

PA13-209

HB6653

Environment	2608, 2609, 2723, 2725, 2727, 2729, 2756, 2990- 2999	17
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 20
6540 – 6911**

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HOUSE OF REPRESENTATIVES

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May 28, 2013

Those voting Yea	142
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER BERGER:

The bill, as amended, passes.

Will the Clerk please call House Calendar Number
311?

THE CLERK:

On page 46, House Calendar 311, favorable report
by the joint standing committee on Planning and
Development, Substitute House Bill 6653, AN ACT
CONCERNING DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION REGULATORY STREAMLINING TO ASSIST
MUNICIPALITIES.

DEPUTY SPEAKER BERGER:

Representative Albis of the 99th.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER BERGER:

Good afternoon, sir.

REP. ALBIS (99th):

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

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DEPUTY SPEAKER BERGER:

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

Please proceed, Representative.

REP. ALBIS (99th):

Thank you, Mr. Speaker.

Mr. Speaker, this bill piggybacks on the streamlining bill that was passed earlier today. It is a product of DEEP's LEAN process to examine how they can streamline their regulations, make it easier for applicants and the department at the same time.

Mr. Speaker, I do move passage of the bill, and with that, the Clerk does have an amendment that was passed in the Senate, LCO Number -- I'm sorry -- 7663, and I would ask that the Clerk please call the amendment, and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER BERGER:

Would the Clerk please call LCO Number 7663, designated Schedule "A."

THE CLERK:

Yes, Mr. Speaker, LCO Number 7663, Calendar Number 311, designated House Amendment Schedule "A,"

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offered by Representative Albis, et al.

DEPUTY SPEAKER BERGER:

The motion before the Chamber is acceptance of House Amendment Schedule "A," LCO Number 7663.

The good representative has seeks leave of the chamber to summarize.

Is there an objection to summarization? Is there objection?

Seeing none, please proceed, Representative Albis.

REP. ALBIS (99th):

Thank you Mr. Speaker.

Mr. Speaker, this amendment changes a "shall" back to a "may." It's already in current law, and it deletes sections 13 and 14, and, Mr. Speaker, I move adoption of the amendment.

DEPUTY SPEAKER BERGER:

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

Will you comment further on Amendment "A"?

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I rise in support of this amendment. As this

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bill came winding through committee, it's been chewed on and reshaped over the last month or two.

There's several sections that we had some issues with, 13 and 14, had some of those issues and, by this, we're striking them. The removal or inclusion of "may" to "shall" could potentially cause some headaches, but I agree with the representative, it is essentially what we're doing now and with comparison to some of these other amendments, overall, it's a positive step so I support the amendment. Thank you.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

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

If not, I will try your minds.

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed?

The ayes have it. The amendment is adopted.

Will you comment further on the bill as amended?

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

DEPUTY SPEAKER BERGER:

Have all of the members voted? Have all of the members voted? Will the members please check the board to see if your vote has been properly cast?

If all 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:

Mr. Speaker, House Bill Number 6653, as amended
House "A"

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	141
Those voting Nay	1
Those absent and not voting	8

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DEPUTY SPEAKER BERGER:

The bill, as amended, passes.

Would the Clerk please call House Calendar Number
123.

THE CLERK:

Mr. Speaker, Calendar page 15 -- 50 -- excuse me
-- House Calendar Number 123, favorable report of the
joint standing committee on Judiciary, Senate House
Bill -- Substitute House Bill, rather, Number 5345, AN
ACT CONCERNING HOMEMAKER COMPANION AGENCIES AND
CONSUMER PROTECTION, as amended by House "A" and
Senate "A."

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Good afternoon, sir.

REP. BARAM (15th):

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

DEPUTY SPEAKER BERGER:

The motion before the Chamber is acceptance of

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SENATE**

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Senator Musto.

SENATOR MUSTO:

If there's no objection, Madam President, I'd ask this be placed on the consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR MUSTO:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk?

THE CLERK:

On page 16, Calendar 671, Substitute for House Bill Number 6653, AN ACT CONCERNING DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO ASSIST MUNICIPALITIES, favorable report of the Committee on Environment.

THE CHAIR:

Good afternoon, Senator Meyer.

SENATOR MEYER:

Thank you.

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

THE CHAIR:

Motion is on acceptance and passage in concurrence.

Will you remark, sir?

SENATOR MEYER:

I will.

Colleagues, the Department of Energy and Environment Protection has been a beleaguered department in some respects because it's become understaffed after going through project problems. And this bill what it's trying to do is to streamline itself and to streamline itself in a way that makes it more accessible and responsive to our towns.

And so what this bill does in part is it eliminates the commissioner's authority to create tidal wetlands boundary maps. Those maps really are unnecessary. FEMA and the feds have gotten involved and it is no longer a significant state obligation.

It also allows the agency to provide notices electronically instead of legal notices in newspapers. Third, it removes a deadline by inland wetlands general permit applicants must notify local land use agencies of their intentions to conduct permitted activities. That's a good flexibility the bill is adding.

It also expands the circumstances when the commissioner must hold a public hearing. That's good accountability. It requires the commissioner to issue and record on land records a certificate of revocation when the commissioner has revoked a final order of the agency. The bill goes on to repeal certain mandates relating to public education and solid waste and those mandates have been a nuisance, anyway.

