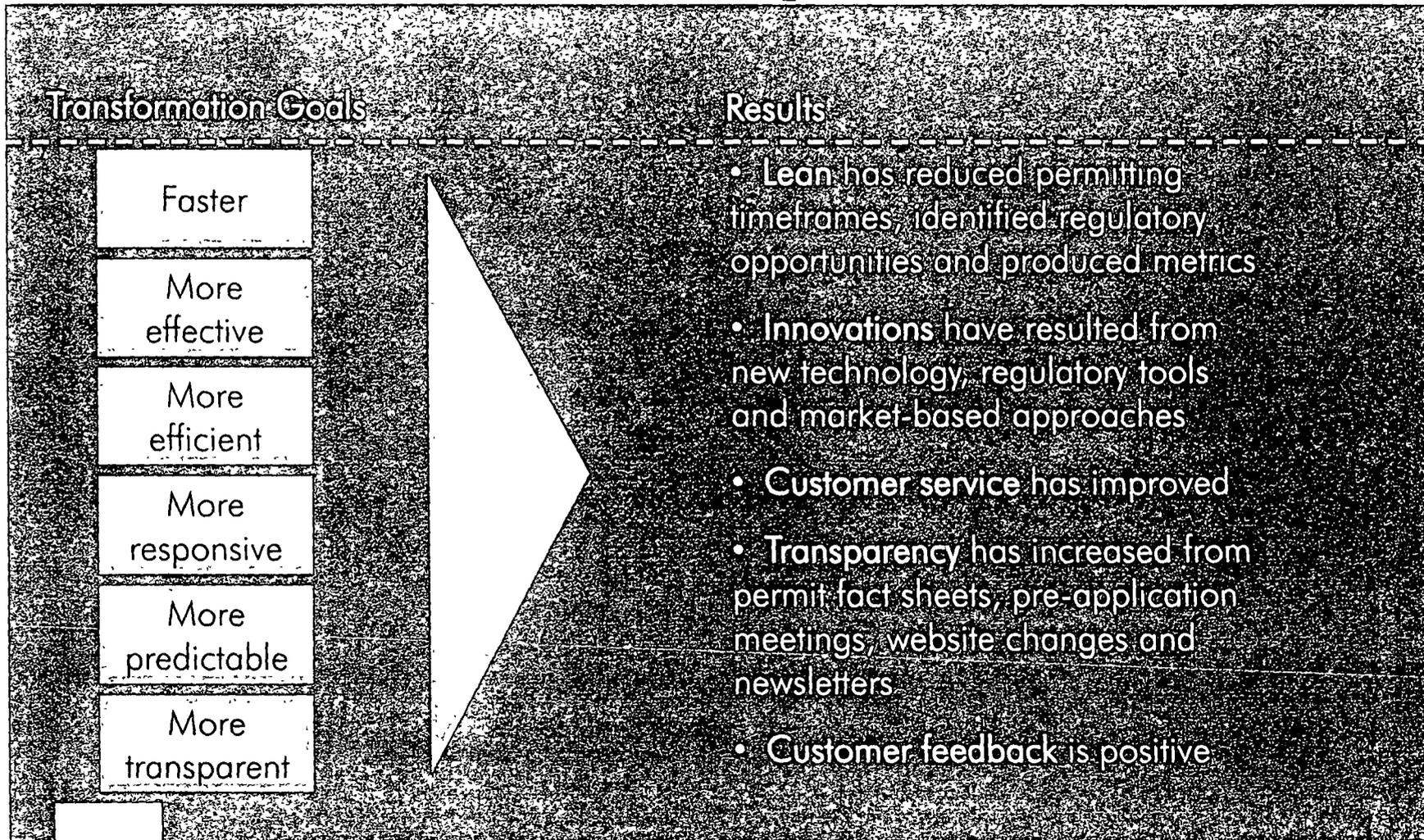
002205



Connecticut Department of Energy and Environmental Protection

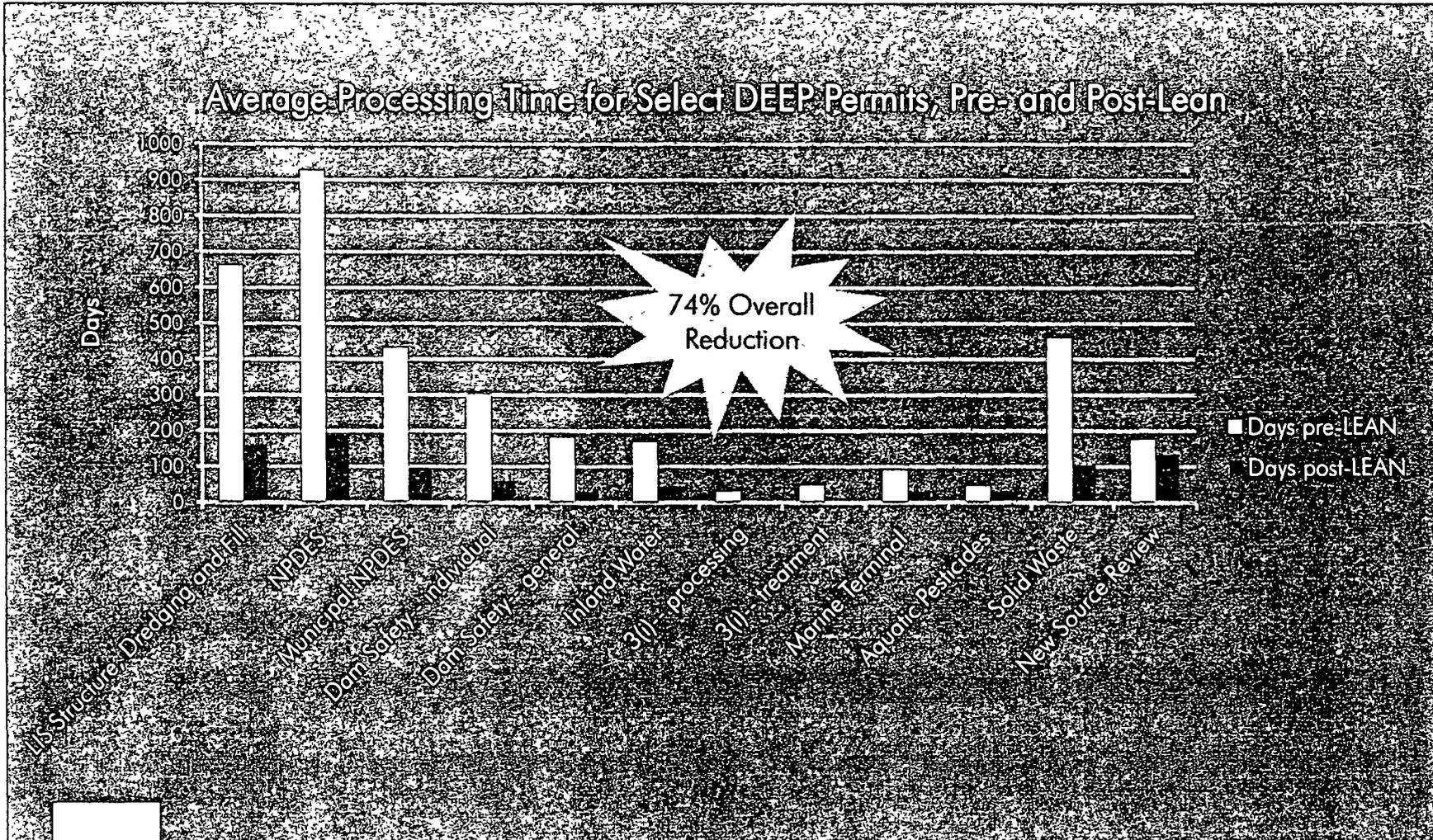


Executive Summary



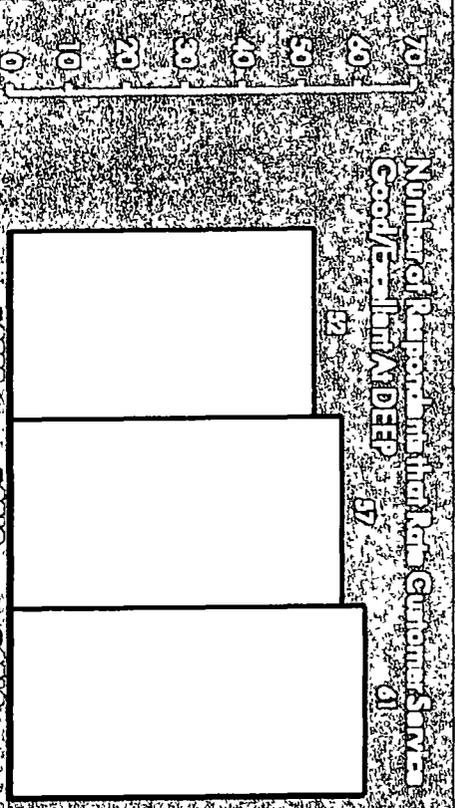
Connecticut Department of Energy and Environmental Protection

