



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

STRONGLY OPPOSING Raised Bill 567 AN ACT LIMITING LIABILITY FOR ENVIRONMENTAL PERMIT VIOLATIONS and Raised Bill 264, AN ACT EXEMPTING CERTAIN DEVELOPMENT AT STATE-OWNED AIRPORTS FROM ENVIRONMENTAL IMPACT STATEMENTS.

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Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 6,500 members statewide. For thirty years, CFE has used law, science and education protect and preserve Connecticut's natural resources.

CFE **strongly opposes Raised Bill 567** that would exempt contractors from complying with DEP permits. The bill would lead to more pollution and be a gift to those who knowingly or negligently violate the terms permits that they are responsible for upholding. CFE also strongly opposes **Raised bill 264** that would exempt private development at airports from complying with the requirements of the Connecticut Environmental Policy Act.

Exemption from Permitting Laws – SB 567 will severely weaken environmental permitting enforcement and reverse much of the progress that we have made through the Clean Water Act, the Clean Air Act and other permitting laws. Indeed, if the state actually cedes liability to enforce permit violations against those who actually commit them, this might lead EPA to revoke DEP's delegation to administer these programs as it would not meet minimum federal standards.

Strong enforcement of environmental permit provisions is essential to protect the air, waters and lands of our state. The Clean Water Act prohibits toxics, heavy metals and nutrients from being dumped into, and polluting, Long Island Sound. The Clean Air Act protects healthy breathable air and various other regulatory schemes protect our land and drinking water.

There have always been two ways that the DEP, the Attorney General's Office or the U.S. Department of Justice can proceed against permit violators. First, they may proceed against the permit holder, regardless of whether they personally participated in the permit violation. In addition, they can proceed against the individual or the contractor that actually committed the permit violation. SB 567, with no apparent purpose other than to be a "get out of jail free" card

for polluters, would eliminate the ability to hold individuals and contractors who knowingly or negligently violate permits responsible for their actions.

SB 567 would overturn long established principals of law, and exempt the people who actually committed the violation of the permit from liability under the act. Recently, CFE sent notices of intent to sue to five companies who were chronically violating their permit provisions and polluting the waters of the state. The notices resulted in action by the DEP and the Attorney General's Office that received over \$3 million in penalties and environmentally beneficial projects against the permittees. In the case of Atlantic Wire, which had dumped acidic material killing hundreds of crabs in the Branford River and Long Island Sound, the permitted company is in bankruptcy. There are still criminal and civil investigations pending against the individuals responsible. This bill would exempt the individuals who dumped the acidic materials from liability and the only liable entity would be a bankrupt company.

SB 567 would weaken the ability of our law enforcement agencies to enforce permits and would allow those individuals and contractors who actually committed the violations to avoid responsibility. We urge the committee to strongly reject it.

CEPA Exemption – SB 264 would exempt a private developer working on a state project within an airport from complying with the act. The point of the Environmental Policy Act is for the public and state agencies to review and have input as to the environmental impacts of state actions and projects. The airport is clearly such a project. Whether the specific development is done by a private developer or a state agency is irrelevant. The point is that the development occurs within the context of a state project and should be evaluated appropriately. If a river is polluted from a state project, the fact that the pollution came from a private development within that project makes no difference either to the river or to the people who want to swim and fish in it. Thus, we urge the members of the Committee to oppose this bill.