

CHAIRPERSON: Representative Mike Demicco

SENATORS: Flexer, Kennedy, Miner, Somers

REPRESENTATIVES: Arconti, Borer, Byron, Carney, Demicco, Dillon, Dubitsky, Dunsby, Gresko, Harding, Linehan, McGorty, Mushinsky, Pavalock-D'Amato, Piscopo, Reyes, Ryan, Santiago, Srinivasan, Tong, Tweedie, Vargas, Wilson, Ziobron, Ziogas

REP. DEMICCO (21ST): Good morning. Good morning. I'd like to convene. (Gavel) That's a good job, Mr. Vice Chair. Good morning. I'd like to convene the public hearing for this morning, Friday, February 23rd, for the Environment Committee.

As is tradition, the first hour of the public hearing is reserved for legislators, constitutional officers, agency heads, and municipal officials, chief elected municipal officials. After the first hour, we will then do what we normally do, which is alternate between agency heads and officials and so forth and members of the public.

So, I'll ask if any comments by my Co-Chair, okay. So, without further ado, we have eight bills on the agenda to be heard today. And the first person who is signed up is Deputy Commissioner Susan Whalen,

from DEEP. Deputy Commissioner, there she is.

DEPUTY COMMISSIONER WHALEN: Good morning, Chairman Kennedy, Chairman Demicco, members of the Committee. As you've heard, my name is Susan Whalen, I'm the Deputy Commissioner for Environmental Conservation at the DEEP and I'm here this morning to testify on several Sections of Senate Bill 102, AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENTAL PROTECTION AND AGRICULTURAL RELATED STATUTES.

Specifically, I'm here to offer testimony for Sections 1 through 4 and Section 7. You have this testimony in your packets and electronically.

The first Section would allow for an exchange of forest fire protection and control of resources beyond Northeast. Connecticut is a member of the Northeast Interstate Forest Fire Protection Compact. And because it was the nations first regional forest fire compact, we do not have reciprocity with other regional forest fire compacts for mutual aid.

So, what that means is that when Connecticut has a significant forest fire, we cannot draw on the resources of other forest fire compacts throughout the country.

So, this bill, Section 1, would allow Connecticut to participate in an update of the Forest Fire Protection Compact and allow us to draw on that mutual aid in the event there is a large-scale forest fire that Connecticut cannot respond to on its own.

Section 2 of the bill would provide for a 60-day renewal grace period for an expired forest

practitioner's certification. So, for those folks who are certified through us but for whatever reason do not renew their application on or before the expiration of their forest practitioner's certification, right now the law requires them to take another exam. We only offer those exams a couple of times a year and a lot of times these folks just forget to renew their certification. So, what we'd like to do in Section 2 is give them the ability to essentially pay a late fee and renew their certification without having to take the exam all over again. This would definitely reduce the agencies reexamination administrative burden and make it easier for people to continue to earn a living as forest practitioners.

Section 3 would eliminate, this is again related to forest practitioners, right now the law has pretty strict parameters around the annual continuing education unit reporting that forest practitioners have to submit and what we'd like to do is make it easier for them to maintain their certification credits, report them annually to us and have the ability to have more flexible earned CEU's than the law presently allows.

Section 4 of the bill would allow a 60-day grace period and late fees for the renewal of elapsed pesticide certification. It would streamline the process and reduce administration costs for both DEEP and the regulated community by eliminating the need to re-administer the appropriate exam when the need for reexamination doesn't otherwise exist.

We had recommended that this grace period be one year. The legislation has it at 60 days and we're

certainly willing to work with the committee on that timeline for which a grace period exists.

And finally, Section 7 would amend language regarding the citing of solar projects on core forest and prime farmland. Since the implementation of Public Act 17-218, last year, we've gained a lot of additional experience with the citing of solar voltaic facilities using the declaratory ruling process. And we understand the Committee's interest in making some changes to that public act, and we'd like to work with the Committee to offer some alternative language to make improvements to the statute, including, but not limited to reducing administrative burdens and adding language providing for the mitigation of impacts to be considered by the Siting Council. And we will look forward to working with the Committee on that language.

