

PA 14-153

HB5418

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| House | 1512-1520 | 9 |
| Senate | 3453, 3474, 3480-3481 | 4 |
| <u>Environment</u> | <u>916-922, 1151</u> | <u>8</u> |
| | | 21 |

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 5
1361 – 1680**

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HOUSE OF REPRESENTATIVES

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April 22, 2014

SPEAKER SHARKEY:

Seeing no objection, so ordered.

THE CLERK:

We have today's daily Calendar.

SPEAKER SHARKEY:

And before we get started with our bills, are there any announcements or introductions? Any announcements or introductions?

Seeing none, let's get to work. Mr. Clerk.

THE CLERK:

Daily Calendar for today, April 22nd.

SPEAKER SHARKEY:

Would you please call Calendar Number 157.

THE CLERK:

Favorable Report of the Joint Standing Committee on Environment, House Calendar 157, Substitute House Bill 5418 AN ACT CONCERNING FINANCIAL LIABILITY FOR THE CLEAN UP OF CERTAIN HAZARDOUS WASTES.

SPEAKER SHARKEY:

The distinguished Chairman of the Planning and Development Committee, Representative Rojas, you have the floor.

REP. ROJAS (9th):

Thank you, Mr. Speaker. Good afternoon.

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SPEAKER SHARKEY:

Good afternoon, sir.

REP. ROJAS (9th):

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

SPEAKER SHARKEY:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the bill.
Will you remark, sir?

REP. ROJAS (9th):

Thank you, Mr. Speaker. What the bill seeks to
do is limit the ability of the Department of
Environmental, Energy and Environmental Protection to
recoup the costs from individuals or the estate of
someone who has suffered a serious bodily harm or an
injury which resulted in a hazardous waste situation.

Mr. Speaker, the Clerk is in possession of an
amendment LCO 3770. I ask that the amendment be
called and I be granted leave of the Chamber to
summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 3770, which will
be designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 3770 introduced by
Representatives Gentile and Rojas.

SPEAKER SHARKEY:

The gentleman has sought leave of the Chamber to summarize. Is there objection? Seeing none, you may proceed with summarization, sir.

REP. ROJAS (9th):

Thank you, Mr. Speaker. What the Amendment does is clarifies that the prohibition is strictly limited to situations in which there are human bodily fluids which have been, need to be mitigated in a hazardous situation. I move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption of House Amendment "A". Would you care to remark? Would you care to remark further on House Amendment "A"?

If not, let me try your minds. All those in favor of House Amendment "A", please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay? The ayes have it. The Amendment is adopted.

Would you care to remark further on the bill as amended? Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. And through you, a couple of questions to the proponent if I may?

SPEAKER SHARKEY:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, sir. And through you, I just want to highlight the kind of the distinction that we have in the new language, what it does and what it doesn't do.

If the gentleman could corroborate my understanding of the bill, that the first part of Section b speaks to what the Commissioner may do with respect to certain cases that are already before the Commissioner for cleanup costs, whereas the second part of the new language, starting in Lines 19 and 20 changes, or addresses any future accidents.

And through you, Mr. Speaker, am I reading the statute correctly?

SPEAKER SHARKEY:

Representative Rojas.

REP. ROJAS (9th):

Through you, Mr. Speaker, yes. There are some,

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we wanted to provide the flexibility to the department to continue working on the cases that they do have now and in the Second Section of the bill, it clarifies that going forward upon passage we will no longer seek to recoup funds for those particular situations.

Through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. And through you, a quick question. The gentleman and I spoke about this previously.

I note that there doesn't appear to be a fiscal note with this, and that kind of surprised me a little bit because theoretically this could drive up expenses because now the Commissioner cannot recover these costs, whereas previously, arguably, they could.

If the gentleman knows, do we know why there isn't a fiscal note? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Rojas.

REP. ROJAS (9th):

Through you, Mr. Speaker, in speaking with the Commissioner of DEEP, they essentially acknowledge

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that there's still a lot of information and data that they need to gather on these particular situations and they've pledged to do that over the off season and come back to us in the fall with some specific recommendations about how they can improve this policy.

So in Calendar Year 2013 there were 102 cases in which there was a desire to recover costs. It's estimated that as a part of those 102, only a handful of them would be specific to this situation, which is why the fiscal note is written the way it is.

Through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. I thank the gentleman. And that's really the part I wanted to highlight for the Chamber, that there arguably should be a small fiscal note here, but small is really the operative word.

In light of the policy, and especially in light of the fact pattern that gives rise to this, I'm going to support the bill today and I urge my colleagues to do the same.

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SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill as amended? Representative Carter.

