



**CGA Planning and Development Committee
March 9, 2012 Public Hearing
Opposition to SB 343 AAC Intervention In Permit Proceedings Pursuant
To The Environmental Protection Act Of 1971
Comments submitted by Karen Burnaska, Natural Resources Director**

Raised Bill 343 should not go forward. Citizens and nonprofits opposing environmentally destructive projects would have levels of proof and pleading that far exceed normal requirements.

Section a(1) turns that burden of proof squarely onto the complainant. Sections a(2), a(3) and a(4) puts in place unreasonable – and not mutually required of the applicant – disclosure provisions and damage awards. The most undemocratic part of this bill is section a(5) - There shall be no right of appeal from any decision of a board, commission or other administrative agency or court rendered pursuant to this section on a verified pleading. This in particular strikes the LWVCT as wording that goes against the grain in our democracy.

The disproportionate burdens placed upon interveners as proposed in this bill are completely unwarranted. The September 2010 “*State of Connecticut Department of Environmental Protection Permitting Assessment Report*” reflects that far from an abundance of “frivolous” suits, the exact opposite is the case “...of the total permits issued by the Department over the past five years, CEPA was invoked 0.2 percent of the time or in less than one-quarter of one percent of the time a permit is issued by DEP.” (*State of Connecticut Department of Environmental Protection Permitting Assessment Report, P. VII-3*).

The current law has served the public well by enabling citizens to have input into the decisions that affect them, their health and their communities. We urge you to oppose SB 343.