



Newtown Forest Association, Inc.

P.O. Box 213 Newtown, CT 06470

**Testimony of Newtown Forest Association
Robert Eckenrode, President
Before the Commerce Committee**

***Item: HOUSE BILL 5465, AN ACT CONCERNING THE STATE OF CONNECTICUT'S
REGULATORY AND PERMITTING PROCESS***

Submitted by: Robert T. Eckenrode

Current President of the Newtown Forest Association , Newtown Ct. 06470

March 15, 2012

Attention: Senator LeBeau, Representative Berger, and members of the Committee,

Thank you for the opportunity to comment on House Bill 5465, AAC the State's Regulatory and Permitting Process. The Newtown Forest Association of Newtown CT respectfully opposes this bill, which threatens to undo important environmental protections we feel are important to safe guard our natural resources and foster responsible development.

Our position is current DEEP rules and regulations were put in place for sound environmental reasons. It is our opinion that Bill 5465 serves to undermine these rules and regulations in order to encourage economic development. Any retraction of environmental protection laws currently enforced can and will have irreversible negative effects on our local natural resources. The 90 day rule as proposed will be used by developers to undermine the ability of short staffed DEEP professionals and municipalities to properly review and respond to these applications – Each town will now face the prospect of potentially irreversible adverse environmental impacts due to inadequate backup from the DEEP and public discourse. We feel the effects of this bill will be detrimental to the protection of our natural resources statewide. The outright reversal of some these current safeguards and regulations is irresponsible and the negative effects from this will be criminal and at the expense of each and every resident in these communities. Review and Input from the DEEP as well as concerned citizens and community conservation officials for prospective developments are a necessary part of what responsible development is all about. Relaxing rules and eliminating current regulations and short changing the current process is a giant step backward which this bill proposes to do. While there is merit in streamlining the DEEP permitting process to allow for responsible commercial and residential development this bill as proposed is not a responsible solution.

A good example of the effectiveness of current regulations was the review and enforcement of a waste transfer station proposed and built that when finally finished violated numerous environmental laws during construction and operation was shut down . The project was on Housatonic railroad property in the Hawleyville section of Newtown .This bill as proposed would have allowed this destruction and degradation of wetlands and the local aquifer to continue.

It is our understanding that IIB 5465 contains several measures that will remove some environmental protections: We recognize this bill would create a 90-day time limit for the Department of Energy and Environmental Protection to review permit applications. Economic development priorities should not be allowed to trump protection of our natural resources. If DEEP does not issue a decision in 90 days, the permit will be automatically approved. Permit applications are frequently complex, and it can be time-consuming and labor-intensive to determine whether a given project will be a boon to the state or will unduly damage our natural resources. Because DEEP is chronically understaffed and will sometimes not have the resources to do all necessary research within 90 days, reduction and outright elimination of current regulations this bill proposes will virtually guarantee that projects damaging to our environment will be approved without adequate review.

As proposed, this bill requires Commissioner of Economic and Cultural Development to conduct a cost-benefit analysis of all existing state agency regulations to determine whether the economic costs outweigh their economic benefits. Any regulation that does not pass this overly narrow analysis would be sent to the Regulations Review Committee for revision, where they could be rendered toothless or repealed entirely. While the hope is that no agency regulation will be an economic burden,that should not be the sole criterion by which a regulation is judged! This provision could result in significant rollbacks to important regulations that protect our lands and water. In addition, this measure will place a large burden on DECD and Regulations Review.

Lastly, we understand this bill seeks to repeal the stream channel encroachment law. It is our understanding that this law is a basic protection that allows DEEP to identify stream channels and to consider the impacts of development in those areas upon stream flows, groundwater, wildlife, flooding hazards and other factors critical to the protection of public health, property and the environment. We over see and monitor numerous streams, ponds and lakes locally and know the importance of regulated buffers from these water courses. Given the strong storms and flooding we have seen in recent years, this is the wrong time to repeal flood control measures. The Newtown Forest Association is Connecticut's oldest land trust and we are committed to protecting, preserving and enhancing the natural resources of over 1100 acres under our control in Newtown. We do support responsible economic and residential development that meets or exceeds current state and local environmental standards. Please reject HB 5465 as proposed.

Thank you for your consideration in this matter.

Sincerely,

Robert T. Eckenrode
President and Stewardship Chairman
The Newtown Forest Association
7 Wildcat Road, Newtown Ct. 06470
Email rtedesign@gmail.com
Cell phone, 203-606-9781