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

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TESTIMONY ON PROPOSED DEEP BUDGET AND CEQ

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Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,000 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

A properly funded environmental agency is central to clean and healthy air, land and water. Governor Malloy certainly understands the centrality of the DEP to public health, the environment and the economy. He demonstrated that recently when he proposed merging energy functions into the DEP to create a Department of Energy and Environmental Protection and appointed a leader known nationally for his views on integrating strong environmental protections and a strong economy. If the DEEP does not receive adequate resources, it will not be able to perform its critical functions. If we continue to underfund this agency, permitting logjams will continue, enforcement inspections will continue to decrease and our health and environment will suffer.

Elimination of CEQ - CFE strongly opposes the elimination of Council on Environmental Quality's staff and its incorporation into the new DEEP. CEQ ensures that clean air, land and water are protected and serves as an independent ombudsman for citizens seeing to navigate the a complex bureaucracy. Connecticut's environmental agency is unarguably difficult to get around. CEQ provides a forum for citizens who have genuine complaints to have those complaints heard and addressed. Last year the legislature appropriately created an ombudsman to help businesses navigate the complex agency. It is unfair the following year to eliminate the position that has acted so effectively as an ombudsman for the public.

Moreover, it has been CEQ that has brought attention recently to the fact that the environment is suffering in Connecticut due to lack of DEP resources (see section below). Moreover, it is difficult to imagine that staffers from within the agency would not (whether consciously or unconsciously) end up putting a positive spin on how the agency is performing. Just at the time we are re-examining and re-inventing the mission of the agency is no time to eliminate this critical and independent voice. While the lay members of the committee are sophisticated and dedicated, they do not have the resources to do the important work of the

agency without dedicated staff. Elimination of staffing and transfer of the agency to the DEEP would eviscerate the function of the CEQ and put Connecticut's environment at further risk.

Environmental Funding - The ability of DEP to enforce its laws and protect the public is in serious jeopardy. According to the CEQ numbers, inspections have declined by just over 60% since 1997 and is continuing on a downward slope. This coincides with a loss of 9.6% of DEP's staff since 2003. This is despite the fact that the agency's responsibilities have markedly increased in this same time period. Moreover, the agency is moving toward heavy reliance on general permits issued to large numbers of dischargers, which rely heavily on inspection and enforcement rather than permit writing. Thus, if we fail to act we will be almost certainly unable to adequately protect public health and clean air land and water.

Expecting compliance with health and environmental protections without inspections is like removing police from the highways and expecting the flow of traffic to remain at 65 or 70. It won't happen. When there is no enforcement, the bad actors are rewarded and those who play by the rules are at a competitive disadvantage. This regulatory disarray can only serve to deter from locating here clean energy and green economy businesses that have the most potential to create sustainable long term job growth.

At the same time, permitting logjams have become a drain on the economy. In a report required by the legislature last year, DEP determined that substantial new resources would be needed to meet permit timeframe goals while ensuring proper review. While the amount of actual resources is subject to debate, it is abundantly clear that we cannot meet our goals as current staffing levels.

While some may suggest that we could solve our permitting problems by cutting other areas of the agency, or even weakening environmental standards, such shifts would compromise even further the agency's already hobbled ability to protect health and the environment.

Unfortunately, historic underfunding of the agency has put us in a crisis situation at precisely the time when we can least afford to deal with it. In difficult budget times, there is no doubt that DEP and all agencies must think in new ways and do more with less, whatever historic funding levels. In this respect, the agency has taken great strides in creating efficiencies in the last few years with its LEAN program. Using sound management principles, DEP has reduced its permitting water permitting times by 77% and reduced enforcement backlogs of notices of violation by 78% in the last few years. These gains must be consolidated and extended.

Moreover, DEP contributes substantial amounts of money to the general fund. As of 2010, fees generated contribute $54 million annually to the general fund. Thus, when seen in context, DEP is operating at very little net expense to the state. Given the importance of what they do, it makes little long-term sense to starve them of the funds they need to work effectively.

Finally, we are concerned with the elimination of funding for local councils, districts and environmental review teams. Land use agencies face an enormous task in protecting our environment and desperately need more, not less, assistance to make informed environmentally sound decisions. . We are hopeful that this reflects a restructuring of how that money will be passed through rather than the actual elimination of the funds.