So what the bill does is, as the title says, it streamlines the agencies in a way that's more responsive to our towns. So that's the bill and I urge its passage.

THE CHAIR:

Thank you.

Will you remark?

Senator Chapin.

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SENATOR CHAPIN:

Thank you, Madam President.

Madam President, some questions to the proponent through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

As I recall when we had this bill before the Environment Committee, it came out of committee on kind of a not-close-to unanimous vote. Is that your recollection as well?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

That is true. There were some negative votes in Environment Committee. And I -- your recollection may be better than mine, Senator Chapin. I don't remember any reasons for those. And in fact, the greater flexibility that's put into this streamlining seems to me to be very much in the public interest as well as the interests of the agency.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And again, through you, as I recall and maybe can

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confirm this me for me, I think we may have had an amendment in the Environment Committee that dealt with Section 1 dealing with the language that said, such plans shall be consistent with a state plan of conservation and development.

And I believe that that was an original or an earlier file copy version. I think the Planning and Development Committee may have rectified that issue. Could the gentleman confirm that for me?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President.

That was cured (inaudible) by House Amendment "A" according to the OLR report I have.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

Madam President, I thank the gentleman for his answers. I believe that those issues that were raised that caused some objection when this bill was before the Environment Committee have been dealt with. I appreciate that and I certainly encourage my colleagues around the circle to support it today.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

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Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I do have a few questions for the proponent of the bill, through you.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you, Madam President.

I noticed from the revised fiscal note that there seems to be a savings now to the State of Connecticut with the passage of this bill. If perhaps Senator Meyer could identify for me which portions of this bill will result in those savings?

Through you Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President.

I think the most significant savings is that the department will be able to give notices electronically rather than purchasing expensive notices in newspapers.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And would those public notices be published by DEEP?

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Or by municipalities?

Through you Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

They will be published by DEEP and they will be published primarily on its website.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I also understand that the bill allows the commissioner to set a fee for beneficial or commercial use of certain sand or gravel or other material from waterward of the high mark, and also waive that same fee, I think.

Through you, Madam President, what kinds of materials are we talking about? And what kinds of fees are we looking at?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

The bill actually sets or specifies the types of materials that are involved here which are primarily sand and gravel, through you, Madam President. And there is no actual prescription, as I recalled, of the specific fee.

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THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

All right. So I just want to make sure I understand this. When we are talking about high water mark and then waterward of that position, essentially we're talking about where the tide comes in to its highest point and then from that point down to the body of water, presumably the Sound, is that correct?]

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

That's absolutely correct. You recall that DEEP has jurisdiction waterward of the high water -- of the high tide mark. And our towns have jurisdiction landward of the high tide mark.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I also recall over the years hearing about or reading cute stories of individuals asserting their right to walk waterward from that mark anywhere they want. And in fact, I think they've walked the entire coast of Connecticut at times. And technically I think it's not trespassing because it's their constitutional right to be on that land.

I believe when I read the OLR report it does talk

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about a right to establish a fee. I believe I heard Senator Meyer say that he wasn't aware of the fees. And maybe I misheard him, but if I could get some clarification, through you, Madam President, does this bill give DEEP the right to charge for the materials that would be extracted?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I don't believe it covers that. It's a fee solely for its oversight of the extraction, but not a fee for the value of what's extracted. Is that -- if I'm answering your question. I'm not sure if that's what you're asking.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

Let me -- I think it's -- we're partway there, but let me try it a different way. So I'm assuming the person who's extracting the sand or gravel from this property, they have to already own the property. Is that correct, through you, Madam President? Or have some type of right given to them by a private interest. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

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As I understand it, because we're talking about gravel and sand that is waterward of a high water mark it would be within the jurisdiction of the agency. And so I think I'm going to correct myself.

The fee that it would charge would be for allowing some other entity, as for example, a town or some other entity to use that sand or gravel which is within the jurisdiction of the agency because it's waterward of the high water mark.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And I apologize for being so thick on this. I guess maybe the first question I should have asked is, the property that is going to be used or extracted, is that in the State's possession or is that in private party possession?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

That is in the possession of the Department of Energy and Environmental Protection, under our laws.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

Very helpful answer. And would, under this bill is it contemplated that a contractor or somebody is going to go in and actually take some sand and use it for

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whatever purpose they might have? Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you Madam President.

That's right. It's contemplated by this section of the bill that a contractor, as you point out, might go in and extract some sand or gravel waterward of the high water mark for which the agency would be able to charge a fee.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And then I guess kind of taking us to that fee, is there a contemplation that there would be a unit charge for what they're extracting? Or are we just talking about a fee for an oversight of the process, like I think might have initially said?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah. Through you, Madam President. It would be the latter, Senator Welch. They would not -- there would not be a unit -- there's nothing in this bill that would allow an additional unit charge.

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Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

Out where I live in Bristol, not too far from our house is a really large dog park and it's a great dog park. It's off-leash walking, but it used to be an old gravel pit, as it were, which now has purely somewhat therapeutic and recreational use associated with it. And I would imagine the person who owned that property before deeding it to the City got money for the value of the sand that was extracted.

And I guess I'm wondering to the extent that this is property that is within the control of DEEP and to the extent that we're going to be giving somebody sand or gravel or what it might be, other than the fee how do we expect to be compensated for those materials?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

As I understand the bill, it just -- it uses the term "fee." It doesn't use the word "compensation," but it uses the word "fee" as the compensation that the agency would receive in consideration of your term, "a contractor" extracting some sand or gravel waterward of the high water mark.