That concludes my testimony, and I'll be happy to take any questions from the Committee.

REP. DEMICCO (21ST): Thank you very much, Deputy Commissioner. I have a couple of questions, just curious about the grace periods. You had mentioned that you would prefer a one-year grace period?

DEPUTY COMMISSIONER WHALEN: In the case of the pesticide exams, people who have pesticide licenses also tend to be certified arborists. And the current grace period for arborist exams is a year. So, the goal there was to try to keep a similar grace period for people who have both of these certifications.

REP. DEMICCO (21ST): Is this currently a problem

now that these certification lapse and do people forget to renew their certification or -- I'm just curious, what the real issue is here?

DEPUTY COMMISSIONER WHALEN: Well, we do certify hundreds of people for pesticide applications every year and the challenge is getting them to remember to renew their certifications.

REP. DEMICCO (21ST): Okay. Fair enough. I appreciate that. And the other question that I would have has to do with Section 7. You said that you were interested in alternative language. Would you want to share that today or we're going to work this out as we go along?

DEPUTY COMMISSIONER WHALEN: I think that's something we're going to work out as we go along, that's correct, yep.

REP. DEMICCO (21ST): Fair enough. Thank you very much.

DEPUTY COMMISSIONER WHALEN: Thank you, Mr. Chairman.

REP. DEMICCO (21ST): I think Senator Kennedy has some questions for you.

SENATOR KENNEDY (12TH): Thank you, Commissioner. I'd like to ask you to just comment while you're here on the bill that was passed last year, concerning a solar, large-scale solar facility on prime farmland and forest land. So, can you just -- I know you've offered some testimony on some of these changes, but I'm just curious to know your

thoughts about what has -- has anything changed since this law was put into place and if so, kind of what you see happening now in that industry?

DEPUTY COMMISSIONER WHALEN: I might ask Kirsten Rigney, who is with the Energy Department to come up and answer some of those questions.

KIRSTEN RIGNEY: Good morning.

SENATOR KENNEDY (12TH): So, I guess, just to restate my thought. I think the Committee felt like there was a really rapid industrialization of our prime farmland and forest land and we took some measures to try to bring some balance into that. Not to prohibit it, but just to add, you know, more of a review.

I'm just curious to know your opinion in the agency, I know you're DEEP and DOAG is also involved. What has been the effect of this proposal since I know it was just passed last year, but are you seeing anything in the industry?

KIRSTEN RIGNEY: Sure. DEEP definitely recognizes the chin between the pressures that we have to develop renewable sources of energy and also preserve our natural resources. So, we recognize and appreciate sort of the efforts of that statute to find that balance. And there are some benefits. I think that having observed some of the projects going through the Siting Council, I believe the Siting Council has really asked a lot of interesting questions and some difficult questions regarding the impacts of those projects on the natural resources, both the prime farmland and core forest.

However, there's been some challenge in terms of the language of the statute as a little bit difficult to understand, sort of when it's triggered, when it's not, and also the -- we're working right now to try and define some of the language; for example, the materially affects language, try and understand what that means as an agency and really to flush that out in terms of what are the important resources that we're trying to protect, how can we best quantify them.

We have done a look into some of the analysis, the clear analysis, for example, and really looking at sort of is that capturing exactly what the department wants to protect. And so, that's why we're hoping to have some dialogue in the future, in the near future, to sort of figure out how best can we capture those concerns and also allow for the development of grid scale solar projects, which are an important part of our energy strategy as a state.

SENATOR KENNEDY (12TH): Thank you very much.

