State of Connecticut

SENATE

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

SENATOR ROBERT J. KANE
DEPUTY MINORITY LEADER
THIRTY-SECOND DISTRICT

LEGISLATIVE OFFICE BUILDING
SUITE 3400
HARTFORD, CONNECTICUT 06106-1591
CAPITOL: (860) 240-8800
TOLL FREE: 1-800-842-1421
FAX: (860) 240-8306
E-MAIL: Rob.Kane@cga.ct.gov

RANKING MEMBER
BANKS
HUMAN SERVICES

MEMBER
APPROPRIATIONS
PUBLIC HEALTH

March 10, 2010
Testimony in Support of SB 412 An Act Concerning Environmental Impact Evaluations for a Development Project Located at a State-Owned Airport

Chairman DeFronzo, Chairman Guerrera, Ranking Member Boucher, Ranking Member Scribner thank you for taking the time to consider SB 412 An Act Concerning Environmental Impact Evaluations for a Development Project Located at a State-Owned Airport a bill that I consider a critical economic development tool for not only my district, but the entire state.

This bill would allow a privately funded development to proceed at the publically owned Oxford Airport. This development is a $33 million investment that will create 300 jobs at a time when they are desperately needed. It's not everyday that we have business people looking to generate this type of investment in CT.

I have attached a copy of substitute language that I hope the committee will consider favorably. The language was developed with the input of all parties. The compromise language has been drawn up to correct ambiguities in regulations over whether the developer or state agency is responsible for selecting a consultant to conduct an Environmental Impact Evaluation for private development on state land.

The substitute language requires OPM to accept the EIE that has already been performed for this project, which all sides agree has been legally acceptable and thorough. The language also clarifies existing regulations by making it clear that for any future development requiring an EIE, the developer will pay money to the agency involved and that agency will then hire a consultant to complete the report. Although, all parties agree the EIE in this case is comprehensive and unbiased, it is clear that having the developer pay for and hire an environmental consultant is a conflict of interest and should be avoided.

Without this bill DOT will be forced to do another EIE which would result in a $100,000 cost and another year delay in the project. Given the state's dire fiscal challenges, another $100,000 may be very difficult if not impossible to attain. Also, putting off the development another year may result in the loss of the private investment and an end to the project.

I would like to thank the committee for raising SB 412. I look forward to working with you to ensure that this critical development can get started and 300 people who need jobs can get back to work.

Section 1. (New) (Effective upon passage) The sponsoring agency responsible for conducting an environmental impact evaluation may enter into contracts with outside consultants to assist in the preparation of such evaluation so long as the sponsoring agency furnishes guidance, participates in the preparation and independently evaluates the document prior to its general circulation. Where the actions which are the subject of the environmental impact evaluation pursuant to section 22a-1c are being undertaken by private non state entities, the sponsoring agency may not delegate the task of preparing an environmental impact evaluation to the private non state entity but may require such entity to pay a fee sufficient to cover the reasonable cost of hiring any outside consultants.

Section 2. (New) (Effective upon passage) Notwithstanding the above, for any environmental impact evaluation performed prior to the effective date of this statute by a contractor retained by a private non state entity and independently evaluated by the sponsoring agency, (1) the sponsoring agency shall review, circulate, publish and hold a public hearing on such evaluation as required by section 22a-1d of the general statutes and shall submit all comments and responses thereto to the Office of Policy and Management, and (2) the Office of Policy and Management shall review such evaluation together with the comments and responses thereto and make a determination as required by section 22a-1e of the general statutes. For any such environmental impact evaluation, the fact that is was performed by a contractor retained by a private non state entity shall not be grounds for a determination by the Office of Policy and Management that it does not satisfy the requirements of Chapter 439, Part I and the regulations adopted pursuant thereto.