THE CHAIR:

Senator Welch, sorry.

SENATOR WELCH:

Thank you, Madam President.

And I thank Senator Meyer for his patience.

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SENATOR MEYER:

And excuse me, Madam Chair.

I could just -- Mr. LaFrance has told me that the fee can also be waived in the event that the sand or gravel is contaminated.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Got it. All right. Very helpful piece of information.

Senator Meyer, thank you for your time and walking me through these questions. Again, this isn't a bill that I've been tracking all last session, so I did have a lot of questions and I appreciate those answers.

THE CHAIR:

Will you remark?

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I have what I think will be a quick question from you -- through you, to the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

In the bill it looks like we are removing the requirement of DEEP to post in newspapers. Is that

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true?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

What it does is it gives the agency the discretion to post notices electronically, primarily through its website as I mentioned before, instead of printing in the newspapers.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

But it also, in the bill, talks about that applicants for certain permits or licenses must publish a notice in a newspaper or general circulation in that affected area. So what's good for the goose is not good for the gander?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah. Through you, Madam President.

What's good for the goose is not necessarily good for the gander, because there are some notices that would be in the public interest to fully print in the newspapers and others, you know, more summary notices could be printed in the public interest in -- on the website. So I think that the discretion that the bill

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gives to the agency makes good sense.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I would -- and thank you, Senator Meyer for answering my question.

And candidly, I would disagree with that. I think too many times in this circle and in this building we require or mandate things for businesses to post, you know, pay electronically or provide different things electronically, But yet we're saying the agency doesn't have to.

But you, the applicant, you must. So you must incur a cost. We don't have to because we think we can tell you by E-mail or electronically, but no. If you want to apply for something or apply for a license, then you must. And I think that's a contradiction of terms. I think it's hypocritical and I disagree with that.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Madam President, thank you. Good afternoon, madam.

I apologize, Madam President. There -- with less than 24 hours, I believe, left in session it seems like there are eight things going on at once in addition to the bill before us. And I heard a lot of the colloquy between Senator Meyer and Senator Kane, but missed one

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of the more important pieces.

So if I could, Madam President, I would like to ask Senator Meyer a question, through you.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you, Madam President.

Senator Meyer, you talked about giving the agency discretion to electronically post notices. So my first question is, does this give them discretion to electronically post all notices? Or just in certain notices?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

To Senator McKinney, Senator, if you look at Section 3 of the bill you'll see that it is -- it's just what you just said. It is certain notices and not all notices.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

And with respect to those certain notices, do they have the discretion to file them sometimes electronically? Or all the time electronically? How would someone who now relies upon the written published notice know that that is no longer going to be the case?

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Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I think that's -- through you, Madam President.

I think that's left to the discretion of the agency as to whether it will do it. But you can see in Section 3 that notices, for example, concerning public hearings could be done electronically, rather than through the newspaper.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

And I thank the Senator for directing me to that. And I am looking at Section 3, subsection K and, generally, obviously, starting at line 96. And in reading that section, subsection 1 talk about publishing notice in a newspaper having general circulation in each town wherever the proposed work or any part thereof is located of his, being the commissioner, intent to waive said requirements.

And then it says, and, two, mailing or providing by electronic means -- that's the new part -- notice of such intent to the chief administrative officer in the town or towns where the proposed work is located. So if you are a chief administrative officer in a town where work is located, how would you know that you're no longer going to get written notice, but you're going to get electronic notice?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

I would imagine you would know that through -- if there were any question about it you would call the agency. And you'll see for example in Section 4 that there is no discretion with respect to the matters covered by Section 4. Written notice has to be given there.

So I think what we're trying to do in this is we're trying to do a couple of things. We're trying to come into the 21st century by having legal notices given electronically. We're trying also to save money for our agencies, a good result. And I think this, I think Section 3 goes in that direction.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

And -- well, let me back up, because I'm confused.

When we use the term "legal notice electronically," I perhaps mistakingly hear you talk about legal notices that we are often required, whether you're an applicant for something or a commissioner, legal notices that you're required to put in the local newspapers. But I'm reading this language and I don't understand the language to be that.

And my hope is, my reading of the language is more consistent with the fact that we seem to be talking about providing by electronic means notice to a chief administrative officer, which means -- I read that as meaning an e-mail, not by mail.

And so we're not removing the requirement of publishing legal notices in a paper, but we're simply saying when we give a notification to a chief administrative officer of a town, that notification

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from the agency can be done by electronic means -- I'm assuming that means e-mail, not like Facebook or a Twitter account or anything like that, but an e-mail -- and legal notices are still preserved for the papers. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

That's correct, Senator McKinney. This provides that a two-part notice, as you well point out. The first part is that with respect to a permit, permitting process like a hearing, there's got to be a published notice in the newspaper so that the residents of the town are informed.

But that it goes on to provide that you can by mail or electronic means give notice of that intent to the chief administrative officer of the town. So as you point out, it is a two-part in which the legal publication newspaper is preserved, but at the same time from the chief administrative officer it could be done by e-mail.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

And I appreciate Senator Meyer's response. I apologize for my not seeing that as clearly as I should have in the first instance, but when I heard the term "legal notices by electronic means," that -- that to me is not something we should be doing at this stage. But certainly e-mailing an individual with a notice instead of mail is not the same thing -- and perfectly acceptable.