Permit Processing Times Have Been Reduced

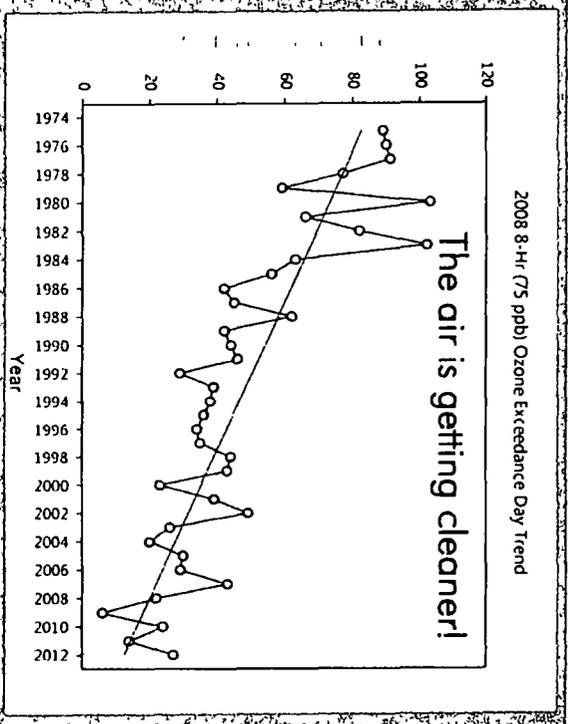


Connecticut Department of Energy and Environmental Protection

DEEP is Serving the Needs of Our Customers



Source: GBI/DEP Survey 2012

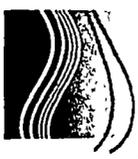


1969

The water is getting cleaner!

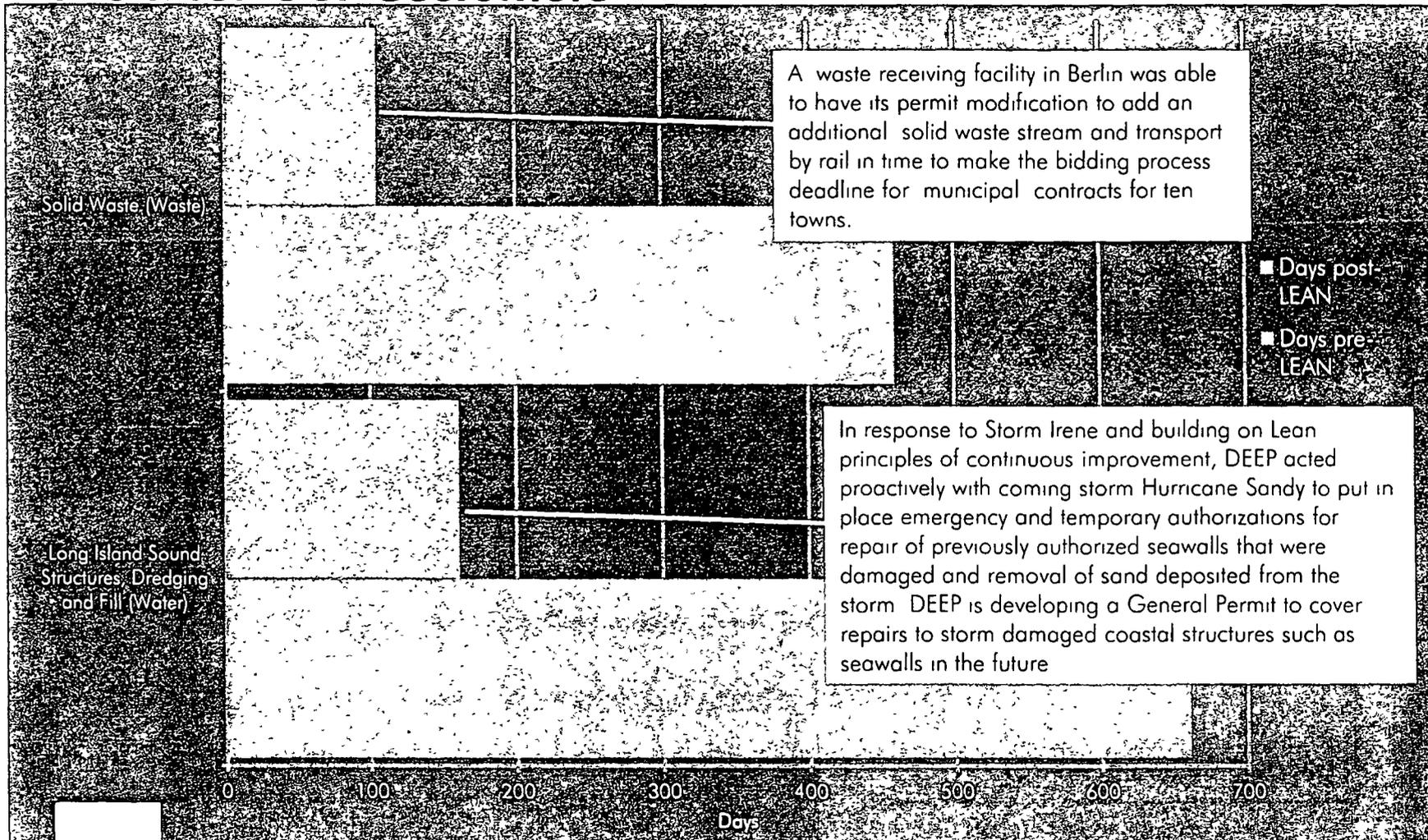


2008



Connecticut Department of Energy and Environmental Protection

Faster Processing Time for DEEP Permits Results in Economic Benefit for Our Customers



Connecticut Department of Energy and Environmental Protection

002210

Lean at DEEP

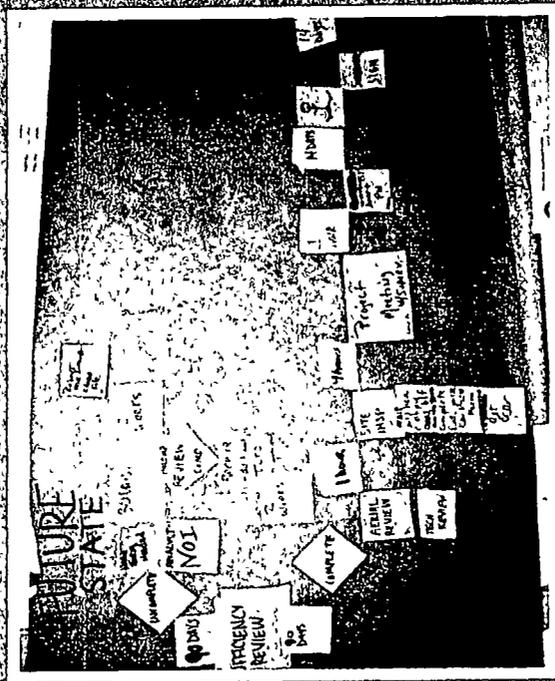
- To date, 52 teams have participated in Kaizen events
- More than 300 staff participants
- Wide range of projects including permitting and enforcement of air, waste, and water pollution control and land-use programs; wildlife, fisheries, boating, and energy management
- Working with DOT, DECD, OPM, Siting Council and DAS on interagency processes



Connecticut Department of Energy and Environmental Protection

Why Lean? Making Government Work for You

- Internal operations are more efficient
- Staff is more engaged and has developed greater capacity
- DEEP has an increased ability to address new challenges
- Customer experience: improved timeliness, responsiveness, transparency, predictability



A Streamlined Future State of the O&P Structures Dredging and Fill Permit Application Process



Connecticut Department of Energy and Environmental Protection

Lessons Learned from Lean

- Plan and Communicate
 - Including/partnering with affected parties in planning efforts
 - Revising application content and fact sheets
 - Pre-application meetings
- Standard Work
 - Creating checklists and Standard Operating Procedures
 - Targeting permits for fast-tracking
- Eliminate Waste
 - Removing redundancies and silos
 - Leveraging existing technology



Regulatory Opportunities- Streamlining the Notice of Application Provisions

- Modify CCS Sec. 22c-6g. Notice of application for permit.
 - A copy of the newspaper notice rather than a certified copy from the newspaper.
 - A self-certified statement that the applicant notified the chief elected official of the municipality in which the regulated activity is proposed.
 - Application processing will be delayed until the applicant submits the certification statement.



