



**Connecticut
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**TESTIMONY OF CHRISTIE L. BRADWAY
THE CONNECTICUT LIGHT AND POWER COMPANY
and YANKEE GAS SERVICES COMPANY
Environment Committee--March 16, 2009**

S.B. No. 1106 An Act Concerning the Process of Remediation of Releases of Hazardous Waste and Hazardous Substances

The Connecticut Light and Power Company (CL&P) and Yankee Gas Services Company (Yankee Gas) (collectively NU) NU submits the following comments on Raised Bill 1106, An Act Concerning the Process of Remediation of Releases of Hazardous Waste and Hazardous Substances.

NU appreciates the effort that has been put into proposing this new process and associated time frames for investigation and remediation of spills and contaminated sites as proposed in SB 1106. In general, NU supports a clear and reasonable process for responding to such spills and contaminated sites including reasonable timeframes for investigation and remediation. However, NU cannot support the Bill as currently proposed.

While NU has advocated that the CTDEP acknowledge and document that a previously reported release has been "closed" (i.e. there is no longer any environmental hazard associated with it), NU is strongly opposed to the requirement in Section 6(c) of SB 1106 for Licensed Environmental Professional (LEP) oversight and closure of the clean up of a release.

NU has, for years, actively participated in numerous stakeholder groups with CT DEP, attempting to address similar issues at the regulatory level, including: the CTDEP Release Reporting Advisory Committee and the Commissioner's Remediation Standards Regulations (RSRs) Advisory Committee. Both of these efforts are ongoing and final draft regulations are still pending. Until such time as these regulations are finalized, NU maintains that any program or process for relying on these essential "building blocks" is premature.

Moreover, and of more direct significance to NU, is the dramatic cost increase that this process would have on spills from NU affiliated companies which costs ultimately are borne by our customers. The majority of these releases are not under the control of NU (e.g. car versus pole accident, vandalism). Regardless, NU responds to each of these releases, ensuring that any potential harm to human health or the environment is appropriately addressed. Based on figures provided by CTDEP staff during the Advisory Committee meetings, releases from NU equipment consistently account for almost 20% (950 spills) of the petroleum related releases reported in the state.

NU estimates additional costs upwards of \$5 million/year to "close" all releases as required by the current draft of the Bill. These extra costs will include an LEP's time on site, report writing and extra laboratory



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analysis that will be required by an LEP to provide a Verification. .. Again, such costs would be borne by the ratepayer.

All of this extra time and money is an unnecessary regulatory and financial hurdle that will not provide additional environmental benefit. Even in the current regulatory environment (i.e. no regulations) NU provides CT DEP an immediate phone notification upon the discovery of a release, and provides CTDEP with monthly written follow-up reports detailing the corrective actions taken for each release. Given that NU, and I'm sure most other large companies in the state, are already independently adequately addressing a large portion of the State's releases with trained company employees and/or licensed spill response contractors, what is the justification for such an increased burden?

If this legislation should proceed, NU suggests it, at the very least, take advantage of the hard work and successes of the regulatory initiatives discussed above. The baseline for much of the Release Reporting

Advisory Committee's work was the Massachusetts reportable quantity for petroleum product releases under the Massachusetts Contingency Plan (MCP). Under the MCP, for example, petroleum releases of less than 25 gallons do not even trigger a reportable limit, let alone require involvement from a licensed environmental professional. Similar types of common sense exemptions should be incorporated into Section 6 (g).