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Thank you.

THE CHAIR:

Will you remark further? Will you remark further?

If not, Senator Meyer.

SENATOR MEYER:

Madam President, I'm not sure if there's -- if Senator Kane had an objection. He does, so may we have a roll call?

Thank you.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote? And machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate.
Senators, please return to the chamber. Immediate roll call is 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:

House Bill 6653.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	34
Those voting Nay	1
Those absent and not voting	1

THE CHAIR:

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The bill passes.

Senator Looney.

Senator Looney.

SENATOR LOONEY:

Thank you. Thank you, Madam President.

Madam President, wanted to add as an additional go item calendar page 19, Calendar 690, Substitute for House Bill 6358, but if the clerk would call as the next bill continuing calendar order, calendar page 16, Calendar 674, House Bill 6441.

THE CHAIR:

Mr. Clerk.

SENATOR LOONEY:

Thank you, Madam President.

THE CLERK:

On page 16, Calendar 674, Substitute for House Bill Number 6441, AN ACT CONCERNING THE DAM SAFETY PROGRAM AND MOSQUITO CONTROL, favorable report of the Committee on Environment.

THE CHAIR:

Senator Meyer, good afternoon again.

SENATOR MEYER:

Thank you.

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

THE CHAIR:

Motion is on accepted and passage in concurrence.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 8
2352 - 2684**

2013

SENATOR MEYER: Okay.

Are there any other questions of the commissioner?

Commissioner, thanks, so much for your testimony and your great service; appreciate it.

COMMISSIONER STEVEN K. REVICZKY: Thank you.

SENATOR MEYER: We're now going to go to the public calendar, and our -- our first witness will be Eric Brown. And Mr. Brown will be followed by Representative Betts.

ERIC J. BROWN: My name is Eric Brown. I'm with the Connecticut Business and Industry Association, and I'm going to do my best to testify on three bills in three minutes.

HB 6653
SB 1082

So we'll start with the fracking bill, 5335. CBI opposes this bill for reasons that have already really been discussed this morning in the discussion with Commissioner Esty, the concern for hypocritical message, the fact that wastewaters in this state are already highly regulated and need to be permitted; also, there may be an opportunity for a facility to come into the state to recycle this material. We don't want to foreclose the opportunity for something to advance our state policy of reduce and recycle.

Fourth, if all states were to adopt such a standard or law, what would that say and do to the prospects of -- the bright prospects of natural gas energy? And, fifth, as was said, we already have a fracking bill coming out of Energy; I assume that bill will be coming here. So to the extent one wishes to work on it,

there'll be an opportunity.

Second bill is 6653, the streamlining bill. We appreciate all that DEEP is doing to streamline. We support the bill with one exception, Section 11, which we see is a significant retreat from an important component of the regulatory reform measures that this committee, and Senator Meyer, in particular, was instrumental in getting through the Legislature a few years ago. So I refer you to my written testimony to take a look at that.

The bulk of my time, I want to spend on Bill 1082. We oppose Sections 2 of -- 2 and 3 of this and feel very strongly those sections should come out. We're currently, as you know, in the midst of a huge comprehensive change, and building an entirely new structure for the reporting and cleanup of contaminated properties in the state, it's agreed throughout all stakeholders that the foundational element, the foundation that all those programs in that structure are going to be built on are the so-called "Remediation Standard Regulations." And it's been agreed that those have to be fixed first before we build other structures on top of it.

I just want to take a minute to respond, in the balance of my time, to some of the commissioner's, Commissioner Esty's comments, Commissioner Esty is someone who I hold in the absolute highest regard, but I think it's -- he stated it's his understanding that this proposal in two and three have nothing to do with the remediation standards or the cleanup of -- of those properties.

I -- I -- that's mistaken. There are the triggers that -- themselves -- that define what a Significant Environmental Hazard is, are --

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 9
2685 - 2999**

2013

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ENVIRONMENT COMMITTEE

March 22, 2013
10:30 A.M.

Thank you, very much.

REP. GENTILE: Thank you, Sally.

Any questions?

Thank you for your time.

Kachina Walsh-Weaver, followed by Margaret Miner.

KACHINA WALSH-WEAVER: Good afternoon, Representative Gentile, members of the committee. Kachina Walsh-Weaver with the Connecticut Conference of Municipalities. I'm going to speak very quickly on three bills before you today.

HB6653
SB1081

Senate Bill 1082, having to do with brownfield redevelopment, we want to emphasize that brownfield remediation and redevelopment continues to be a high priority for towns and cities across Connecticut. We see this as a critical part to Connecticut's efforts -- do you mind? Do you mind if --

REP. GENTILE: Must have --

KACHINA WALSH-WEAVER: -- I wait?

REP. GENTILE: -- been something you said, Kachina.

KACHINA WALSH-WEAVER: Nothing like clearing a room.

REP. GENTILE: We'll wait just a moment until it quiets down a little bit.

Thank you all.

VOICES: (Inaudible.)

KACHINA WALSH-WEAVER: Oh, look. Brendan is not

cost-benefit analysis can be done for these properties. You'd want to figure out where that tipping point is that you invest enough money to remediate but that you're not investing so much more that you are not making any additional progress.

So we encourage you to look very carefully at all of these issues. And there are much wiser people on these issues that came before me and I'm sure can help the committee as they move forward.