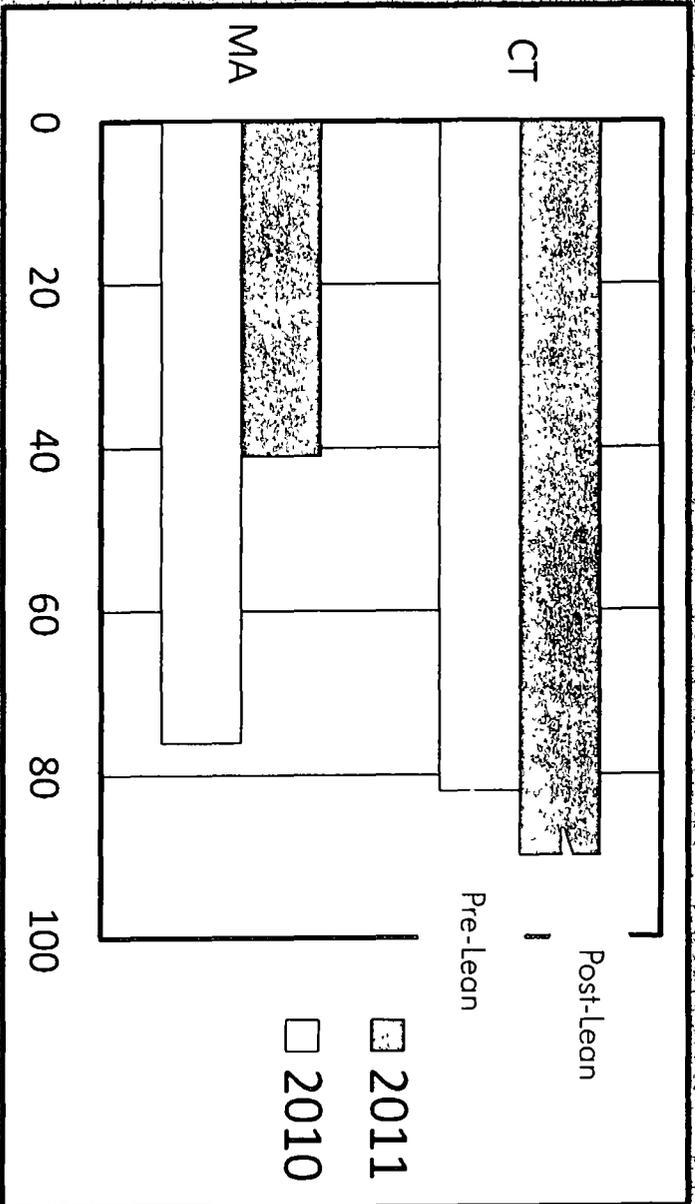
Metrics/KPIs- DEEP Permit Programs Average Permit Processing Times

Feb 2013

0 to 1 Day	<15 days	<45 days	< 60 days	<90 days	<120 days	< 180 days	> 180 days
<ul style="list-style-type: none"> • Dock Repair GP • Minor Seawall Repair GP • LQ/SQ/ & biomed waste generators • USTs • Boiler Blowdown WW GP • <u>Permit by Rules (AIR)</u> • Emergency engines • Rockcrushers • Boilers • Autobody • Surface coating • Distributed Gen. • Combined Heat & Power • Solvent degreasing 	<ul style="list-style-type: none"> • Aerial Pesticide permits • Food Processing WW GP 	<ul style="list-style-type: none"> • COP • Dolphin Cove GP • Non-Harbor Moorings • GP Derelict Structure GP • 1 Day Collection HHW GP • GPLPE • Aquatic Pesticide • Special Waste Auth. • CT Regulated Waste (§454) - Class 1 Modifications • GW Remediation WW to Surface Water GP • GW Remediation WW to Sewer GP • Hydrostatic Pressure Testing WW GP • Non-contact Cooling & Heat Pump Water GP • Photo Processing WW GP • Tumbling or Cleaning of Parts WW GP • Vehicle Maint WW GP • Printing & Publishing WW GP • Misc Discharges of Sewer Compatible (MISC) WW GP • Water Treatment WW GP • Discharge to Waters from Application of Pesticide GP 	<ul style="list-style-type: none"> • Swim Float GP • 4/40 GP • Osprey Platform GP • OLISP Remedial GP • Beach Grading GP • Marina & Mooring GP • FCC Waiver • GPs Diversion • GPs Inland Construction • GP Dam Safety • Contam Soils GP • SW Assoc. w/ Commercial Activity GP • SW from Small Municipal Separator Storm Sewer Sys (MS4) • Swimming Pool WW GP 	<ul style="list-style-type: none"> • Processing of Asphalt Roof Shingle Waste for Beneficial Use & Recycling GP • Municipal Transfer Stat. GP • Recyclables Transfer Fac GP • Transporter Permit • Fed. Coastal Consistency • ACOE PGP • Dam Safety • NSR Revisions • Title V Rev. • Marine Terminals Permit • Stormwater Assoc. w/ Industrial Activities GP • Stormwater & Dewatering WW from Construction Activities GP 	<ul style="list-style-type: none"> • Drop Site Fac. GP • Storage & Proc. of Scrap Tires for Recycl. & Ben. Use GP • Sheet Leaf Composting Notification • Addition of Grass Clippings at Registered Leaf Composting Facilities GP • Leaf Composting Facility Registration GP • Subsurface Sewage Disposal Sys Serving Ex. Facilities GP • Dam Safety 	<ul style="list-style-type: none"> • Solid Waste Facility Renewals • Solid Waste Facility Minor Amendments • Disruption Authorization • Limited Processing Recycling Fac. GP • Single Item Recycling GP • SDF • SDF401 • TWSDF 401 • OLISP 401 • SCEL • Diversion • IWRD 401 Cert • Inland Wetlands • New NSR • NSR Mods • Title V Mods 	<ul style="list-style-type: none"> • Beneficial Use Determinations • RCRA Part B • Solid Waste Facilities (New/mods) • Solid Waste Landfills (new/mods) • Treat, Store or Dispose of Own RCRA HW • Stewardship Permit • Solid Waste Demonstration Approval • Disassembling Used Electronics GP • Municipal WPCF NPDES • CT Regulated Waste - §454 Permit • New Title V • Title V Renewal • Industrial NPDES Permits • Industrial Pretreatment Permits • UIC (Subsurface) Permits

Benchmarking

Underground Storage Tank (UST) Compliance Rates up as much as 10%



Compliance with Release Prevention Regulations as Reported to EPA (Shown in %)



Connecticut Department of Energy and Environmental Protection

Lean has Been Positive for Our Customers

- **Businesses**
Wastewater discharge permitting program (NPDES) - reduced time to process permit by 77%
- **Homeowners**
Office of Long Island Sound Programs (OLISP) Permitting - reduced permit review time by 70%
- **Municipalities**
Clean Water Fund - payment processing reduced by more than 170 days
- **Environment**
Underground Storage Tank (UST) - reduced the number of significant releases from USTs to the environment from a regular occurrence to an average of less than 1 per year and a significant drop in impacts to drinking water (contaminated wells) going from regular occurrences affecting entire neighborhoods to being highly uncommon events



Lean team identified strategies to streamline and simplify environmental and use restriction application and approval process.



