



Testimony on:

**S.B. 60: An Act Concerning the Enforcement and Permitting
Duties
of the Department of Environmental Protection**

Presented to the Environment Committee by
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Good afternoon Senator Meyer, Representative Roy, and distinguished leaders and members of the Environment Committee. My name is Eric Brown and I serve as associate counsel and director of environmental policy for the Connecticut Business & Industry Association ("CBIA"). CBIA represents approximately 10,000 companies, small and large, throughout Connecticut. Approximately 90% of our members employ fewer than 50 employees.

I would like to first thank the committee, and Senator Meyer in particular for introducing this bill for a public hearing as it provides an important opportunity at a very critical time, to focus attention on the future of our Department of Environmental Protection and its ability to effectively preserve and protect our environment while administering programs and policies that will foster environmental progress and economic prosperity.

All of us who work in this area are well-familiar with the mantra that environmental and economic interests need not be at odds. But moving beyond the words and adopting policies consistent with this vision will require leadership that recognizes the environmental challenges and the economic realities of the 21st century are not the same as those of the 1970s and 80s when the current system for environmental regulation was established. For example, the most recent report of the Council on Environmental Quality states:

"many more miles of rivers and streams are degraded today by runoff from developed areas than are polluted by sewage treatment plants and industrial discharges combine."

Further, the report notes with respect to brownfields and other historically contaminated sites:

"Thousands of properties remain contaminated by chemicals that spilled, leaked or were dumped in decades past. Despite numerous laws and programs aimed at restoring these properties, many sit idle and polluted."

Addressing these types of 21st century environmental challenges in a 21st century global economy will require new and innovative regulatory approaches developed through collaboration, shared-learning and shared responsibility.

Unfortunately, in recent years, the relationships among the DEP, some environmental groups and the business community has too often reflected what the traditional regulatory scheme encourages: contentious, litigious and adversarial interactions resulting in a significant and wasteful drainage of resources for all involved, and lost opportunities for environmental progress.

SB-60 focuses our attention on two critical components of DEP's operations in protecting our environment: permitting and enforcement. Before commenting on these specific components, we note that these are programs primarily directed at businesses. It is contextually important to remember, as alluded to above, that the vast majority of our current environmental challenges do not originate in the business and industry sector. Whether it is greenhouse gas emissions, stormwater run-off, cleanup of historic contamination, energy conservation, water quality, water use, air quality and more – Connecticut manufacturers and other businesses contribute a very small percentage to each of these challenges. Having noted this fact, we turn to the specific issues of permitting and enforcement.

With respect to permitting, DEP's September 2010 report, while providing an excellent insight into the dozens of DEP permit programs, grimly concludes that the agency cannot achieve the permit time frames established in Public Act 10-158 without approximately 60 additional staff and an additional \$500,000 per year in revenues.

There are also growing complaints from all sides regarding the effectiveness of DEP's enforcement program with some believing that further expansion of DEP's generally punitive enforcement procedures are necessary if we are to see further environmental improvement in our state.

To these dilemmas, I believe the state has a two primary options going forward. First, we could decide that the current approach to permitting and enforcement is sound, and not impeding our economic recovery -- but are falling short of improving the environment due to the lack of sufficient staffing. Alternatively, we could allow ourselves the opportunity to explore the possibility that there is a better, more effective and more efficient approach to these two challenges. One that does not rely on rolling back environmental standards or our commitment to strong enforcement, but rather one that encourages innovation, rewards going beyond "compliance", and focuses on environmental progress as the primary goal rather than number of inspections, enforcement actions and penalties.

As this pertains to our discussion of SB.60, staffing is certainly a component of ensuring an effective DEP. But we strongly believe that there are alternative approaches to DEP's current permitting and enforcement programs that, using existing resources, would result not only in greater environmental compliance and faster permitting, but most importantly, environmental improvement and greater environmental stewardship -- by industry , by government and by each of us as individual stewards of the environment. We believe that only through these new and innovative approaches can we reach our collective, but to this point elusive, goal of enacting environmental policies and practices that will foster both a cleaner environment and a prosperous economy.

I would be glad to answer any questions you may have at this time or explore our ideas in more detail at your convenience.

Thank you again for the opportunity to share these thoughts with you today.