We are definitely in opposition to Section 1 of House Bill 6653. Contrary to the title of the bill, we see this section would impose a significant and costly new mandate on local governments by requiring local plans of conservation and development to be consistent with the State plan and subjected to the review and approval by DEEP.

The current process that's in place, which has been vetted over the years, is a bottom-up approach. It follows the New Jersey process, which has been very successful. As we have cited in many other instances, a one-size-fits-all approach never works.

Updating local plans of conservation and development can cost upwards of six figures, so every time the State plan changes a little bit, then towns would have to be forced back to their consultants and their attorneys and -- and a very lengthy process.

Senate Bill 1081, AN ACT CONCERNING RECYCLING AND JOBS, there you've heard from a lot of people before me and you also have my testimony in front of you, so I will go over it very quickly.

municipalities are the ones that are statutorily responsible for the disposal of solid waste. And if this registration process is taken out of their hands and is housed someone else, our concern is that maybe they won't know the information that they should know, but yet they're still liable for any actions that these individuals take or what happens with the disposal or their solid waste.

We're also concerned that with the current state of the State budgets, the current draft of this proposal still has municipalities getting the registration fee, which certainly does not in any way offset the increased admin, the administrative, the increased administration that DEEP will have to do in order to take on these registrations. And we have a concern that maybe at some point the proposal might shift that fee over to the State.

REP. GENTILE: Thank you, Kachina. Thank you --

KACHINA WALSH-WEAVER: Thank you.

REP. GENTILE: -- for your patience.

Questions?

Okay.

KACHINA WALSH-WEAVER: Thank you.

REP. GENTILE: Margaret. Margaret will be followed by Keith Haley.

MARGARET MINER: Good afternoon, Madam Chairman and members of the committee. I'm Margaret Miner with Rivers Alliance of Connecticut. Our mission is to protect the state's waters, so we'll be addressing that quickly.

SB1082
HB5335

what they were doing, what safeguards were necessary. But now New York has put its -- its program on hold, pending further studies.

In the regulatory streamlining, I'll put something in, but the one thing I'll just mention, in closing, is that that bill addresses management of sewage treatment, and I understand the concern about the plans. But I would urge that somebody take responsibility, either DEEP or DPH, to write regulations and have better oversight of the on-site sewage, advanced on-site sewage treatment systems, which are now in a sort of a regulatory limbo and are very important to how a town plans for its development and nondevelopment.

HB6653

Right now, plans just refer to sewers, and we're saying you should look at this new technology which will very likely replace sewers in your towns. So if you want to do it right, make a plan for it.

REP. GENTILE: Thank you, Margaret.

Any questions?

All right.

MARGARET MINER: Thanks.

REP. GENTILE: Keith Haley, followed by Richard Braccia, followed by Pat Young.

KEITH M. HALEY: Good afternoon, Madam Chair, members of the committee. I want to start by saying I've been here since nine o'clock, very nervous about speaking in front of a room full of people for the first time, and there happens to be nobody left --

REP. GENTILE: That's --

Thanks, all:

1082 AAC Brownfield Redevelopment, Institutional Controls, and Significant Hazard Programs. RA has signed on to testimony of CFE. We also agree with Attorney Catino that there is significant uncertainty in how to exit the program in addition to uncertainty in other processes. One key question is how risk is assessed. The formulas clearly are important but they seem to be still in development. We hope there will be time to review areas of uncertainty.

We have taken a small part in DEEP's Remediation Transformation effort. And we agree with the Brownfields Working Group and DEEP that the brownfields program offers the promise of simultaneous economic and environmental benefits. We have looked at this potential especially with respect with to the Naugatuck River watershed.

On the other hand, we have yet to see reassurance that funding can be found to supervise and manage the program adequately. In the end, it's possible that the state will need to investigate establishing a multi-stakeholder review and enforcement board, supported by both private and public funds.

5335 AA Prohibiting the Possession and and Storage of Fracking By-Products. Rivers Alliance supports the approach used in Vermont, where the law imposes a moratorium on both fracking and disposing of fracking waste pending a study on methods for performing these actions safely. We believe this requirement for demonstrating safety is consistent with the position of DEEP Commissioner Esty. DEEP has been looking to NY State to learn from their experience. But the NY program is on hold pending further study.

6653 AAC DEEP Regulatory Streamlining to Assist Municipalities. A local sewage-management plan should address the use of advanced on-site sewage treatment facilities. This technology allows for dense development in areas where it is not possible to use conventional septic. This can be good or bad in terms of environmental and economic goals. But a town should plan for how best to deploy such technology (or not). The process should be the same as for planning sewer service and sewer-avoidance areas.

In addition the state needs to develop regulations for small advanced systems (under 5000 gpd). The systems are based on controlled bacterial action, similar to most municipal systems that discharge to surface waters. Thus far their performance in CT has been variable and oversight and enforcement has been weak.

In streamlining, we believe it is not prudent to change DEEP's responsibilities under general permits from "shall" take stipulated actions to "may."

We look forward to the chance to work with the Committee in any way you deem useful.