Connecticut Department of Energy and Environmental Protection



Innovations



Connecticut Department of Energy and Environmental Protection

Technology- SIMS Software has Resulted in Effective Case Management, Permit Application Tracking and Customer Communication

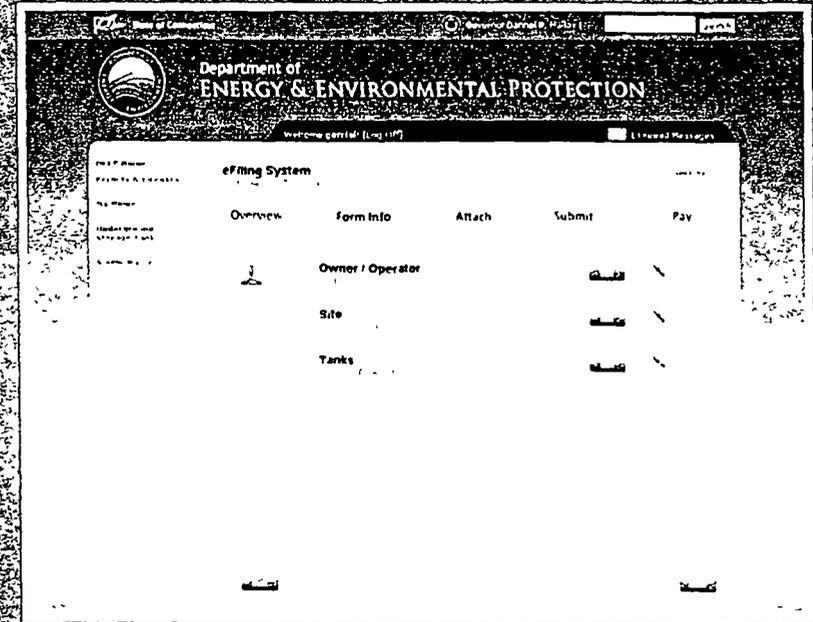
- Site Information Management System (SIMS) provides the ability to view, maintain and track applications, permits, and enforcement actions
- It also provides staff with their assignment lists, tracks processing time and provides reporting tools.
- Staff are able to effectively communicate application status with applicants.



Connecticut Department of Energy and Environmental Protection

Technology- Online Permits will Result in Faster, More Complete Submittals

- Online Permit with E-Logic
 - Direct submissions to DEEP staff
 - E-logic will prompt applicants to fill in missing information.
- General permits/notifications first then individual permits
 - Stormwater General Permit
 - Underground Storage Tank (UST) Notification



Connecticut Department of Energy and Environmental Protection

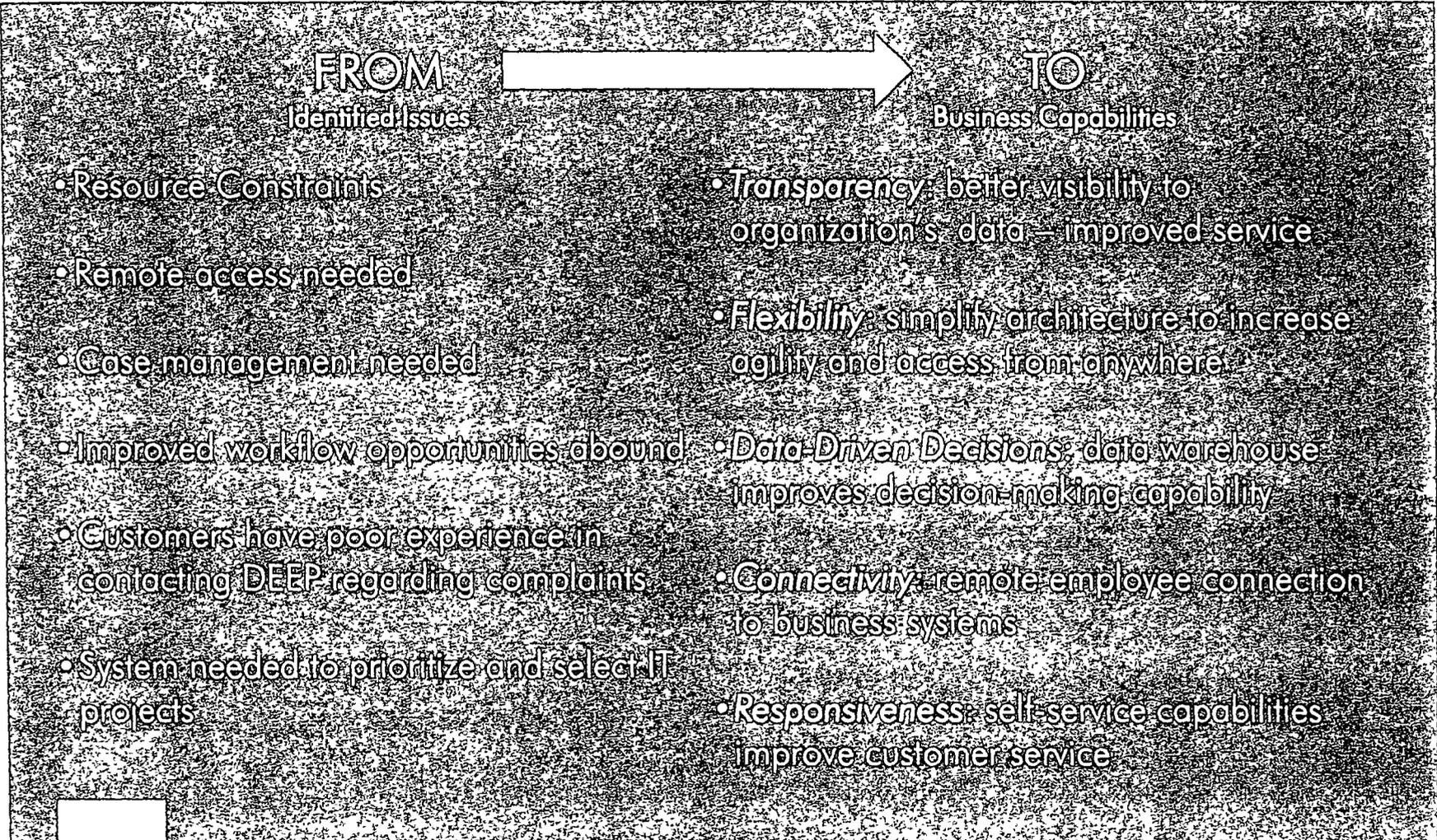
Online Sportsman Licensing Provides Instantaneous Permits

	From	To
Hunting and Trapping	Available only in the Hartford or 2 Field Offices (Long Lines)	
Fishing	Available only in the Hartford and Town Halls	



Connecticut Department of Energy and Environmental Protection

Technology- IBM Determined Opportunities to Improve DEEP Information Technology

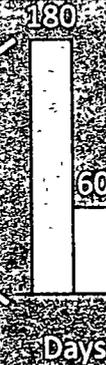


Connecticut Department of Energy and Environmental Protection

New Regulatory Tools have Provided Faster Alternatives to Individual Permits

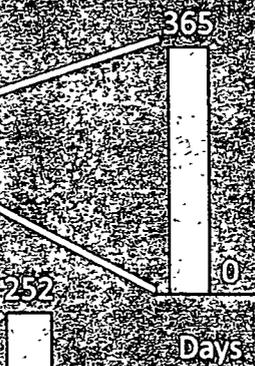
- General Permits

- Self-Certification- Pretreatment for Metal Finishers (coming soon) saves applicants up to 120 days



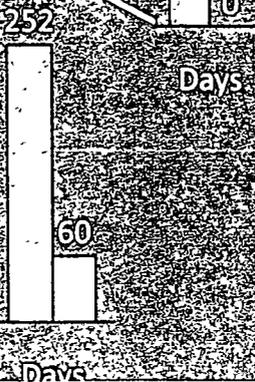
- Permit by Rule

- Combined Heat and Power (coming soon) saves applicants up to 1 year



- Notification

- State Inland Wetland, Water Diversion or Stream Channel Encroachment Line Permits if prior authorization with Army Corps (2012) saves applicants up to 192 days



Connecticut Department of Energy and Environmental Protection

Market-Based Approaches- Beneficial Use Determinations (BUDs) Encourage the Growth of a CT Materials Economy



*BUD permits the conversion of asphalt from
roof shingles into road millings.*

- BUDs allow manufacturers to use a product others would have otherwise paid to dispose
- Reuse of materials saves millions of dollars for brownfields and infrastructure projects.
- Supporting the recovered materials reuse and recycling industries adds significantly to the Connecticut economy.



