

February 26, 2015

Melissa H. Ziobron  
State Representative 34<sup>th</sup> District  
Connecticut House Republican Office  
L.O.B. Room 4200  
Hartford, CT 06106

RE: Raised Bill No. 941  
An Act Delaying Implementation of Certain Standards and Sampling Requirements Upon  
The Detection of Pollutants Causing Contamination of Soil, Groundwater or Public or  
Private Drinking Water Wells

Dear Melissa,

As a Licensed Environmental Professional, I wanted to let you know that I support this bill.

Unfortunately, I will not be at the hearing on Friday February 27, but I encourage you to seek out and speak with any of members of the Environmental Professional Organization of Connecticut or members of the State of Connecticut Brownfield Working Group who might be present. To boil down the narrative, I believe wide support for the bill regarding the delay of the standards is based on the following main points:

- The Department of Energy and Environmental Protection (DEEP) Commissioner in the past agreed to push off implementation of revised Significant Environmental Hazard Regulations until a report from an outside consultant analyzed how the State makes risk-based decisions and policy, made recommendations to the State in a report, and the State incorporated the consultant's recommendations into revisions. The outside consultant report has been completed and submitted to DEEP, but to date a response from DEEP on how recommendations from the consultant will be incorporated into risk based decision making has not been issued. DEEP had previously committed to working with the regulated community in a collaborative manner to incorporate the consultant's recommendations.
- Per the comment above, the Legislature should require DEEP to develop actual, scientifically based and peer-reviewed justification for the 10, 15, and 30 times multipliers of the Remediation Standard Regulations and Water Quality Standards in Raised Bill 941.
- DEEP's stated goal is to link the adoption of the revised Significant Environmental Hazard Regulations to the inception of the "Unified Program". However, the date of the

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Unified Program is uncertain. This bill should be adopted concurrent (or after) with the promulgation of the Unified Program.

These regulations as proposed will likely expand the number of sites that are regulated by the DEEP, putting sites that do not pose much of a risk at the same level of scrutiny and action as those that pose an immediate health risk. There is a potential this could choke the State's resources within the remediation pipeline if implemented outside of a final Unified Program. The Unified Program is supposed to be the result of substantial collaborative efforts between DEEP, environmental professionals, and other stakeholders (including business, municipalities, and Brownfields developers).

The revised Significant Environmental Hazard standards would require immediate action as if the risk to human health or the environment in all cases is imminent. The soil standards as proposed do not necessarily represent an imminent hazard. If these standards are put into effect, this could have a potential chilling effect on businesses investing in their properties for expansion or transaction as lending institutions will require analytical testing for environmental due diligence.

In my opinion, implementing one component of the equation without finishing the other components is short-sighted and detrimental to the progress that has been recently made by stakeholders toward opening up our State to Brownfields development particularly in our urban areas.

Respectfully Submitted,



Daniel R. Jahne, LEP