

TRILL-ENVIRLAW  
The Trilling Environmental  
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Honorable Members  
Environmental Committee  
Connecticut General Assembly

RE: Comment on 2015 Raised Bill 00941, An Act Delaying Implementation Of Provisions Of Public Act 13-308 Concerning Certain Standards And Sampling Requirements Upon The Detection Of Pollutants Causing Contamination Of Soil, Groundwater Or Public Or Private Drinking Water Wells

Dear Committee Members,

In my capacity as Managing Member of the Trilling Environmental Law Firm, LLC, I represent clients that range in size from individuals and small family owned businesses to large multi-national corporations with regard to environmental issues that arise in their business and real estate dealings in Connecticut. (See my firm's website at [www.Trill-Envirolaw.com](http://www.Trill-Envirolaw.com).) All of them are affected by the standard setting and regulatory promulgation activities of the Connecticut Department of Energy and Environmental Protection ("DEEP").

On behalf of my clients I participated in discussions with DEEP representatives (including then Commissioner Dan Esty) and with members of this Committee that led to the enactment of Public Act 13-308 which adopted amendments to the Significant Environmental Hazard ("SEH") notification and remediation provisions of Section 22a-6u of the Connecticut General Statutes. In those discussions I, along with numerous stakeholders in the regulated community, had expressed our concern that standards set and regulations promulgated by DEEP with regard to SEH obligations ought to have as their goal the protection of human health and the environment, based on the best science available. Such a basis would not allow harmful contamination to go unaddressed. It would also avoid the imposition of unnecessary, costly, and time-consuming measures that would not provide additional protection to human health and the environment.

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To accommodate that concern the Legislature wisely delayed the effective date of SEH amendments for two years, until 2015, so that DEEP could commission and receive a study that would provide it with an acceptable framework upon which it could base the standards to govern the implementation of Public Act 13-308. DEEP received such study in August 2014, but the study did not meet with widespread acceptance of its conclusions and, of equal importance, did not specifically address the operation of C.G.S. Sec. 22a-6u. (See, Christopher McCormack, "Connecticut Department of Energy and Environmental Protection Releases 'Evaluation of Risk-Based Decision Making' With Public Comment Open Until September 30, 2014," <http://www.pullcom.com/news-publications-615.html> ). Thus, as of today, there is no scientific study on which to base implementation of Public Act 13-308, and it is necessary to extend the effective date from 2015 for another two years until 2017 in order to allow DEEP the time to have the study finalized and for it to meet a rational consensus.

Enactment of Raised Bill 00941 would achieve that limited purpose. Hence, I urge the Committee to approve the bill.

Best regards,

A handwritten signature in cursive script that reads "Barry J. Trilling".

Barry J. Trilling