Connecticut Department of Energy and Environmental Protection



Customer Service

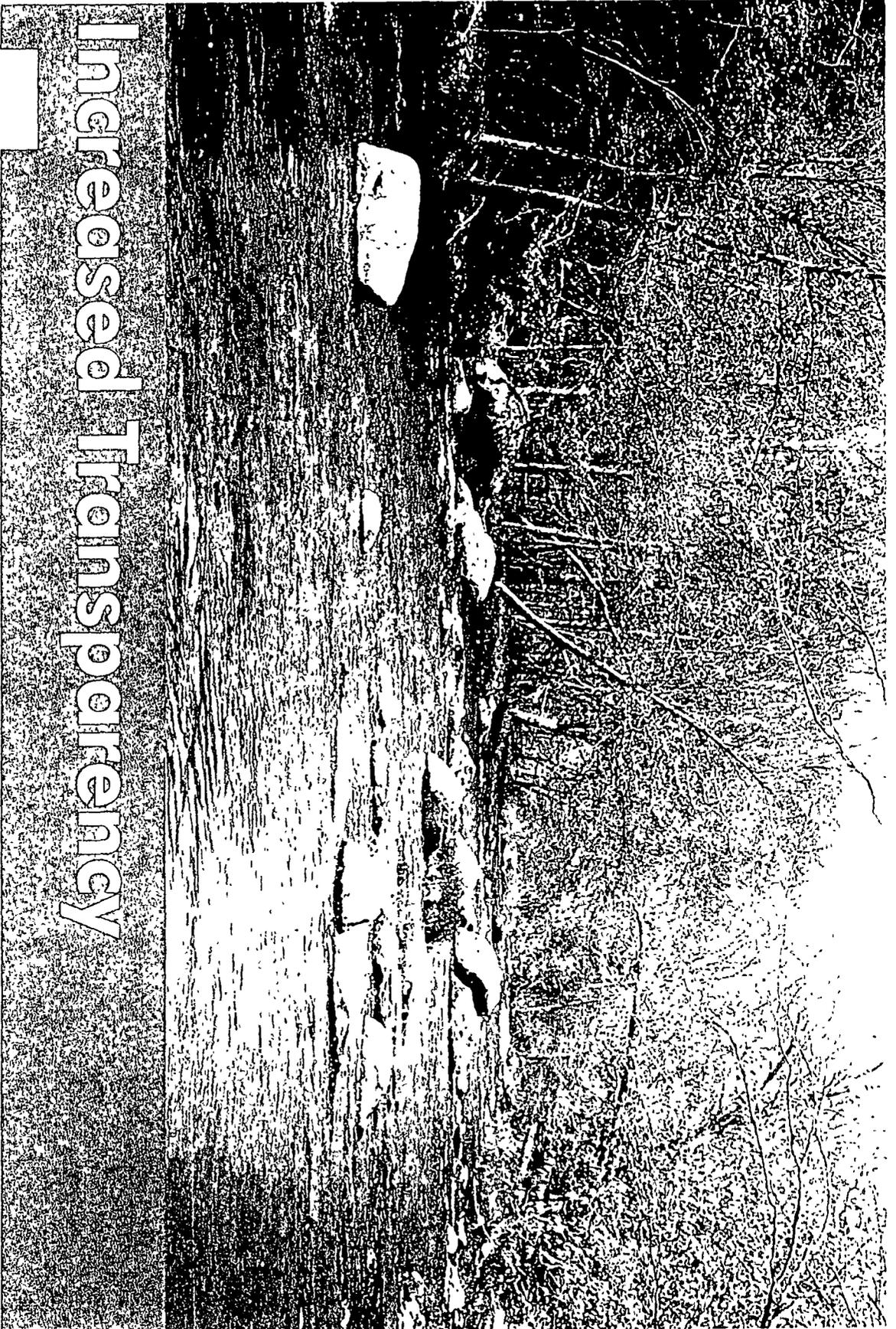
Connecticut Department of Energy and Environmental Protection



Pre-Application Meetings have Resulted in Better Informed Applicants and Higher Quality Applications and Ultimately a Faster Review Period

- Pre-application meetings include education on Natural Diversity Database (NDDDB) review and public notice requirements
 - By License
 - NPDES Individual Permit Renewals
 - Solid Waste Individual Permits (includes notification on the possible need for Environmental Justice proceedings)
 - Long Island Sound Structures, Dredging and Fill
 - Inland Water Permits
 - Air New Source Review (Pre-Application and Application Review Meeting - 2-4 wks before submittal)
 - Multi-media
 - One meeting covers all licenses



