



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

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

Public Hearing – February 28, 2014
Environment Committee

Testimony Submitted by Interim Commissioner Robert J. Klee
Presented By Deputy Commissioner Macky McCleary

Raised House Bill No. 5307 – AN ACT CONCERNING THE USE OF BOOMS FOR THE RETENTION OF CERTAIN OILS OR PETROLEUM AND REVISING CERTAIN REQUIREMENTS FOR THE REGISTRATION OF RADIOACTIVE MATERIALS

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5307 – AN ACT CONCERNING THE USE OF BOOMS FOR THE RETENTION OF CERTAIN OILS OR PETROLEUM AND REVISING CERTAIN REQUIREMENTS FOR THE REGISTRATION OF RADIOACTIVE MATERIALS. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer 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 no longer require booming for certain flammable liquids and would require that there be supervision of the transfer of all oil and petroleum liquids consistent with United States Coast Guard regulations. This proposal would also make revisions to DEEP's radiation program to LEAN a resource intensive registration processes.

The Use of Booms

Under current law, section 22a-457a of the general statutes, each tank ship and tank barge involved in the transfer of oil or petroleum products must have a floating boom that encloses or encircles the vessel, except if weather, wind, sea or ice, or other specific types of conditions prevent the boom from being deployed safely. The boom is intended to catch and contain any spilled oil or petroleum.

This proposal would amend this requirement by no longer requiring booming for flammable liquids with a flash point of 100°F or less (such as gasoline, ethanol or mixtures of these liquids). Booming would still be required for the transfer of liquids with a flashpoint of greater than 100°F (such as kerosene, diesel fuel and #2, #4, and #6 oils). In addition, the DEEP's proposal would require that there be supervision of the transfer of all oil and petroleum liquids to help ensure appropriate oversight and attention to the transfer of oil or petroleum consistent with U.S. Coast Guard regulations.

DEEP offers this amendment based upon the recommendation of representatives from industry and various fire departments (specifically New Haven, Milford, Bridgeport, and Westport). Fairfield County HazMat and the United States Coast Guard also support this proposal. All these agencies/departments have a similar concern which is that while booming may be effective at protecting the state's waters, the act of containing flammable liquids with a flash point of 100°F or less, may increase the potential build up of flammable vapors with a low ignitability, and may pose a significant danger to personnel, emergency responders, ships and/or property in, and in the vicinity of, the boomed area. Most other states do not have a booming requirement for the transfer of flammable liquids.

DEEP is mindful that there are sensitive environmental areas in Long Island Sound where the transfer of flammable liquids occurs. However, on balance, the public safety risk associated with booming flammable liquids with a flash point of 100°F or less outweighs these environmental risks. In addition, the additives used in Connecticut's fuel has changed since 1990 when section 22a-457a of the general statutes was enacted. Today, ethanol is much more prevalent in gasoline. The presence of ethanol means that if a spill containing ethanol occurs, booming will not prevent the ethanol, and some gasoline along with it, from entering into the environment since ethanol is readily dissolvable in water and will enter into the water column with or without booming.

We are also mindful of the environmental concerns associated with the transfer of oil or petroleum, so DEEP's proposal retains the requirement for booming of flammable liquids with a flash point of greater than 100°F. As shipping papers describe the materials being transported and shippers and handlers are knowledgeable of the hazards of the oil and petroleum products they are transporting and unloading, observance with this update to the statute should not pose difficulties to shippers or terminals. Marine terminals are licensed by DEEP and outreach to these facilities can be readily provided.

LEANing the Radiation Registration Program

Section 2 of this bill streamlines and transforms the statutory framework for the regulation of sources of ionizing radiation in the State of Connecticut by aligning the process for the registration and regulation of these sources with other similar programs within DEEP. Through a LEAN process improvement study, radiation program staff at DEEP identified several areas where the process of regulating sources of ionizing radiation, such as x-ray machines and radioactive material, could be made more efficient and improved to better protect public health, public safety, and the environment. For this reason, DEEP is proposing to update its registration processes to reduce unnecessary paperwork by moving to a biannual registration of sources instead of an annual registration.

In summary, DEEP strongly supports Raised House Bill No. 5307 and looks forward to taking this step to LEAN and streamline the program for the control of ionizing radiation sources and adopt the floating booms public safety provisions thereby leading to more efficient government that delivers superior service to all regulated entities in the state, including businesses, municipalities and the state itself.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov).