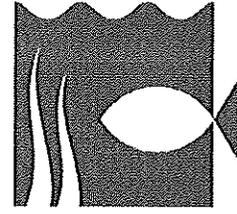


**Connecticut Fund
for the Environment**



Save the Sound[®]
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Connecticut Fund for the Environment

Testimony of Connecticut Fund for the Environment Before the Environment Committee

January 21, 2011

**SUPPORTING S.B. No. 60 AAC THE ENFORCEMENT AND PERMITTING DUTIES OF
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Roger Reynolds, Senior Attorney

Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 6,500 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

Connecticut Fund for the Environment strongly supports S.B. No. 60 that would require DEP to establish adequate staffing levels for enforcement and permitting. This bill is important to protect health and the environment and keep the economy moving.

The ability of DEP to enforce its laws and protect the public is in serious jeopardy. According to the Council on Environmental Quality, the number of inspections has 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.

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.

When inspections and enforcement lag, the economy suffers. A few years ago in Connecticut, Connecticut Fund for the Environment disclosed that many companies had been violating their permits for years, culminating in a company named Atlantic Wire dumping acid into Branford Harbor and killing large numbers of crabs. Moreover, as we saw in the Gulf of Mexico catastrophe last year, lax regulation ultimately leads to tragedy for the environment and the economy.

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.

Increased use of e-government provides ample room for improvements and efficiencies in permitting and enforcement. Dealing with the agency, either as a regulated entity or member of the public, still involves submitting or receiving large amounts of paper through personal visits or the mail. The Government must take a long term approach to e-government, making investments in permitting, reporting and enforcement technology to save time and resources in the future. This decreases business compliance costs and increases efficiency and transparency.

As we seek new ways of doing things, the time is ripe for a new approach to the environment and the economy. A high quality of life provided by Long Island Sound, cold water trout streams and New England landscape provide a critical competitive advantage in attracting a highly skilled workforce. A strong economy, in turn, will give the state the resources it needs to protect our health and clean our water and air. A strong economy and healthy environment cannot exist separately in Connecticut, and a properly and efficiently functioning DEP is essential to both.

CFE commends Senator Meyer and Representative Roy and the members of the committee for raising this important bill and we urge the committee to pass it.