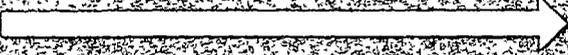


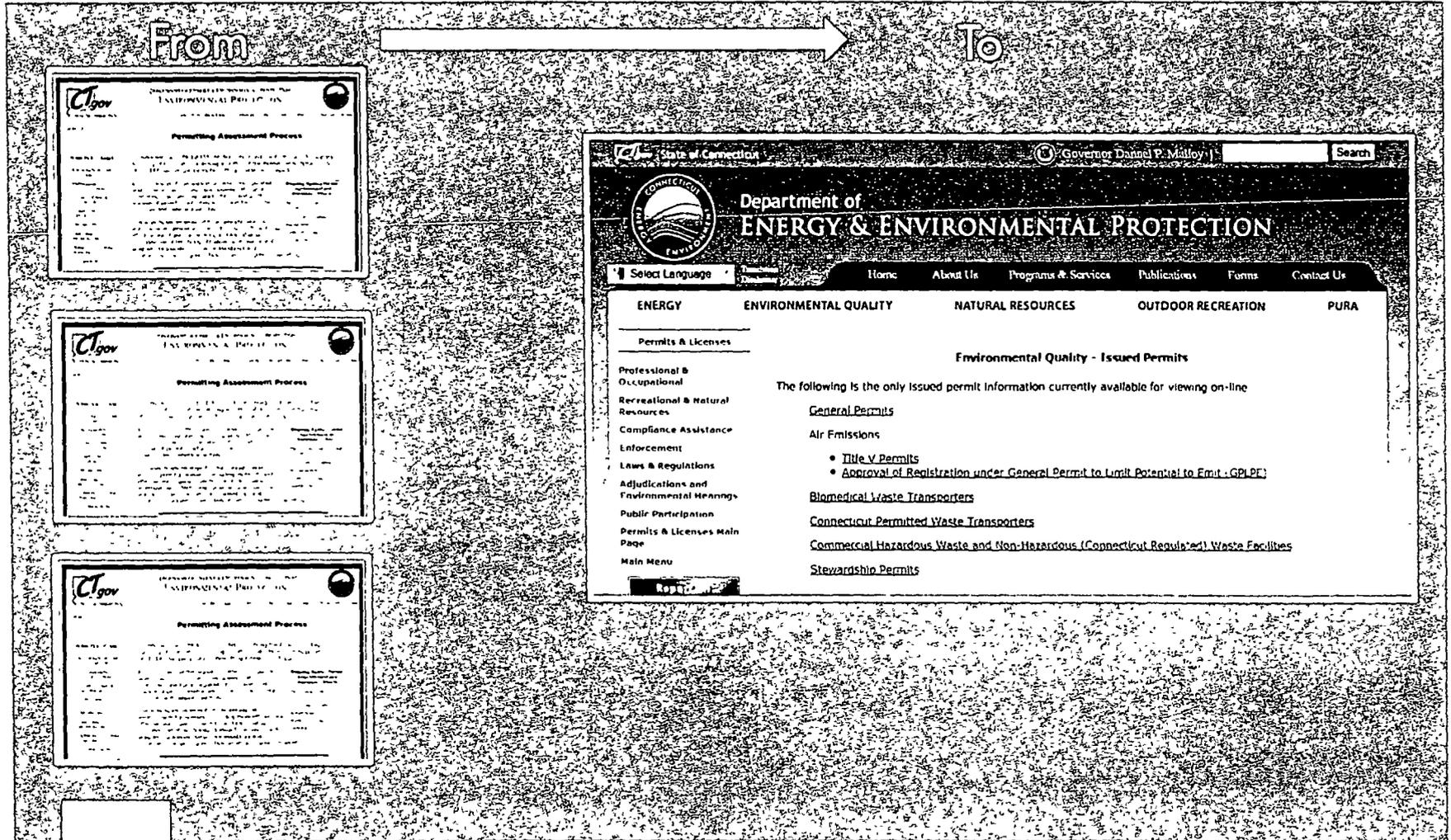
Increased Transparency



Connecticut Department of Energy and Environmental Protection

Issued Permits have Been Consolidated into One Area on the DEEP Website

From  To



The image shows a transition from a fragmented state to a consolidated one. On the left, under the word "From", three separate document pages are shown, each titled "Permitting Assessment Process" and featuring the CT.gov logo. An arrow points to the right, where the word "To" is placed above a screenshot of the DEEP website. The website screenshot shows a navigation menu with categories: ENERGY, ENVIRONMENTAL QUALITY, NATURAL RESOURCES, OUTDOOR RECREATION, and PURA. Under the "ENVIRONMENTAL QUALITY" category, there is a sub-section for "Permits & Licenses" which lists various permit types. A specific section titled "Environmental Quality - Issued Permits" lists the following: General Permits, Air Emissions, Title V Permits, Approval of Registration under General Permit to Limit Potential to Emit (GPLPE), Biomedical Waste Transporters, Connecticut Permitted Waste Transporters, Commercial Hazardous Waste and Non-Hazardous (Connecticut Regulated) Waste Facilities, and Stewardship Permits.



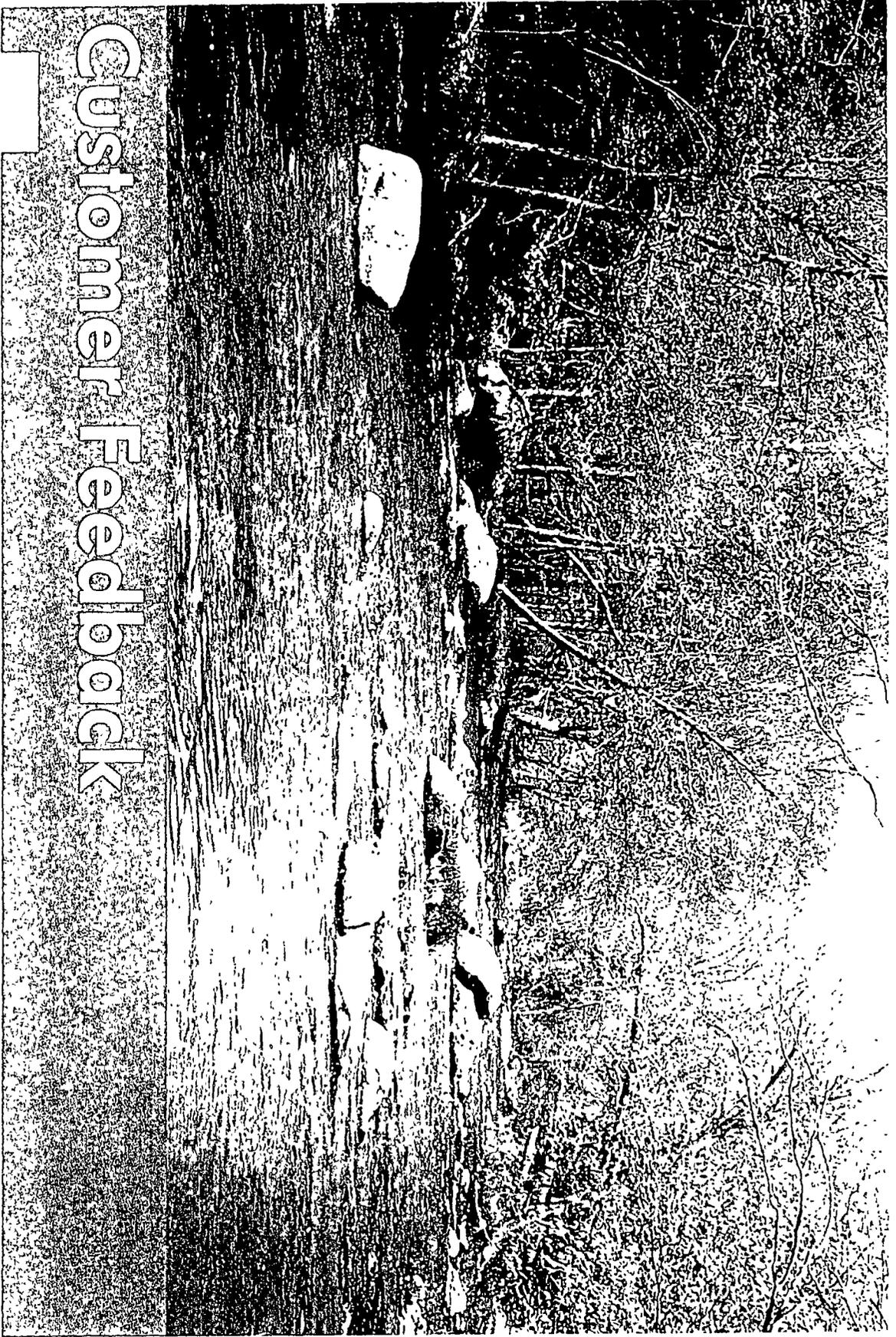
Connecticut Department of Energy and Environmental Protection

Application Redesign has Resulted in Better Consistency for Our Customers

- Common
 - Applicant information fields
 - Supporting documents (e.g., compliance history)
 - Certification
- Eliminated duplicative information
- Can fill out application electronically
- Embedded links to instructions and guidance and other required documents