REP. CARTER (2nd):

Thank you very much. One question, through you, Mr. Speaker, to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker. The way this looks right now, this will only affect the clean up of, it sounds like remains, or something like that. If somebody has an accident and drives into one of the reservoirs in Redding or Bethel in my area, the Commissioner and DEEP can still go after that person for the effect of what the clean up would be of that vehicle, car, oil, things like that.

Is that true? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Rojas.

REP. ROJAS (9th):

Through you, Mr. Speaker, yes, that's correct.

SPEAKER SHARKEY:

Representative Carter.

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REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further? Would you care to remark further on the bill as amended?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll.

The House of Representatives is voting by Roll.

Will members please return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will members please check the board to make sure your vote is properly cast.

If all the members have voted, the machine will be locked and the Clerk will take a tally. The Clerk please announce the tally.

THE CLERK:

House Bill 5418 as amended by House "A".

Total number voting 142

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April 22, 2014

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|-----------------------------|-----|
| Necessary for passage | 72 |
| Those voting Yea | 142 |
| Those voting Nay | 0 |
| Those absent and not voting | 8 |

SPEAKER SHARKEY:

The bill as amended passes.

Will the Clerk please call Calendar Number 134.

THE CLERK:

Yes, Mr. Speaker. On Page 43, Calendar Number 134, Favorable Report of the Joint Standing Committee on Human Services, House Bill 5371 AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY ON ACCESS TO SUBSTANCE USE TREATMENT FOR INSURED YOUTH AS THEY RELATE TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

SPEAKER SHARKEY:

The distinguished Dean of the House, Representative Mushinsky, you have the floor.

REP. MUSHINSKY (85th):

Good afternoon, Mr. Speaker.

SPEAKER SHARKEY:

Good afternoon, Madam.

REP. MUSHINSKY (85th):

And happy Earth Day to you.

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CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VETO
SESSION**

**VOL. 57
PART 11
3246 – 3508**

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SENATE

268
May 7, 2014

SENATOR LOONEY:

Thank you, Mr. President. Moving now to Calendar Page 7, Calendar 345, House Bill 5443, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 9, Calendar 417, House Bill 5410, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 10 where there are three items. The first, Calendar 420, House Bill 5258, move to place on the Consent Calendar.

THE CHAIR:

(The President in the Chair.)

So ordered, sir.

THE CHAIR:

Oh, thank you, Madam President. Madam President, Calendar Page 10, Calendar 421, Calendar 5263 move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

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SENATE

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May 7, 2014

Calendar 334, House Bill 5339.

Calendar 336, House Bill 5056.

On Page 7, Calendar 345, House Bill 5443.

On Page 9, Calendar 417, House Bill 5410.

On Page 10, Calendar 420, House Bill 5258.

Calendar 421, House Bill 5263.

Calendar 424, House Bill 5439.

On Page 11, Calendar 429, House Bill 5581.

On Page 12, Calendar 445, House Bill 5418.

Calendar 438, House Bill 5336.

On Page 13, Calendar 453, House Bill 5133.

Calendar 446, House Bill 5150.

Calendar 452, House Bill 5531.

On Page 14, Calendar 457, House Bill 5516.

Calendar 455, House Bill 5325.

Calendar 456, House Bill 5440.

Calendar 459, House Bill 5321.

Calendar 461, House Bill 5140.

On Page 15, Calendar 468, House Bill 5450.

Calendar 465, House Bill 5341.

On Page 16, Calendar 474, House Bill 5337.

Calendar 469, 5538.

Calendar 473, House Bill 5328.

On Page 17, Calendar 496, House Bill 5115.

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SENATE

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May 7, 2014

SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

Thank you, Madam President. If the Clerk would now, if we might call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

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An immediate Roll Call on Consent Calendar Number 2 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:

Consent Calendar Number 2.

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|-----------------------------|----|
| Total number voting | 36 |
| Necessary for adoption | 19 |
| Those voting Yea | 36 |
| Those voting Nay | 0 |
| Those absent and not voting | 0 |

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
593 – 1065**

2014

141
hc/gbr ENVIRONMENT COMMITTEE

March 7, 2014
1:00 P.M.

apologize, Representative. I skipped over you. Could you please come forward?

REP. ROJAS: More important to me is the time of my two constituents who have been waiting here to testify. So I appreciate the Committee's support for raising two bills.

You can have a seat right here. Bob, if you want to sit right there.

They're here to testify on House Bill 5418 and House Bill 5423. And in the interest of time, I will turn it over to them to present their testimony. Thank you.