Margaret Miner, Rivers Alliance, Litchfield
203-788-5161.
Sent via BlackBerry by AT&T



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

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

Public Hearing – March 22, 2013
Environment Committee

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

Raised House Bill No. 6653 – AN ACT CONCERNING DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO ASSIST MUNICIPALITIES

Thank you for the opportunity to present testimony regarding Raised House Bill No. 6653 – An Act Concerning Department of Energy and Environmental Protection Regulatory Streamlining to Assist Municipalities. 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) streamline various notice provisions; 2) eliminate the 60-day waiting period for the issuance of certain general permits; 3) eliminate outdated tidal wetlands provisions; 4) remove the mandate to develop certain farm management regulations; 5) eliminate the mandate to adopt certain regulations related to wastewater discharge plans and specifications; 6) repeal the registration requirements for sewage additives; 7) restore balance and consistency in the right to a hearing for certain coastal activities; and 8) require review of water pollution control plans. All of these proposed changes allow DEEP to focus more keenly on issues that are important to municipalities and spend less time on programmatic requirements that have outlived their useful life.

Streamline Notice of Application Process. Section 2 of the proposed bill would amend Section 22a-6g of the CGS to streamline the Notice of Application process by having the applicant publish notice and notify the chief elected official of the town where the activity is taking place prior to submission of the application to DEEP. This will save time for both applicants and DEEP, while maintaining public participation opportunities.

Allow For Hearing Upon Petition. Sections 3 and 8 of the proposed bill would correct an inequity established by last year's Public Act 12-100, which allowed only applicants for coastal structures and dredging permit applications and Section 401 Water Quality Certifications to obtain a full contested case hearing upon request. While DEEP testified against this legislation because of the staff resources that would be diverted to the hearing process, we understand and respect the General Assembly's conclusion that an opportunity for hearing would promote a fairer and more transparent process. However, permit applicants are not the only persons with an interest in coastal regulatory proceedings, and the committee should also consider fairness to neighbors, municipalities, and other stakeholders.

that may be concerned with Section 22a-361 of the CGS and section 401 applications. Now that applicants can obtain a full contested case hearing upon request, other interested parties should also have the same opportunity to obtain a hearing to express their views and present evidence – in the interest of balance, fairness, and consistency with other DEEP permit processes. Accordingly, we are proposing that any person may obtain a hearing for such applications, upon timely presentation of a petition with 25 signatures. Similar hearing provisions apply in other DEEP permit processes – including, notably, Tidal Wetlands Act applications which are routinely associated with Structures and Dredging applications.

Eliminate Tidal Wetlands Act Provisions. Sections 4 and 13 of the proposed bill will eliminate the portions of Section 22a-30 of the CGS which describes the methodology for undertaking an inventory and for mapping tidal wetlands boundaries throughout the state. The Tidal Wetlands Act was amended in 1987 to define tidal wetlands by vegetation and location referenced to tidal waters, not by mapping. Since that time, the tidal wetland maps have become obsolete and not legally binding for any regulatory purpose. In addition, the proposal eliminates redundant authority for appointing hearing officers for Tidal Wetlands Act applications.

Provide Option for E-Notifications. Sections 5, 9 and 10 of the proposed bill would broaden the option – currently included in several different permitting programs throughout DEEP – of providing notification of applications by electronic means. This time and paper-saving proposal, which has been successfully implemented in other settings, would apply to the notifications required by Sections 22a-371(c) &(d), 22a-39(k), and 22a-403(a) of the CGS.

Eliminate 60 Day Waiting Period For General Permits. Section 6 of the proposed bill would make general permit language for DEEP's Inland Water Resources Division (IWRD) programs consistent with DEEP's other general permit requirements. The proposal eliminates a 60-day waiting period before an activity covered by such permit could be conducted. The waiting period was originally included primarily because IWRD's general permits were among the first developed and, as such, were new and untested. The waiting period also was intended to provide a municipality the opportunity to comment on each proposed activity under the general permit. However, municipal comments were rarely (if ever) received – probably due to the minor nature of the covered activities. Thus, the waiting period simply became an impediment for applicants seeking to accomplish simple, minor projects – sometimes on an urgent basis. Municipalities will still be notified of all actions authorized under the general permit, so that they may be aware of activities in their purview and can determine if local action is needed.

Remove Mandate To Develop Farm Management Regulations. Section 7 of the proposed bill would amend Subsection 22a-354m(d) of the CGS to eliminate the firm date and requirement to develop regulations for farm resource management plans under the aquifer protection program. Due to the declining number of farms, improvements to related environmental protection programs related to agriculture, and limited DEEP resources, the development of formal regulations is not a high priority at this time. However, the amendment would allow DEEP to preserve the ability to develop regulations in the future.

Eliminate Unnecessary Plans and Specifications. Section 11 of this bill would repeal the mandate to adopt regulations, by June 30, 2011, establishing categories of wastewater discharges exempted from the requirement to submit detailed engineering plans and specifications as part of the permitting process. This change will once again make the regulation mandate discretionary, as it had been prior to the enactment of Public Act 10-158. The mandate, promoted by the Connecticut Business & Industry

Association (CBIA), grew out of a broader effort during the 2010 legislative session to streamline DEEP's permitting process. Subsequently, DEEP has been working with CBIA and the regulated community on a Pilot Expedited Permit Process identified in Section 1(a) of Public Act 10-158. DEEP resources can be better utilized developing and implementing strategies and innovations to achieve water permitting efficiencies rather than developing mandated regulations. CBIA has indicated its support of repealing the mandate and focusing on the Pilot Expedited Permit Process which is near completion.