Connecticut Department of Energy and Environmental Protection



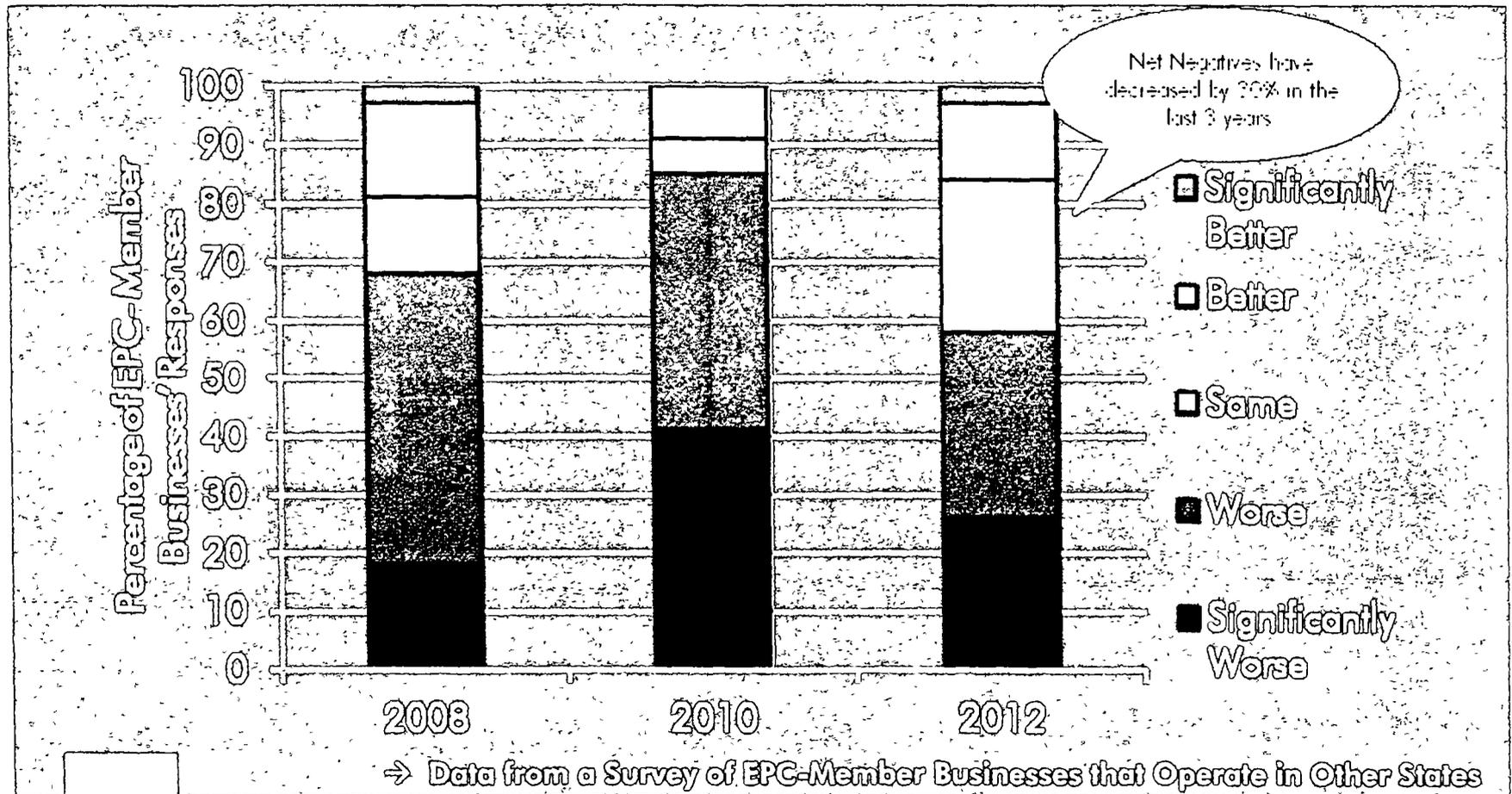
Customer Feedback



Connecticut Department of Energy and Environmental Protection

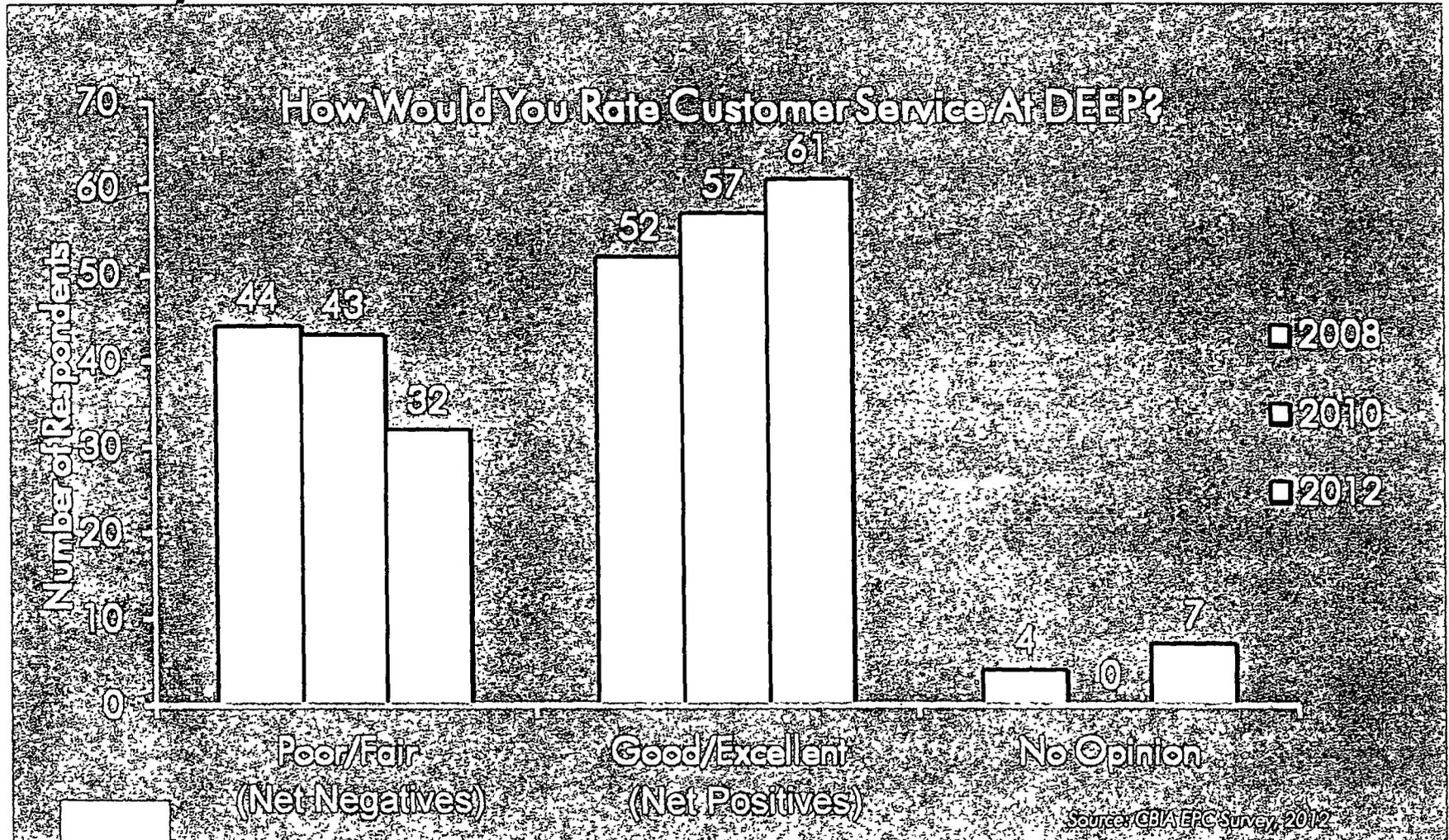
Perception of Connecticut's Environmental Regulatory Climate has Improved Relative To Other States

Source: CBIA EPC Survey, 2012



Connecticut Department of Energy and Environmental Protection

Perceptions of customer service have improved over the last 4 years



Connecticut Department of Energy and Environmental Protection



FOR THE ENVIRONMENT COMMITTEE
PUBLIC HEARING TESTIMONY OF RIVERS ALLIANCE OF CONNECTICUT
MARCH 15 2013

HB 6536
HB 6537
HB 6542
SB 1019

To the Chairmen, Sen. Ed Meyer and Rep. Linda Gentile, and Members of the Committee:

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 450 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents

Thank you for the opportunity to comment on bills before you today. I will address them in their order on the agenda.

HB 5480 AA REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT RESEARCH FARM. Support.

The agricultural research at UConn is an important benefit to the state. The proposed bill would require a review of safety precautions relating to UConn's use of pesticides at its research farm on Rte 195, south of the main campus in Storrs. The review would cover storage, application protocols, and water testing. The assessment is to be done by DEEP and DPH, who will report findings and recommendations to the CGA. This kind of safety review is important to do periodically when toxic substances are involved. It is especially timely when the effects of pesticides on health and the environment are being scrutinized statewide.

A few notes. Pesticides can travel through air and water. They can blow from one property to another. They can travel in water from one property to another. They can be carried on clothing, on vehicles, and by animals. Storage of hazardous waste materials has been a problem at the university, with the main collection area still being the converted coy dog kennel in the Fenton River watershed.

As described in the 2012 OLR Report *UCONN RESEARCH FARM* by J. L. Kaminski Leduc, the pesticides being tested at the UConn farm include over-the-counter products; restricted products theoretically available only to licensed persons (but definitely available through the internet and probably other sources); and 26 secret proprietary formulas. In 2011, more than 100 applications were made, primarily in spring and summer of herbicides, fungicides, and insecticides. The brand names are largely familiar, with many brands having different formulas. Conversely, the same chemical can be sold under different names. For example, the

It is not in the public interest for such a large water controller and supplier to be operating outside the laws that apply to all regional, municipal, and private water utilities. The situation has enabled UConn to avoid reconciling its ambition to grow with its relationship to the landscape, natural resources, and neighboring communities. The university's estimates of what its water needs are and will be vary widely, sometimes almost week to week. The approach is "If we build it, water will be found. We come first."

This bill also illuminates the chaotic condition of water planning in Connecticut. The confusion in Storrs Mansfield extends to most other parts of the state. Despite having a Water Planning Council, and Water Utility Coordinating Committees (in some places), we have no water budget (inventory of all water resources), no analysis of how much water is usable for what, and no means of designing a fair allocation of water to serve the public and the environment.

The reform of UConn's water planning should be linked to development of a water management and stewardship process that works for the region and for Connecticut.

HB 6542, AAC THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. Support.

The open space and farmland at the Southbury Training School is correctly regarded in the town and neighboring communities as vital protection for natural resources and local farming. Some leaders in the community, including Rep. Art O'Neill, have been working on its conservation for years. The late Marc Taylor, M.D., who headed national environmental efforts, always made time to work on saving this open space. You have a chance here to treat state land with wisdom and respect. Please take this opportunity.

HB 6536, AAC GENERAL PERMITS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION. Support.