A VOICE: Thank you for your time today. On February 11, 2010, I lost my youngest child, Eric (inaudible), at the age of 30 (inaudible). He rented an apartment in New Britain. He fell 25 feet. He had a massive head injury.

The porch -- there was porch that went to his apartment. He went outside to have a cigarette. There was no one -- he slipped and fell and went over. The enclosure around the porch was only 32 inches high. It was not enclosed in the top.

He laid there for an hour and a half before a man literally stumbled upon him, walking home from work, and then, from there, the paramedics were called.

On Friday February 12, the fire department came out in New Britain and they threw sand on the blood that was on private property. The owner of the building was told that he needed to clean this up and he refused to do it. So the fire department came out and threw blood on it.

The next day, which was Saturday February 13, the neighbors were complaining that my son's blood was seeping through the sand. The fire department and environmental services, the DEEP, came out and proceeded to hose down my son's blood into the gutter, which is unacceptable because it's biomaterial.

It became very -- very quickly that my son's blood, water, snow was then running down a public sidewalk, into the gutter, and the fire department called another person in and they had to come out with 41 cubic foot boxes to pick up my son's blood, snow, and water.

In June of 2010, I received a letter from the DEEP, from a Bryan Gunning, stating that I owed the State of Connecticut \$26,000. I called Mr. Gunning and I asked him what is this bill? He said, well, this is for cleaning up your son's blood. And I said, well, I didn't call you. Obviously, my son didn't call you. I don't own this building.

REP. GENTILE: Please go ahead.

A VOICE: I then received a letter from him -- I then received a letter from Mr. Gunning stating the date of the incident, which was February of 2010, and the reason for this incident was that he said my son committed suicide, which he did not. I have police photographs to prove where he slipped and fell.

Then, I obtained an attorney. I sued the owner of the building and I was awarded a certain amount of money. It went into arbitration.

By the time my lawsuit went through, I now owe the state \$46,000 because they're charging me X amount of dollars of interest per day. The money is my -- my attorney received one third;

it was not a large amount. I received some money back to cover my son's funeral expenses and what I've gone through. And my granddaughter, the remaining money sits in a restricted account for my granddaughter for her to go to college.

I'm asking -- I'm coming before you today as I'm asking that this bill that holds people accountable for DEEP cleanup somehow be amended, that it does not include families when they have a tragedy. All of the paperwork that I received from the state clearly stated this was oil, hazardous -- oil or whatever it be. Nothing was indicated of blood.

Now, there are many shootings without -- within Connecticut, whether it be Bridgeport, in New Haven, or Hartford. Do they charge -- send a letter to all these parents charging them money for cleaning the blood off the road?

My son landed on private property. He did not land on a public sidewalk. However, it was the DEEP that made it worse than what it was because my son's blood was congealed on the -- on the property where he fell.

I -- I just -- I'm just -- I'm upset about this and I just don't think it's fair to a family when this happens. I've never heard of such a thing in my life.

REP. GENTILE: First, let me commend you for your bravery in coming before us to testify.

A VOICE: Thank you.

REP. GENTILE: And let me extend our deepest sympathies in -- in your profound loss.

A VOICE: Thank you.

REP. GENTILE: Any questions? Comments?
Representative Ziobron.

REP. ZIOBRON: Thank you, Madam Chair, and thank you so much. And I echo the Chairwoman's comments. It really is brave and courageous for you to be here and I'm sure you're doing it in his memory and I -- and I certainly appreciate that.

In the opening of your testimony, though, however, you didn't specify the bill. So maybe Representative Rojas could help me out here. I'm assuming that --

REP. ROJAS: It's --

REP. ZIOBRON: -- you're speaking of Bill 5418. Is that correct?

REP. ROJAS: Exactly. Yeah.

REP. ZIOBRON: And Representative Rojas, could you tell me if the language contained in that bill would address the issues of your constituent?

REP. ROJAS: No. I don't believe it will and I -- I reached out to DEEP prior to the session happening and talked to them about this. And they expressed some concerns about the ability to try to cover some of our cost when it's appropriate.

But it seems that they've interpreted that area of statute to -- I guess they broadly interpreted it to include a situation just like this, even though it's very specific to clean ups around oil, gas, and other hazardous materials.

I certainly think the way the language is structured now, it's -- it's to protect the

interest of DEEP and not the interest of my constituent or any other constituent that might -- may face a situation like this.

I think we need to very clear that -- you know, I think we need to provide DEEP some flexibility to recoup some dollars in these situations, or certainly, when it's the death of a person, whether it's intentional or negligent or not, it really doesn't matter.

Because I would question whether these statutes apply rather arbitrarily and, depending on the case, because I can't imagine that they're sending this kind of bill to all families who have lost a loved one in a tragedy.

