



Testimony
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Connecticut Council of Small Towns
Before the Judiciary Committee
March 18, 2016

The Connecticut Council of Small Towns (COST) supports SB-431, AN ACT CONCERNING CONSENT ORDERS ENTERED INTO BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

SB-431 restores the use of consent orders as an enforcement mechanism by ensuring that the order cannot be unilaterally revoked by the state Department of Energy & Environmental Protection (DEEP).

In a recent decision, the court found that the law does not prohibit the agency from revoking a consent order. This is surprising, given that parties negotiate consent orders in good faith based on the assumption that the agreement will be binding on all parties.

SB-431 addresses this concern by clarifying that the agency does not have the ability to modify or revoke an order without the consent of the party. Under the bill, DEEP and any party to the order may seek declaratory and injunctive relief from the Superior Court to resolve any dispute concerning the terms and conditions of, and compliance with, the consent order.

This will ensure that parties can rely on the terms of a consent order to resolve environmental issues without having to pursue costly litigation. Unless this issue is addressed, consent orders will no longer be viewed by parties as a viable tool in addressing environmental violations.

COST urges support for SB-431.

COST is an advocacy organization committed to giving small towns a strong voice in the legislative process. Its members are Connecticut towns with populations of less than 30,000. COST champions the major policy needs and concerns of Connecticut's suburban and rural towns.

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