

Testimony before the Environment Committee of the Connecticut General Assembly
February 27, 2015

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.

My name is David F. Hurley and I am a Vice President of Fuss & O'Neill, Inc., a Civil and Environmental Firm in Manchester, Connecticut. I am a Licensed Environmental Professional and I serve as a member of the General Assembly's Brownfields Working Group. I am a resident of the Town of Ellington and currently a member of the Ellington Economic Development Commission.

I support SB 941. As a member of the Brownfields Working Group, I was a participant in developing PA 13-308. During that process the business community, including many environmental professionals, raised concrete concerns regarding the changes then being proposed to the Significant Environmental Hazard (SEH) Statute, Section 22a-6u (see, in Sec. 31 of PA 13-308). Many of these concerns pertained to fundamental aspects of Connecticut's cleanup standards and how and on what basis a significant environmental hazard was being defined.

During the discussions surrounding and preceding the passage of PA 13-308, Sec. 28 was developed. The intent was that implementation of Sec. 28 would result in a process whereby the Department and stakeholders could evaluate how risk is evaluated. The first part of the process was completed. The Department engaged a consultant, who produced a report. The remainder of the process has not been completed. This includes the following clear requirements: "*The commissioner shall provide opportunities for public review and input during the evaluation process. Upon completion of the evaluation and report, the commissioner shall consider the evaluation and report and make recommendations for statutory and regulatory changes to the risk-based decision making process including, but not limited to, those in section 22a-6u of the general statutes, as amended by this act, not later than October 1, 2014.*"

It would be premature to let the amendment to the SEH take effect this year. There needs to be discussions about and consensus developed with the involvement of the stakeholders as to how we in Connecticut evaluate environmental risk, assuring that we use best practices used by EPA and other states. I support the intent of SB 941 and ask you to extend the effective date of the revisions to Section 22a-6u as set forth in PA 13-308 from July 1, 2015 to July 1, 2017 to allow the process to be completed.

David F. Hurley, PG, LEP
Fuss & O'Neill, Inc.
146 Hartford Road
Manchester, CT 06040
(860) 646-2469
dhurley@fando.com