REP. DEMICCO (21ST): Yes, Representative Dubitsky, please.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you both for coming in. I also want to ask a couple of questions about that same issue, the solar on prime and important farmland. As I'm sure you know, this Committee is struggling to balance two competing interests, both of which I, in particular, think are very good things. You know, renewable energy and farmland. Striking that balance is very difficult and I know the Chairs and myself and some

others on this Committee worked very hard last year to try to come up with language that balanced those.

My first question is, to what extent are the two departments, DEEP and Department of Ag, working together on this, because I know you both sort of have a little bit different interest in seeing this, DEEP probably more seeing more solar be installed and Ag seeing more farmland preserved. To what extent are you working together and at what level?

DEPUTY COMMISSIONER WHALEN: Thank you for that question. Through you, Mr. Chairman. I would say the commissioners are working very closely together and the staff are working closely together. We have a lot of shared interest in protecting open space and conserving forest land. So, I can assure you, we are working together and there is a continuous dialogue between the staffs on how best to approach implementing this law.

REP. DUBITSKY (47TH): Okay. Well not only implementing, as you can see, there is some changes here that I know I've spoken with some people from the Department of Ag about with regard to the difference between a material change and a permanent change. That wording was discussed at length with the Chairs last year and with some other interested people. And we're trying to strike a balance and make sure that a farmer can use his land, as you probably know, farmers very often don't have much money, and especially with commodity prices being very low, they're having trouble making a living and somebody comes in and offers them a ton of money to lease their property for 20 years. I just want to make sure that we, as a legislature, aren't putting

too many roadblocks in there. At the same time, we obviously want to preserve farmland.

DEPUTY COMMISSIONER WHALEN: Right.

REP. DUBITSKY (47TH): So, it really is a very delicate balance and I just want to make sure that we have the language right that does those things in conjunction with both DEEP and the Department of Ag to make sure that all of those interests are preserved. And I just want to make sure that the two departments are also working on that and that you will bring back the information to us, so we can write the right words into the statute.

DEPUTY COMMISSIONER WHALEN: We will absolutely do that, so.

REP. DUBITSKY (47TH): Okay, I appreciate that. Thank you. Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. Are there any other questions by any Committee members? No. If not, we thank you for your time and for your testimony. Thank you.

DEPUTY COMMISSIONER WHALEN: Thank you.

REP. DEMICCO (21ST): Next on the list is Brandon Robertson.

BRANDON ROBERTSON: I'm sorry, I'll start again. My name is Brandon Robertson, I'm the town manager for the Town of Avon. And I'm here this morning reporting the Connecticut Conference of Municipalities, and I'm here to provide some

thoughts and comments on raised Bill 103, AN ACT CONCERNING HYDROLIC FRACTURING AND WASTE IN CONNECTICUT. Just by quick way of background, for those of you who don't know, in a prior life, your Co-Chair, Mr. Demicco, was an excellent teacher in the Southington Public Schools and indeed I'm pleased to say, the best teacher I ever had, 8th grade. (Laughter) I'm also pleased to say that as far as I recall, I wasn't a disciplinary issue. (Laughter) And very grateful for that right now.

So, thank you for your time.

REP. DEMICCO (21ST): Flattery will get you nowhere.

BRANDON ROBERTSON: Right, well. (Laughter) Thank you for your time, I'll try to be brief. I believe you have copies of my written comments.

By way of background, Connecticut General Statutes 22a-472, adopted in 2014, places a moratorium on the disposal of natural gas, hydraulic fracturing waste in Connecticut and requires the Department of Energy and Environmental Protection to issue regulations regarding the handling of such waste by July 1st of 2018. It appears that DEEP will not be prepared to issue regulations by that time and additionally, in May of 2017, the House adopted H-Bill, House Bill 6329, banning the storage of hydraulic fracturing waste in Connecticut and the bill was subsequently referred to the Senate, as you probably know.

As you also probably know, the Senate was unable to adopt the bill before the close of the 2017 session. It's important to note that the current moratorium remains in effect until such time that DEEP issues

regulations or the General Assembly adopts overriding legislation.