Repeal Requirement for Sewage Additive Registration. Section 12 of this bill would repeal the requirement for the registration of sewage system additives. In 1995, the law required the labeling of sewage additives and the adoption of regulations to require the registration of such additives. While regulations were subsequently adopted, a subsequent amendment in 1997 eliminated the requirement for labeling of sewage additives. Since there is no labeling requirement, there is no substantive environmental benefit for requiring registration of sewage system additives, and the requirement to mandate registration regulations is unnecessary.

Eliminate Notification Redundancy. Section 13 of the proposed bill would eliminate the requirement for notice to the chief executive officer pursuant to Section 22a-370 of the CGS. This notification is already a requirement under Section 22a-6g of the CGS, making this section of the statutes redundant.

In conclusion, DEEP strongly supports these proposals and believes that we have an obligation to repeal requirements that are no longer necessary and improve the efficiency and speed with which we address real concerns of municipalities.

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.



Testimony
Betsy Gara
Executive Director
Connecticut Council of Small Towns
Before the Environment Committee
March 22, 2013

**RE: HB-6653, An Act Concerning the Department of Energy and Environmental
Protection Regulatory Streamlining to Assist Municipalities**

The Connecticut Council of Small Towns (COST) **urges lawmakers to reject Section 1 of HB-6653** which imposes an unnecessary layer of review on municipal Water Pollution Control Authorities (WPCAs) by requiring them to submit water pollution control plans developed *for the municipality* to DEEP for its review and written approval. This provision would create delays and additional costs associated with moving forward with a sewerage facility and could be used by DEEP to halt the design and construction of any new facility, undermining economic and community development efforts in our towns and cities.

In addition, the bill requires the plan to be consistent with the state Plan of Conservation and Development (POCD). The state POCD is developed by the Office of Policy and Management not DEEP. This provision may be construed to give DEEP broad latitude to object to projects based on its interpretation of the POCD.

COST urges lawmakers to **reject Section 1 of HB-6653**.

COST is an advocacy organization committed to giving small towns a strong voice in the legislative process. Its members are Connecticut towns with populations of less than 30,000. COST champions the major policy needs and concerns of Connecticut's suburban and rural towns.



ENVIRONMENTAL COMMITTEE

March 22, 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 opposes Section 1 of HB 6653 "An Act Concerning Department of Energy and Environmental Protection Regulatory Streamlining to Assist Municipalities."

Contrary to the title of this bill, **Section 1 would impose a significant and costly new mandate on local governments** by requiring local plans of conservation and development to be consistent with the state plan and be subjected to the review and approval by the Department of Energy & Environmental Protection.

The approach to plans of conservation and development in Connecticut has focused on a "bottom-up" approach, similar to the successful New Jersey process. This proposal would turn this tried and true process upside down.

As often pointed out by CCM, a one size fits all approach does not work. Municipalities come in all shapes and sizes with different constituencies, needs and goals. We cannot assume that what works in one community will work in another.

Updating local plans of conservation and development is an expensive enterprise, often costing in excess of six figures to update. This proposal would mean every time the state makes a modification to its plan 169 towns and cities across the state will have to again undergo this costly process.

Towns and cities are currently facing the potential for significant state aid reductions, based on the current proposed budget, which would cut at least \$128 million in general (unrestricted) municipal aid and \$700 million in motor vehicle property tax revenue. The state budget proposal would also eliminate three out of four PILOT programs.

Section 1 of this bill would further exacerbate the fiscal demands on local governments, on top of shrinking state aid and rising property taxes.

CCM urges the Committee to ***oppose Section 1*** of the bill before taking any action.

★ ★ ★ ★ ★

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



TESTIMONY OF ERIC J. BROWN
ASSOCIATE COUNSEL, DIRECTOR OF ENERGY & ENVIRONMENTAL POLICY
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
before the
ENVIRONMENT COMMITTEE
March 22, 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. 6653: AN ACT CONCERNING DEPARTMENT OF ENERGY AND
ENVIRONMENTAL PROTECTION REGULATORY
STREAMLINING TO ASSIST MUNICIPALITIES

With the exception of Section 11, CBIA supports this bill and requests that
Section 11 be deleted from the bill prior to approval.

CBIA appreciates the interest of this committee and the Department of Energy and Environmental Protection's interest in streamlining the agency's policies and procedures, and we support the majority of this bill.

However, Section 11 would, in the long run, be counter this goal. This section seeks to modify part of the package of major regulatory reform measures passed just a few years ago and with the approval of this committee.

One of the key principals underpinning that package of reforms was the need for DEEP to move towards a "performance-based" approach to permitting. This means that DEEP's permitting and enforcement programs are much more efficient when focused on developing the discharge/emission standards that will be allowed from the permitted

activity as well as the permittee's compliance with those standards, rather than using limited agency resources to review the detailed engineering plans and specifications of how the permittee intends to achieve those standards.

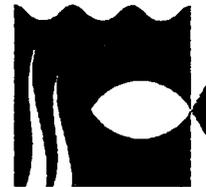
CBIA understands that the original deadline for DEEP to adopt regulations establishing minimum design standards, above which a detailed engineering review would not be required, may have been too aggressive and we are open to that date being pushed out to 2014. However, neither the legislature nor DEEP should reduce its commitment to becoming a more efficient agency by adopting more "performance-based" strategy within its permitting programs.

Accordingly, CBIA respectfully requests this committee delete section 11 of this bill S.B. 6653 prior to approval.

