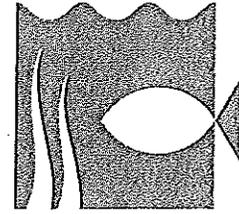


**Connecticut Fund
for the Environment**



Save the Sound[®]
A program of
Connecticut Fund for the Environment

**Testimony of Connecticut Fund for the Environment
Before the Committee on Commerce**

***In opposition of HB 5573, AN ACT CONCERNING BROWNFIELD REMEDIATION AND
DEVELOPMENT***

Submitted by Zachary Bestor
Legal Fellow / Attorney
March 18, 2014

Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 5,500 members statewide. The mission of the CFE, and its program Save the Sound, is to protect and improve the land, air and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.

Dear Senator LeBeau, Representative Perone, and members of the Committee on Commerce:

Connecticut Fund for the Environment submits this testimony in opposition of Proposed HB 5573: An Act Concerning Brownfield Remediation and Development. If passed, this legislation would allow owners and developers of contaminated property to apply for and receive "interim verification" of a parcel without having achieved the remediation standard for groundwater. In addition, it allows for automatic approval of any final remediation action report if the commissioner does not take action within sixty days, which will place an immense burden on the commissioner to come to a quick decision on what is a very technically intensive subject.

Section 1 of this bill creates the interim verification process as a milestone in the remediation process. However, it is unclear exactly what the interim verification process will enable the property owner to accomplish. We are concerned that such interim verification will be used to circumvent the requirement under the law that the entirety of the property be fully remediated, and serve as a mechanism to allow for the sale of all or a portion of the property before total remediation has occurred. While we note that Section 1, Subsection (d)(4)(B) puts certain requirements upon the certifying party to continue long-term groundwater remediation, we are skeptical that full remediation of groundwater contamination will be consistently achieved if interim verified properties are given the rights of a fully remediated property.

Subsection (h) of Section 1 of this bill would automatically deem "approved" any final remediation action report if the commissioner does not come to a determination within sixty days. Agency determinations on final remediation action reports can be potentially complicated matters, and therefore it would be unduly burdensome on the commissioner to limit the time to investigate and come to a decision. It is far more important to ensure that the remediation is done correctly than to expedite the process in this stage.

Therefore, we oppose HB 5573 because it will negatively impact the remediation process by creating potential means around fully remediating harmful contamination.

Thank you for your time and consideration on this matter.

Sincerely,

/s/ Zachary Bestor

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