

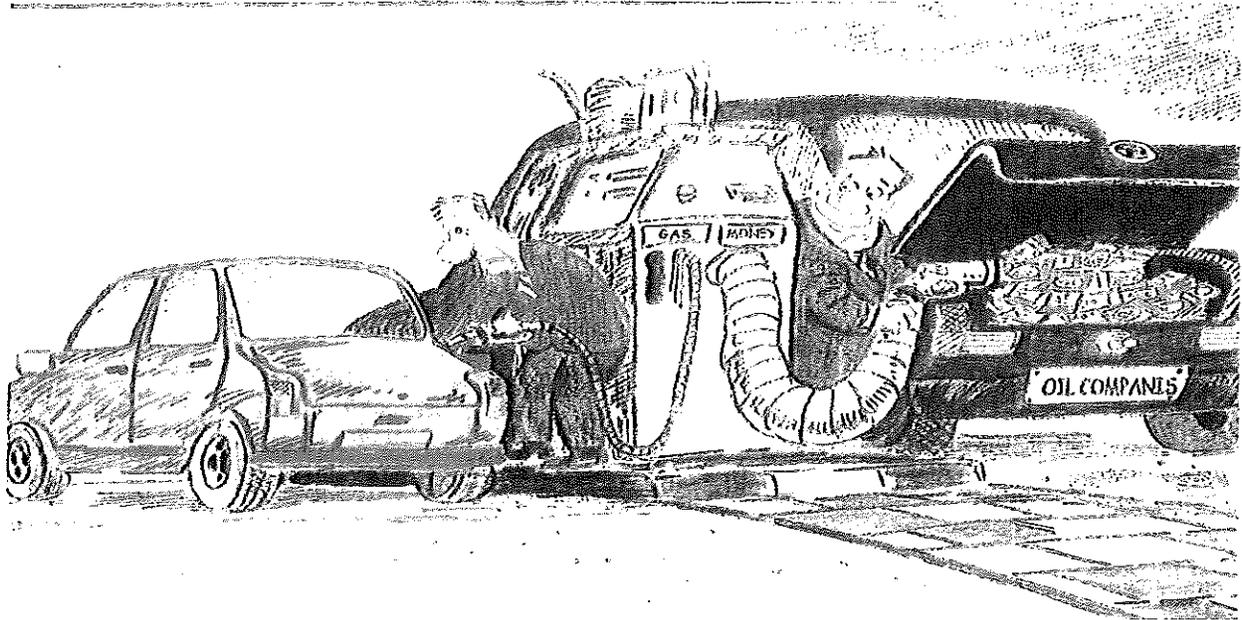


**GASOLINE & AUTOMOTIVE SERVICE
DEALERS OF AMERICA, Inc.**

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*Our Members are responsible for selling over 60%
of gasoline sold annually in the State of Connecticut!*



**ENVIRONMENT COMMITTEE
PUBLIC HEARING**

***Testimony on Senate Bill 871 An Act Increasing the
Enforcement Authority of the Department of Environmental
Protection***

By Michael J. Fox, Executive Director

February 18, 2009

Good afternoon Senator Meyer and Representative Roy and members of the Environment Committee. My name is Michael Fox, the Executive Director of the Gasoline Retailers Association representing over 450 local service station owners who are responsible for pumping over 60% of all the gasoline sold in Connecticut.

We come before you today to oppose Senate Bill 871 as written. Much of SB-871 addresses DEP concerns regarding intentional misconduct, and GASDA supports strong enforcement measures against any intentional or negligence for environmental laws and regulations.

Section 1 of the proposed bill just goes way to far and gives the DEP sweeping authority to unilaterally issue penalty notices up to \$100,000 for even minor first-time paperwork violations that pose no direct threat to human health or the environment. A recent example is when a contract was scheduled to perform a simply vapor test at one of my members service station. The job was originally scheduled to be completed leaving enough time before the test was required by statute. When the contractor was conducting another test at another site, a problem was detected and the required fix pushed off the testing at my member's location for approximately 2-weeks. In the real world, not an unusual circumstance and no cause for alarm. 2-weeks later, the test was performed and the station passes completed the necessary paperwork and was promptly fined approximately \$3500.00 for performing the test late. Not that the test failed or any environmental health hazard existed or could exist, but rather simply a routine construction delay. If this bill were to pass as written, the

DEP would have the authority to issue a civil penalty of \$100,000. That is simply over kill and not necessary.

GASDA strongly request that Section 1 be deleted and allow the rest of the bill to move forward. Most minor paperwork violations can be avoided if the DEP simply shifted focus and resources in providing assistance to small business owners that are trying in good faith to comply with complex regulations while running their business.