



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 7, 2013
Commerce Committee

Testimony Submitted by Commissioner Daniel C. Esty
Presented By Deputy Commissioner Macky McCleary

Raised Senate Bill No. 1008 – AN ACT CONCERNING ADMINISTRATIVE STREAMLINING OF ENVIRONMENTAL PROGRAMS

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 1008 – An Act Concerning Streamlining of Environmental Programs. The Department of Energy and Environmental Protection (DEEP) offers the following testimony.

We appreciate the Committee's willingness to raise this bill at the request of the DEEP. This proposal, which we strongly support, would: 1) Expand certificates of compliance; and 2) repeal requirements for allowances, general permits, labeling requirements, regulations, reporting requirements, an educational program, royalty payments and creation of certain lists. All of these measures allow DEEP to focus more keenly on issues that are important to move critical environmental programs forward and spend less time on programmatic requirements that have outlived their useful life.

Expands Certificate of Compliance. Section 1 of this bill proposes an amendment to Section 22a-434 of the Connecticut General Statutes (CGS) to facilitate the issuance of certificates of compliance consistent with the other programs by allowing the commissioner to issue such certificates in situations where the order has been revoked. Currently, when final orders issued pursuant to chapter 446k (the water pollution control chapter) are filed on the land records, a certification of compliance may only issue when the commissioner finds the order has been complied with. Sections 22a-5c, 22a-225 and 22a-178(g) of the CGS authorize similar recordings of compliance certification when orders have been complied with or "revoked". As there are circumstances where compliance with an order is impossible (e.g., when the entity is out of business, or when the violation is no longer applicable due to changed circumstances) revocation of an order and subsequent filing of such certificate will help respondents and property owners achieve closure of recorded orders.

Repeals Mandate to Adopt Residential Underground Heating Oil Storage Tank Regulations. Section 2 of this bill repeals the mandate to adopt regulations on standards and criteria for residential underground heating oil storage tanks. DEEP recommends repeal of this mandate because we do not

have a residential heating oil tank program. Eliminating this mandate would save staff resources needed to draft and promulgate other regulations.

Eliminates Publication of Lists. Sections 3 and 4 of the proposed bill would eliminate the requirement under Sections 22a-22a-361(d)(1) and 22a-378a(a) of the CGS that the Commissioner annually publish a list showing all current General Permit holders. This is a vague requirement at best, since it contains no information regarding the status of the regulated activity. There is no plausible reason for anyone to need just a list of General Permit holders when there are many other types of permits issued on a regular basis. The information in such a list would be of limited value, and such lists have rarely been generated and requested.

Removal of Royalty Payment. Section 5 of this bill would amend Subsection 22a-361(e) of the CGS to allow the Commissioner to waive the required royalty payment for removal of state-owned sand and gravel in the case of dredged sediments that are decontaminated or amended to meet reuse standards. This waiver will remove a potential disincentive for the use of experimental treatment technologies for treatment of contaminated dredged sediment, and may help encourage exploration of all available alternatives for the disposal of contaminated dredged sediments, including beach restoration or brownfields remediation.

Section 11 Repealers. Section 11 of this bill repeals a number of sections as follows.

- This section repeals the requirement for DEEP to issue a general permit for the construction and operation of new or existing emergency engines and distributed generation resources. DEEP recommends repeal of this section because no sources have sought coverage under the permit. Owners and operators of distributed generation projects have applied for individual permits on a project-specific basis rather than avail themselves of the general permit.
- This section repeals the requirement for DEEP to offer for sale, at a fixed price, carbon dioxide (CO₂) allowances to certain combined heat and power (CHP) sources subject to pre-existing long-term power purchase agreements. DEEP recommends repeal of this section because there are no longer any CHP owners subject to pre-existing long-term power purchase agreements that pre-date the adoption of programs to control greenhouse gases from large electric generating units.
- This section and section 7 repeal the requirement for DEEP to adopt regulations requiring Connecticut-specific greenhouse gas and emission performance labels to be placed on new vehicles and further requiring DEEP to establish a public outreach program for these labels. DEEP recommends repeal of this section because state-specific new car emissions labeling requirements are no longer necessary due to recently adopted federal requirements that provide the desired environmental performance information.
- This section repeals the requirement for the Commissioner of DEEP to coordinate a program with the Department of Public Health to educate the public on risk assessment and risk management of solid waste disposal practices. DEEP recommends repeal of this section because such a program is unnecessary and saves resources from both agencies that would be required develop and administer such a program.
- This section eliminates the duplicative reporting requirement for biomedical waste generators. DEEP recommends repeal of this section as the provision is redundant and unnecessary since biomedical waste generator reporting obligations have been covered by transporters in the solid waste management regulations (see RCSA 22a-209-15(i)).

- This section repeals the mandate to adopt by regulations official symbols indicating recyclability or recycled content. DEEP recommends repeal of this section because such a program is unnecessary as there are now third-party standards and universal recycling symbols.

In conclusion, DEEP strongly supports these proposals, and we believe we have an obligation to repeal requirements that are no longer necessary and improve the efficiency and speed with which we address real concerns on behalf of regulated community, the public, and the environment.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 860-424-3401 or Robert.LaFrance@ct.gov.