CBIA appreciates this opportunity to provide testimony on this bill and for your consideration of our position.



**Connecticut Fund
for the Environment**



Save the SoundSM
A program of
Connecticut Fund for the Environment

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

*In support of **HB 6653**, AN ACT CONCERNING DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO ASSIST MUNICIPALITIES.*

Submitted by Lauren Savidge
Legal Fellow
March 22, 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,

Connecticut Fund for the Environment (“CFE”) submits this testimony in support of Proposed HB 6653, An Act Concerning Department of Energy and Environmental Protection Regulatory Streamlining to Assist Municipalities. If passed, Section 1 of this legislation would require municipal water pollution control authority plans to be consistent with the conservation and development policies of the state (“State Plan” or “Plan”). Additionally, Section 3 would allow any person, along with an applicant, to request a hearing on an application under Section 401 of the Clean Water Act (“CWA”).

The State Plan serves as official state Executive Branch policy on matters involving land and water resources conservation and development. Recognizing the importance of having a comprehensive development strategy for the state, the Plan establishes six essential principles for development projects to follow, including: (1) revitalizing regional centers; (2) expanding housing opportunities to accommodate various household needs; (3) concentrating development along major transportation corridors; (4) conserving and restoring the natural environment; (5) protecting the integrity of environmental assets critical to public health; and (6) promoting integrated planning across all levels of government. It is critically important for our state’s quality of life and economy to promote smart growth and Transit Oriented Development while preserving our natural resources.

One task of a municipal water pollution control authority is to plan and delineate the boundaries of planned or anticipated sewerage facilities. Conn. Gen. Stat. § 7-246(b). Both the 2005-2010 State Plan and the Draft 2013-2018 State Plan¹ emphasize that sewer systems should only be

¹ The 2013-2018 State Plan is currently being reviewed by the Continuing Legislative Committee on State Planning and Development.

expanded when there is a demonstrated need and only at a level that directly respond to that need without encouraging more development. Draft State Plan, 20; 2005-2010 State Plan, 77. Municipal water pollution control authorities should be required to plan consistent with the State Plan to ensure they follow principles of smart growth emphasized by the Plan.

Additionally, it is important to allow any interested parties, along with an applicant, to request a hearing on applications under Section 401 of the CWA. DEEP grants applications under this section to entities conducting an activity that may result in a discharge into the navigable waters. It is important to have enough information about a project to thoroughly review to determine if a permit should be granted and a hearing can be the best way to obtain that information.

These applications are essential to protect the integrity of our state waterways. The State of Connecticut has designated more than 1000 river miles and 6000 acres of larger water bodies in the State as "impaired," or not meeting water quality standards, and unable to support beneficial uses such as fish habitat and water contact recreation. Allowing interested parties to submit a petition with 25 or more signatures to request a hearing would improve the application process and ensure DEEP has sufficient information in granting permits to discharge into the state waterways.

We respectfully request that language be added to this section that allows any person to submit a petition signed by twenty-five or more persons *or* a petition signed by an organization representing twenty-five or more persons.

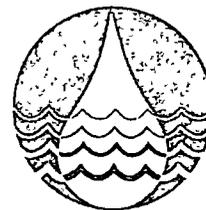
Thank you for your time and consideration on these matters.

Sincerely,

Lauren Savidge, Legal Fellow
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New Haven, CT 06510
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Connecticut
Association of
Water
Pollution
Control
Authorities, Inc

P O Box 230172
Hartford, CT 06123-0172



**CONNECTICUT ASSOCIATION OF
WATER POLLUTION CONTROL AUTHORITIES**

March 22, 2013
Emailed to env.testimony@cga.ct.gov.

Connecticut General Assembly
Environment Committee
Legislative Office Building
Hartford, Connecticut 06106

Attention: Committee Chairs Senator Meyer and Representative Gentile
Ranking Members Senator Chapin and Representative Shaban
Members of the Environment Committee

**Subject: TESTIMONY OPPOSITION OF RAISED BILL 6653, An Act Concerning the
Department of Energy and Environmental Protection Regulatory Streamlining to Assist
Municipalities**

The Connecticut Association of Water Pollution Control Authorities (CAWPCA) is a statewide association open to WPCAs and public entities authorized to own or operate wastewater systems. With over 40 active members providing wastewater services to nearly 1,000,000 citizens in the state and we are pleased to submit comments on HB-6653.

CAWPCA opposes **Section 1 of HB-6653** which requires municipal Water Pollution Control Authorities (WPCAs) to submit water pollution control plans developed for a municipality to the Department of Energy & Environmental Protection (DEEP) for review and approval. This requirement is redundant as plans that are developed regarding the design and construction of municipal sewerage facilities to assist the municipality are presently required as part of "Facilities Plan" (Section 22a-430 Chapter 446k) for wastewater infrastructure which is administered by DEEP. The Facilities Plan requires a Sewer Service Area Map that is required to be consistent with the state Plan of Conservation and Development (POCD) which is administered by the Office of Policy and Management. This provision would impose an unnecessary layer of review on such plans and inevitably lead to delays and additional costs on the water pollution control authorities.

CAWPCA respectfully requests that Section 1 of HB-6653 be deleted. Thank you for the opportunity to comment.

Vincent F. Susco, Jr.
President CAWPCA
PO Box 230172
Hartford, CT 06123-0172