



TO: Sen. Eric Coleman and Rep. William Tong, Chairmen,  
And Honorary Members of the Judiciary Committee

Testimony from Rivers Alliance of Connecticut for  
Public Hearing, March 18, 2016, on

SB 431 AAC CONSENT ORDERS ENTERED INTO BY [DEEP]

*Rivers Alliance of Connecticut is a statewide non-profit organization, founded in 1992, as a coalition of river organizations, other conservation non-profits, individuals, and businesses working to protect and enhance Connecticut's rivers, streams, aquifers, lakes, and estuaries. We promote sound water policies and water stewardship through education and assistance at the local, regional, and state levels.*

We write in opposition to Bill 431, and in support of the testimony from Connecticut Fund for the Environment and Commissioner Rob Klee. We do not bring legal expertise to the issue, but our experience has been that consent orders can linger for years and even decades. In such circumstances, a variety of changes in pertinent conditions are likely to occur. We do have direct experience of that kind of change.

This bill evidently is related to a Superior Court decision that profoundly disappointed BIC Corp. The Court ruled that DEEP has the authority to revoke a consent order unilaterally. Before immediately attempting to cancel that authority, considerable time and thought ought to be given to the implications. In particular, it appears imprudent to apply 431 retroactively.

Attorney Keith Ainsworth, in supporting the bill, did propose amendments to the language. Our position is not that consent orders are working perfectly, but rather that this bill, as written, does not appear to be a step forward.

Thank you for your consideration.

Margaret Miner, Executive Director

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