



*Connecticut Chapter  
645 Farmington Ave.  
Hartford, Connecticut 06105  
[www.connecticut.sierraclub.org](http://www.connecticut.sierraclub.org)  
Martin Mador, Legislative Chair*

Planning and Development Committee  
March 9, 2012

Testimony In Opposition to  
SB 343 AAC Intervention In Permit Proceedings  
Pursuant To The Environmental Protection Act Of 1971

The CEPA act has proven a valuable and appropriate tool for ensuring that our high quality of life is protected by high environmental standards. Enabling private citizens to take action to put questionable proposals to the test encourages the highest forms of citizen engagement.

Imposing reasonable conditions for interveners to meet is necessary for the success of the CEPA concept. Otherwise, the statute becomes meaningless. Often, interveners are not corporations with deep pockets, they are private citizens of limited means.

The Sierra Club finds that the terms of SB 343 would serve to eliminate citizen participation in the process. In particular, passage of this bill would:

- require complex and costly procedures for interveners
- potentially subject interveners to unnecessary information requests and harassment
- require interveners to present their case before the proponent presents his
- eliminate the rights of an intervener to appeal an adverse decision

However, all of these barriers become somewhat moot when interveners become exposed to the possibility of having to pay the costs of the development proponent. This requirement alone would serve to discourage almost anyone for utilizing CEPA to explore the possible environmental harm of a proposal. Regardless of the conditions imposed on a judge before he could award fees and costs, the potential for this would certainly act as an insurmountable barrier to intervention.

That the bill would impose extraordinary requirements on the intervener, but not the applicant, demonstrates the inappropriateness of this bill.

The need for such a bill is not supported by the history of CEPA claims. According to a DEEP study, very few applications are subject to a CEPA intervention. This bill addresses a problem which does not exist.

The Sierra Club fully supports appropriate economic development. Stopping or impeding appropriate development projects is not the way to achieve our environmental goals. In fact, we believe the best friend the environment could have is a strong economy.

Given the terms of the bill, it appears that its purpose is not to stop frivolous claims, but to eliminate entirely the availability of CEPA intervention to private citizens. This is not a balanced bill which attempts to impose reasonable standards, it is a lopsided bill which would signal the end of CEPA.

The Sierra Club strongly recommends a vote against SB 343.