Enforcement of general permits is feeble. I would prefer a more expansive cure, but enforcement must occur occasionally for the permit conditions to have any credibility. Given the shrunken resources of DEEP, this means raising some money for the work.

HB 1019, AAC ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

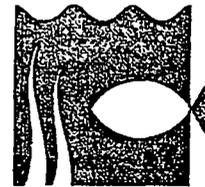
Stream channel encroachment: It is good that this bill retains the important option for the Commissioner to exercise authority when warranted.

Public notice for tentative permit determinations. The proposed new method is inadequate. Postings on the DEEP website will not reach most members of the general public. Already, people overlook the small newspaper announcements. I recommend communicating notices electronically with town clerks and town commissions so that announcements can be posted on town bulletin boards and handed out at commission meetings. The handouts should include information on how to subscribe to DEEP email alerts and how to go to the dedicated web page.

Margaret Miner, Rivers Alliance of Connecticut, Executive Director



**Connecticut Fund
for the Environment**



Save the Sound®
A program of
Connecticut Fund for the Environment

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

*In support of HB 6537, AN ACT CONCERNING WATER QUALITY AND THE
UNIVERSITY OF CONNECTICUT.*

*In support of HB 6536, AN ACT CONCERNING GENERAL PERMITS OF THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.*

*In support of HB 5480, AN ACT REQUIRING AN ASSESSMENT OF THE USE OF
CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT RESEARCH FARM.*

*In opposition to SB 1019, AN ACT CONCERNING ADMINISTRATIVE STREAMLINING
AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.*

Submitted by Lauren Savidge
Legal Fellow
March 15, 2013

Connecticut Fund for the Environment works to protect and improve the land, air and water of Connecticut. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.

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

HB 6537: Connecticut Fund for the Environment ("CFE") submits this testimony in support of Proposed HB 6537, An Act Concerning Water Quality and the University of Connecticut. If passed, this legislation would require the University of Connecticut to comply with certain water supply planning procedures that are required of other water companies. While much of this proposed legislation focuses on land owned by UConn, this bill highlights the need for water planning throughout the state, especially in and around UConn.

We must ensure that our state has a clean and sufficient drinking water supply to meet current and future needs and keep our inland waterways healthy. Clean and safe public drinking water has been a state priority for years. Drinking water quality is directly affected by the maintenance of source water watershed lands because these lands act as natural filters, trapping sediment, chemicals and other pollutants in the water. This legislation would regulate UConn as a water company and provide the same strong source water watershed land protections, also known as Class I and Class II lands as defined in Section 25-37c of the Connecticut General Statutes.

Additionally, water supply planning must be improved throughout the state. In its 2010 report to the General Assembly, the Department of Public Health ("DPH") stated the need for a statewide water management plan and that it would draft such a plan to address critical statewide water issues. A statewide plan is necessary to outline goals and policies to guide future development and water company projects that minimize the impact on water quality.

However, no such plan has been developed or implemented. Until a statewide water plan is created, the state drinking water supply is at risk of over-use in certain areas and abundance in others because of poor planning across the state regions. For example, there is a controversial interbasin water diversion that may be proposed that takes water from reservoirs in the Farmington River Watershed to the University of Connecticut, Storrs campus in the Thames River basin. This diversion goes against smart growth principles and pumps water into a rural area, away from the developed areas of the state.

More water management planning before large interbasin transfers take place, both around UConn and statewide, would facilitate cooperation and ensure that water supply expansions consider future impacts on the regional and overall state drinking water supply.

HB 6536: CFE also submits this testimony in support of Proposed HB 6536, An Act Concerning General Permits of the Department of Energy and Environmental Protection. If passed, this legislation would allow the Department of Energy and Environmental Protection ("DEEP") to collect an annual fee for general permits.

General permit programs at DEEP are an effective means to monitor projects with environmental impacts throughout the state and grant permits in a timely fashion so regulated projects are not unduly delayed. For the general permit regulatory programs to remain effective and carry out their respective environmental goals, DEEP must have the resources to monitor compliance with the permits.

However, DEEP is an agency of limited resources. This annual fee on general permit holders would provide support to the agency to monitor compliance from the entities being regulated and receiving the benefit. The fee is minimal enough that it would not detrimentally impact regulated individuals.

HB 5480: Additionally, CFE submits this testimony in support of Proposed HB 5480, An Act Requiring an Assessment of the Use of Certain Pesticides at the University of Connecticut Research Farm. If passed, this legislation would protect water quality and overall public health by requiring an assessment of pesticide practices at the University of Connecticut Research Farm.

Clean drinking water is a basic human necessity and public drinking water systems must be regulated to protect and preserve the quality of drinking water for human consumption. Consuming contaminated drinking water can lead to long term and chronic health problems through waterborne diseases. Pesticides often infiltrate groundwater and can contaminate public drinking wells. It is important for UConn to assess its pesticide use and application to protect the integrity of drinking water in the area.

SB 1019: Finally, CFE submits this testimony in opposition to Section 14 of Proposed SB 1019, An Act Concerning Administrative Streamlining at the Department of Energy and

Environmental Protection. If passed, Section 14 of this legislation would eliminate the requirement that general permits under Section 22a-45a of the Connecticut General Statutes apply only to "minor" activities. It would also eliminate the public's ability to access listings of general permit holders under this Section.

While general permits can be a good streamlining device, they were not designed for, and should not be applied to, major activities. If a state inland wetland project will have a significant or major impact, it should go through the full permit process that requires the state entity to submit additional information, including the need for and impact of the project. Projects that are not considered minor need to go through the full process of review to ensure they are in compliance with state law and policy and provide for full public participation.

Moreover, the public listing of general permit holders pursuant to Conn. Gen. Stat. § 22a-36 is important to inform the public of activities affecting inland wetlands and watercourses the state. It also serves as an important tool to allow regulatory agencies and citizens to track and verify compliance with the permit. Not only should DEEP be required to maintain a list of general permit holder to monitor permit holders compliance, but the list should also be available to the public to increase agency transparency.

Thank you for your time and consideration on these matters.

Sincerely,

Lauren Savidge, Legal Fellow
142 Temple St. 3rd Floor
New Haven, CT 06510
t: 203.787.0646 f: 203.787.0246
lsavidge@ctenvironment.org

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 8
2352 - 2684**

2013



Testimony
Elizabeth Gara
Connecticut Water Works Association (CWWA)
Before the
Environment Committee
Public Hearing
March 15, 2013

**HB-6536 - AN ACT CONCERNING GENERAL PERMITS OF THE
 DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

The Connecticut Water Works Association (CWWA) *opposes* **HB-6536**, which imposes a new annual fee on entities operating under a general permit issued by the state Department of Energy and Environmental Protection (DEEP).

DEEP has made significant strides in enhancing the general permit process in ways that will improve efficiency, expand permit flexibility, and provide greater certainty to the regulated communities. Reducing the time and costs associated with the general permit process allows water utilities to operate more efficiently.

HB-6536 would undermine these efforts by significantly increasing the costs associated with general permits. Under current law, permit fees are already very high. For example, the fee for the General Permit for Inland Water Resources Construction Activities is \$5,000 for certain activities.

Water utilities are required to obtain a variety of general permits in order to meet their obligation to provide customers with an adequate, safe supply of water at a reasonable cost and comply with state environmental protection laws. Adding an annual user fee on top of the already steep permit fee will simply add to the cost of providing public water supplies to meet the needs of Connecticut residents and businesses.

**SB-1019 - AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT
 THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.**

CWWA *supports the provisions* in SB-1019 which repeal the Stream Channel Encroachment Line Program administered by the state Department of Energy and Environmental Protection (DEEP).

This program requires DEEP to issue permits to regulate proposed development in floodplains along 270 miles of the state's most flood prone rivers. However, since the program was adopted in the 1950s, municipalities have incorporated guidelines governing proposed development in floodplains into local zoning laws consistent with the

guidelines established by the Federal Emergency Management Agency. Accordingly, the state program is no longer necessary.

According to a report prepared by the Connecticut Policy Institute, "the Department's Inland Water Resources Division (IWRD) estimates that SCEL permit reviews take up about ten percent of the division's resources. If SCEL were repealed, these resources would be freed up to provide faster service to the regulated community on other regulatory programs."

CWWA urges support for this bill.

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut.