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Lenard Engineering, Inc.

Civil, Environmental and Hydrogeological Consultants

Senator Meyer, Representative Roy, Members of the Committee;

My name is Mark Temple, I am a Connecticut Licensed Environmental Professional and President of Lenard Engineering. We are a 45 year old multi-discipline engineering and environmental firm headquartered in Glastonbury with satellite offices in Winsted, Storrs and Auburn Mass. Approximately 30% of our business comes from the clean-up of underground storage tank releases at municipal garages, gasoline stations and bulk fuel storage terminals.

I am here today to speak in opposition to SB 375. I understand that SB 375 is all about the money and the Governor's funding priorities. There is no other logical means to reconcile the fact that the Dept. of Environmental Protection is willing to author a bill that is anti-environment.

I believe that the bill language should be replaced in its entirety with language that is similar to changes made by other states that are transitioning their funds to the private sector. My proposal includes;

1. Sun-set the program for new releases on October 1, 2015;

2. Fully reimburses the on-going clean-up costs for locations in the Tank Fund now and those locations discovered prior to October 1, 2015; then sunset the Tank Fund to all locations on October 1, 2019. These sunset dates would allow tank owners the time for environmental professionals to complete the clean-ups in the timeframe required by DEEP's existing regulations while at the same time providing for an orderly transition to private insurance and an exit for the state from the Tank Fund program. An early sun-set date would put the statute at odds with DEEP's existing clean-up regulations which impose a four year monitoring period in most areas of the state.

3. Finally, the new bill language must provide equivalent extensions of time for tank owners to complete their clean-up beyond the sun-set deadline whenever the Tank Fund Board does not hear a claim AND the state does not reimburse the tank owner within 180 days.

There are about 500 stations in Connecticut that fall into the definition of a Mom and Pop business with an additional 200-300 stations owned by somewhat larger Connecticut businesses. Without a workable Tank Fund many of these station owners will not have the financial ability to keep their stations open once they start removing tanks and discover soil and groundwater pollution. The typical cost to replace 2-3 tanks, two pump islands, and a standard canopy at a small station is between$200,000 and $300,000. Nearly all of these small businesses finance all or some of this work through their local bank using the gasoline station property as collateral. If we do not have a working tank fund, no bank is going to lend money against polluted real estate.

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The logical outcome of this bill as written will be that small businesses will forgo their obligation to report gasoline releases to DEEP. Polluted soil and groundwater will simply be "covered up" so that they the owner can continue with their tank replacement work without incurring soil and groundwater clean-up costs for which they do not have the money. If you had to make this choice between reporting pollution and not being able to finish the replacement of your tanks, without which you have no viable business, what would you choose to do?

A working tank fund is the only viable mechanism that provides these Connecticut businesses with the ability to finance the clean-up and re-open their stations. Otherwise many stations will close, the small businesses will fail, and the stations will be abandoned. Once abandoned the cost to clean-up will fall on the town or state.

Let me finish by saying that as a licensed environmental professional on the front line, this bill if enacted will end the clean-up of petroleum releases at most of the state's gasoline stations. There is simply no other recourse for the vast majority of the tank owners and small businesses.

Thank-you and I will gladly take questions.

Mark R. Temple, LEP
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