Environmental Professionals' Organization of Connecticut
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March 18, 2016

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: Raised Bill No. 431

Dear Joint Committee on Judiciary:

I am writing to you on behalf of the Environmental Professionals' Organization of Connecticut (EPOC) regarding "An Act Concerning Consent Orders Entered Into By The Department Of Energy And Environmental Protection," Raised Bill No. 431. Our association represents the interests of Licensed Environmental Professionals (LEPs) who are authorized under CT Section 22a-133v of the Connecticut General Statutes (CGS) to supervise and approve the remediation of environmentally contaminated sites in Connecticut. The Connecticut Department of Energy and Environmental Protection (DEEP) administers the licensing program.

EPOC supports Raised Bill No. 431. As you likely are aware, the state of Connecticut's remediation programs and standards help promote the cleanup and redevelopment of brownfields and other contaminated sites. Contamination at a site poses a threat to human health and the environment, interferes with a site's productive use, and adds uncertainty and cost to the site's development or redevelopment. Therefore, it is important to have a clear pathway forward to investigate and remediate a site so that the responsible parties can meet their obligations. In certain cases, a responsible party may enter into a consent order with DEEP to establish their obligations and expectations, which in turn promotes the certainty of the remediation for both the responsible party and the LEP. Raised Bill No. 431 would clarify that DEEP does not have the power to unilaterally revoke consent orders. Unilateral revocation of a consent order potentially causes confusion about the scope of work to be performed and the standards to be met. LEPs are concerned that such a revocation would call into question whether the DEEP approval of the investigation and remediation conducted under the consent order for a site can be relied on for site closure. If DEEP has the ability to revoke a consent order, it could call into question approvals for work performed at the site and jeopardize the LEP's ability to certify site investigation and remediation without unnecessary re-work.

We strongly believe that the scope and standards for investigation and remediation of a site must be as clear as possible to ensure LEPs are confident that their approval of a cleanup is protective of human health and the environment. We ask you to make a joint favorable recommendation to Raised Bill No. 431.

Sincerely,

Seth Molofsky
Executive Director