



Audubon CONNECTICUT

185 East Flat Hill Road  
Southbury, CT 06488  
Tel: 203-264-5098  
Fax: 203-264-6332  
[www.audubon.org](http://www.audubon.org)

**TESTIMONY OF AUDUBON CONNECTICUT  
SANDY BRESLIN, DIRECTOR OF GOVERNMENTAL AFFAIRS**

**ENVIRONMENT COMMITTEE PUBLIC HEARING  
FEBRUARY 13, 2009**

*Audubon Connecticut, the state organization of the National Audubon Society with more than 10,000 members statewide, works to protect birds, other wildlife and their habitats using education, science and conservation, and legislative advocacy for the benefit of humanity and the earth's biological diversity. Through our network of community-based nature centers, protected wildlife sanctuaries, and local volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.*

**IN OPPOSITION TO:**

**Proposed S.B. No. 264**

**AN ACT EXEMPTING CERTAIN DEVELOPMENT AT STATE-OWNED AIRPORTS FROM ENVIRONMENTAL IMPACT STATEMENTS.**

**Proposed S.B. No. 567**

**AN ACT LIMITING LIABILITY FOR ENVIRONMENTAL PERMIT VIOLATIONS.**

**S.B. 264 – Exempting Projects from Connecticut Environmental Policy Act Review**

Audubon Connecticut *strongly opposes* Proposed S.B. 264 *AA Exempting Certain Development at State-owned Airports from Environmental Impact Statements* that would allow projects on state-owned land to proceed without undergoing the environmental review required by the Connecticut Environmental Policy Act (Policy Act), one of our state's key environmental laws. This bill would create an unwise and unnecessary loophole in the state's environmental protections for private development at state-owned airports.

The Connecticut Environmental Policy Act is one of two key laws protecting our state's environment and requires that any project funded by state taxpayer dollars or conducted by a state agency undergo an environmental review to identify and evaluate potential impacts to the environment. Development at a state-owned airport property would certainly fall into this category. The Policy Act sets out a process for reviewing proposals and for obtaining input from both state agencies and the public before a project proceeds. S.B. 264 seeks to exempt privately funded development at state-owned airport

properties from this fundamental process that is designed to protect the natural and historic resources of the state, as well as the public health and safety of its citizens.

I would remind members of the Committee that we have been down this road before and found that circumventing the Policy Act is a false economy. **It costs as much or more in the end.** UCONN 2000 with the Hilltop Apartments, and the contamination and drying up of the Fenton River, the Maromas Sewer Interceptor Project in Middletown, and Rentschler Field were all exempted from Policy Act review. To some degree, each of these projects resulted in adverse environmental impacts, costly delays, public outrage, negative press and, ultimately, increased environmental oversight and expensive actions to mitigate their negative environmental effects. The costs incurred during this process by the state, by municipalities, and by private individuals could have been avoided had the projects undergone Policy Act review at their start.

In 2002, responding to concerns generated by these "exemptions," Audubon Connecticut joined together with a broad coalition of environmental organizations to form the Connecticut Environmental Policy Act or "CEPA" Working Group. During the 2002 General Assembly, the group worked with legislative leaders, state agencies, and business interests to reform the Policy Act and streamline its process. The result was Public Act 02-121.

The Environment Committee should not start down the road toward Policy Act exemptions again. Now, more than ever, we know that a healthy economy depends upon a healthy environment, and that environmentally sound development is good business. Regardless of the merit or lack of merit of this proposed airport development, and regardless of the source of its funding, if it is occurring on state property and has the potential to significantly impact the environment, it should undergo Connecticut Environmental Policy Act review.

On behalf of the members of Audubon Connecticut, I urge the Environment Committee to reject S.B. 264.

#### Connecticut Environmental Policy Act - Additional Resources

2008-R-0079 OLR Report: <http://www.cga.ct.gov/2008/rpt/2008-R-0079.htm>

2004-R-0610 OLR Report: <http://cga.ct.gov/2004/rpt/2004-R-0610.htm>

DEP CEPA Fact Sheet:

[http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324144&depNav\\_GID=1511](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324144&depNav_GID=1511)

CEQ: <http://www.ct.gov/ceq/cwp/view.asp?a=987&Q=249024&ceqNav=%7C>

Hartford Courant Northeast Cover Story: Big Bad Neighbor (March 17, 2002)

<http://www.courant.com/topic/hc-bigbadneighbor.0,6504399,print.story>

S.B. 567 – Exempting Permit Violators from Enforcement and Penalties

Audubon Connecticut also *strongly opposes* Proposed S.B. 567 *AA Limiting Liability for Environmental Permit Violations* that seeks to exempt all but permit holders from responsibility for actions that result in harm to our state's natural resources. This legislation would seriously undermine the state's ability to enforce environmental permits and to pursue violators whose actions damage the air, land, water or wildlife of our state.

When permit violations occur, enforcement actions and penalties serve as punishments for those who have acted wrongly, and as deterrents for everyone else. By limiting liability solely to permit holders, S.B 567 would severely limit punishment and completely nullify any deterrent effect for the vast majority of actors. In fact, the legislation would create an incentive for unscrupulous individuals to cut corners and engage in practices that endanger the environment and human health since there would be no consequences attached to such actions unless they were the permittee.

S.B. 567 envisions that permit holders will shoulder the burden of liability alone, but in many cases the permittee is relying on a contractor or other professional well-versed in best practices and/or environmental law and regulation to guide them. Exempting these professionals from responsibility for their own conduct or that of their employees creates a prescription for disaster. Permit holders certainly bear some responsibility for illegal actions taken on their behalf, but so too do those who actually perform those actions. An excuse of "just doing what I was told" should not be sufficient to exempt a party from responsibility for illegal behavior.

On behalf of the membership of Audubon Connecticut, I urge the Environment Committee to **oppose S.B. 567** and uphold the ability of the Commissioner of Environmental Protection, the Attorney General and law enforcement agencies to enforce penalties for permit violations that harm the environment of our state.

Thank you for your consideration of these matters and for the opportunity to speak before you today.