Some advocacy organizations, one of which I'm sure you'll hear from this morning, had indicated that the moratorium adopted in 2014 and the language contained in House Bill 6329 and raised Bill 103, is insufficient. Namely, in addition to the substances that are addressed under the moratorium and the proposed legislation, the organization recommends additional language that bans waste resulting not just from natural gas extraction activities but also from oil extraction activities. And byproducts of the well drilling process, which occurs prior to the actual fracking, which the existing moratorium language in the statute and the raised bill are currently silent on that process.

They've also recommended that products derived from solid waste from this process, including construction fill, ground field capping materials or used frack in silica sand that is partially processed and reused, also be banned. Unsuccessful in advocacy for the inclusion for this language at the state level, this organization has been advocating for the adoption of local ordinances banning the waste, comprehensive ordinances.

To date, over 30 municipalities have adopted language with some variation that's been recommended by this organization. In addition, a number of other communities as we speak are in the process of learning about the issue and it's a complex issue. During that process, municipalities are incurring substantial costs. It's expensive to adopt local ordinances, of course there are press releases, but

there are also costs associated with science advice, legal consulting services and, you know, public notice requirements and opportunity cost for staff that could be working on something else.

As such, the way to approach this is through the state and through DEEP, not through municipalities. And a state-wide ban on the storage of hydraulic fracturing waste, may be the appropriate mechanism and it's the state and DEEP that should be following up on that and the current ban may not go far enough. CCM understands that there may be risks associated with this waste and it may affect water and other natural resources and ecological habitats that again have state-wide implications.

Again, towns and cities individually, just we don't have the expertise, we don't have the resources to evaluate the science associated with the issue. Again, that responsibility resides with DEEP, it's really part of their function and mission.

From a practical perspective, it really doesn't make any sense for 169 towns and cities in a state of 5,500 square miles to legislate or regulate this issue individually. That's a piecemeal approach and really all it does is create what I call a confusing crazy "regulatory structure" that is going to defeat the purpose of implementation and regulation.

In addition, there are legal problems, potentially. Local laws may not be enforceable. As to date, the state has indicated an intent to occupy the regulatory space associated with this issue. You get into an issue of preemption. In other words, any local ordinance would likely be preempted by the

state's regulations or legislation when issued. Not to mention where the rubber really meets the road with this. I mean, for occurrence, a municipality could levy a fine of about \$250 bucks. Again, also determined by the state statute and that's not going to deter anybody from violating the language.

In a time when state government constantly requests the town regionalize and establish practices that prevent unnecessary duplication of efforts, the state really should take the lead here in regulating and legislating this issue and venting 169 communities from spending the time, effort and money to individually investigate the science, legality and enforceability regarding this.

While CCM understands the current statutory ban may need to do more to protect our state against the use of fracturing waste, without appropriate statewide regulations from DEEP, the current town-by-town system of regulation, evaluation and enforcement of fracturing waste is inefficient, costly and really defeats the purpose of what we're trying to do.

So, again, wrapping it up, CCM requests that the Committee amend the bill to require DEEP to regulate, evaluate and enforce fracturing waste in Connecticut. Regulation of such materials should be handled on a statewide basis for all the reasons that I've discussed. Municipalities don't have the resources and/or expertise to appropriately or effectively regulate, evaluate and enforce these requirements.

That concludes my comments. I'm happy to take any questions.

REP. DEMICCO (21ST): Thank you, Mr. Robertson, appreciate it. I will ask Committee members if they have questions. Representative Piscopo.

REP. PISCOPO (76TH): Thank you, Mr. Chairman. Thank you for your testimony, I appreciate it. And you make a lot of sense in your testimony in that you give the argument for any town council or whatever governing body of that town to simply say, we do not have the expertise. I think all your town council has to do is read your testimony, basically, to whatever advocacy group is coming up before it. You don't have a scientific expertise, you don't have the legal expense, you can't cover legal expenses for any kind of advocacy for this and it's a patchwork of the state. You know, all of those arguments you brought up in your testimony I think would be fodder for any -- and moratoriums already in law, so there is no danger of any town treating this.