REP. ZIOBRON: I would agree. And so, I guess my next question is, Representative, do you have substitute language or anything that you've been working on that you could share with the Committee?

REP. ROJAS: No. What -- what I did was allow DEEP to come out with the first attempt at this and I would be happy to sit down with them as -- as soon as Monday or Tuesday to come up with some language that protects the interest of both my constituent and any other taxpayer, but allows DEEP the flexibility to continue to do what they do in other situations.

REP. ZIOBRON: Thank you.

And I just, again, want to tell you, ma'am, how -- how deeply sorry I am for your loss and how much I appreciate you coming here and advocating. It really means a lot.

A VOICE: I just don't want this to happen to someone else because it's been very devastating. It has bothered me for four years

that this man accused my son of committing suicide. It was just uncalled for. And my son was a good boy. He was a professional chef.

REP. ZIOBRON: Thank you.

A VOICE: Thank you. Thank you very much.

REP. GENTILE: Representative Mushinsky, followed by Representative Bolinsky, followed by Representative Moukawsher.

REP. MUSHINSKY: Thank you for coming in. This is the first time I heard that story and it is an appalling story. I -- I worked extensively on the original law. It was intended for petrochemicals, chemicals, oil spills, solvents; things like that. It was never intended for the purpose they used it in your case.

A VOICE: Thank you.

REP. MUSHINSKY: So we just have to make that clear on the statute.

A VOICE: Thank you.

REP. MUSHINSKY: Thank you for coming in.

A VOICE: Thank you. Thank you for listening to me.

REP. GENTILE: Representative Bolinsky.

REP. BOLINSKY: Thank you, Madam Chair.

I don't have a question. I just wanted to say I'm terribly sorry for your loss.

A VOICE: Thank you.

REP. GENTILE: Representative Moukawsher.

REP. MOUKAWSHER: Madam Chair, I've looked at the language of the bill and -- and, you know, as it's designed now, it says the commissioner of DEEP may enter an agreement with the estate of any person. You know, I -- it -- it gives the -- the DEEP some flexibility and some choice.

I think they had choice before, you know, they took action against you. I mean, really, I -- I'd like to think if you can write this in a way that is a little more -- more directive and mandatory. Because, you know, they didn't have to do this to you.

And the way it's drafted now, if it's up to them, they could follow the same path. So I'd like to see this doesn't happen to anybody else.

A VOICE: Please. I would like this never to happen -- to happen to anyone, because this is just -- it's just awful.

REP. GENTILE: Representative O'Dea.

REP. O'DEA: Just to echo the comments. Thank you, ma'am, for your testimony, and sorry for your loss. God bless you and I'm going to take it a step further. I want to hear from DEEP why this happened. It's outrageous. Outrageous. Thank you.

A VOICE: . Thank you.

REP. GENTILE: Thank you, ma'am. And again, we are so sorry for your profound loss.

A VOICE: Thank you. Thank you for listening.

REP. ROJAS: Representative Gentile, my second constituent is here on a different matter and if we could give him the time to just present his case on his particular bill.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 3
1066 – 1779**

2014



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

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 9TH ASSEMBLY DISTRICT

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CO-CHAIRMAN
 Planning & Development Committee

MEMBER
 Education Committee
 Finance, Revenue & Bonding Committee

March 7, 2014

Rep. Gentile, Albis and Shaban. Senators Meyer, Maynard and Chapin and member of the Environment Committee. Thank you for raising H.B. 5418 AN ACT CONCERNING FINANCIAL LIABILITY FOR THE CLEAN-UP OF CERTAIN HAZARDOUS WASTE and for the opportunity to be heard today. The issue that lead to this bill request came from a constituent who approached me last year after her son died in a tragic accident in which he fell out of a second story porch and died from the impact on a sidewalk below. The fire department attempted to wash away blood and other human matter but only spread it further to a point where a specialized company had to perform the clean-up. The costs were in the tens of thousands of dollars and while I recognize that there is a cost to the public for the remediation of hazardous incidents I immediately questioned a policy in which we allow the state to try and recoup some of those costs from families impacted by a tragedy like happened to my constituent. I also questioned to what degree is this policy applied fairly and equitably? Does the state attempt to recoup the cost of clean-up in all situations in which a loss of life has occurred? These are questions we should have answered. As a matter of policy I think we should limit the state's ability to recoup money from families who have experienced the loss of a loved one and that we should not allow life insurance policies or estates to be places where the state attempts to cover the cost of clean-ups. Thank you for the opportunity to testify and I would be happy to answer any questions.

Sincerely,

Jason Rojas
 Representative-9th District