So, the moratorium stays in place until there's regulations. So, I think that's good -- your testimony is good fodder for any governing body of any one of our municipalities. I guess that's a comment, I don't know, it's not really a question for you, but. (Laughter)

BRANDON ROBERTSON: Well, through the Chair, I really do appreciate that. One point I would make is, again, it's somewhat subtle, but the advocacy organization that is working towards this more comprehensive ban is of the opinion that the moratorium language that's in place and the language that's included in the raised bill before you, is

not, is not all inclusive. And the idea being that the current language only addresses fracking waste from fracking for natural gas. It's silent with respect to oil fracking. That's number one. And then the second part of that -- well, that's the primary difference. It's natural gas versus oil. The moratorium doesn't cover oil fracking waste. And the language as it currently exists in the moratorium does not include sort of -- somebody else can explain this better, but the predrilling process.

So, there's a process that you have to do before you actually frack. And the moratorium in the raised bill language is silent on that as well. Thank you very much for your comment.

REP. DEMICCO (21ST): Thank you, Representative. I believe Senator Miner has a question.

SENATOR MINER (30TH): Thank you, Mr. Chairman. Thank you for being here. So, as you understand it, if in line 16, recovery of oil, petroleum, other petroleum products were added, to your mind, does that address the issue?

BRANDON ROBERTSON: I think -- the way I would answer that is to say again from the science perspective, no municipality has the ability to determine whether or not any of this is appropriate. We can't pass judgment on whether or not this waste is toxic or hazardous, that is for somebody with more letters after their name than I, certainly. But it does appear to me that based on what this organization is talking with the towns about, including language that addresses oil, would go a

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long way towards addressing their concerns.

Again, it still doesn't cover the first part, which is kind of the pre-fracking process, but I think that would be a welcome amendment.

SENATOR MINER (30TH): And so, when we were, you know, contemplating moving an idea forward for a public hearing, one of the things that seemed pretty obvious to me was that the agency had no intention and has no intention of developing regulations. And so, to create a statute that hinges on regulations, to me, is a waste of time.

If they wanted to take action, I think they would have taken it. If they wanted to have the people in place to do that, they would have done it. So, now we're left with a situation where I agree with you. We've got this patchwork of municipal ordinances that are not in some cases easy to do. And so, I want to try and see if there is a way that we can develop language that doesn't leave them any responsibility other than monitoring whether or not someone makes a claim that someone is violating the statute. Because if we wait now for another two years, three years for regulatory process, I think you're still going to be faced with some organization trying to move some, perhaps good environmental policy forward at the local level, which is just going to keep encumbering 169 municipalities.

So, any other suggestion that you or CCM might have about how this language could be made better, I think we should consider it. Thank you.

REP. DEMICCO (21ST): Thank you. Senator Kennedy.

SENATOR KENNEDY (12TH): I'd like to go a little bit out of protocol here and invite Lee Sawyer to the podium. Not to cut you off, I know there may be some other questions for you. But Lee, there's a number of questions that have been raised regarding the existing ban on fracking waste in our state, contingent on the agency developing regulations. Okay. And I just think it's important before we get going. I know a lot of people are here. They feel strongly about this issue.

Can you please just clarify for the Committee what is happening with these regulations, what is the thinking and policy that your agency has regarding existing law right now?

LEE SAWYER: So, as I understand it, the current law calls for regulations to be written within a certain timeframe. So, I think it gives us until July of 2018 to complete those regulations.

Based on our current, kind of schedule of regulations where those that we're working on, it does not seem likely that we're going to accomplish that task by July. So, just to let everyone know. I don't think we're going to have those regulations completed.

There seems to be some leeway in the statute to come back with regulations perhaps after that date. So, we're open to that discussion if there's a call for the regulations to be written, we could resume that process. Until that time, the current moratorium under the statute would remain in effect. So, that's where it's situated.

SENATOR KENNEDY (12TH): Does your agency have a particular philosophical or policy position on the storage of fracking waste in our state?

LEE SAWYER: We haven't found it to be an issue that we've dealt with very much in the state, to be honest. So, we haven't found that producers are fracking waste are looking to dispose of it in Connecticut. We have no records indicating that it was a destination point for that material. And in this current statute, there is a research exception, which would allow companies to apply to the agency for a permit to be able to dispose of some of this material. We have not received any of those applications since this statute was passed.

REP. DEMICCO (21ST): Thank you. Are there other questions from Committee members? So, hearing none or seeing none, I just wanted to ask Brandon one more time, so the position of CCM would be not to put any of this burden on to the towns and to make it exclusively a DEEP responsibility?

BRANDON ROBERTSON: That's correct.

REP. DEMICCO (21ST): Okay.

BRANDON ROBERTSON: That's correct.

REP. DEMICCO (21ST): Thank you. Okay. Any other questions? No. Hearing none, thank you very much.

LEE SAWYER: Thank you.

REP. DEMICCO (21ST): Appreciate it. Thank you.

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All right. The next person to testify is Commissioner Reviczky from the Department of Agriculture.

COMMISSIONER REVICZKY: So, before I get started, I want to recognize the fine schooling that I received from Senator Miner in civics and local and state government. One of the finest teachers I've ever had. (Laughter) I know. I thought I'd do it anyway.

Good morning, I am Steve Reviczky. I'm the Commissioner of Agriculture for the State of Connecticut. Good morning Chairman Kennedy, Miner, Demicco, and members of the Environment Committee. The agency has submitted testimony on Senator Bills 102 and 106. And that written testimony speaks for itself. But I do want to just amplify a couple of points.

First, in terms of raised Senate Bill 106, dealing with Connecticut grown and Connecticut grown in our school district, in our school systems. We have a number of school districts. We're doing a fine job of procuring Connecticut grown product to place on school menus. A question has arisen, so they go through a contracting process, competitive bidding process, and there is some question as to whether or not those respondents to the RFP's are, in fact, providing the Connecticut grown that they say they are. And this bill would simply require those folks who are bidding on those contracts and providing produce and other Connecticut grown products to schools as Connecticut grown that they tell the school districts, the farms that that product comes from. And we think that that -- it's an incremental

improvement to the Connecticut grown statutes and it has come by request of some folks at the municipal level and we support that request.

In terms of Senate Bill 102, AN ACT CONCERNING MINER REVISIONS TO ENVIRONMENTAL PROTECTION AND AGRICULTURAL RELATED STATUTES, the Department of Agriculture strongly supports Section 5 and 6 of the bill that deals with our ability to access federal funds for farmland protection work that we do.

We currently have \$12-million-dollars in cooperative agreements with the United States Department of Agriculture Natural Resources Conservation Service, we have a pending grant application for an additional \$2.5-million-dollars. The issue that we have is when the state statute was modified, when the federal government first adopted a federal farmland protection program and then a federal farm and ranch land protection program and then in a 2014 farm bill, modified that to make it an Ag Land Easement Program under the Agricultural Conservation Easement Program. Our statute is very specific.

So, when we go to process our deeds through the Office of the Attorney General, they don't see the statutory authority for us to actually access the new money under the 2014 farm bill, so we need this modification, so we can make that happen. So, it really is a technical change and we seek to leverage as much money, funds, outside of state government as we possibly can, and this is one area where we can bring our federal tax dollars back to the State of Connecticut. So, we would ask that the Committee move forward with that technical change.

The other item that I'd like to comment on is contained in Section 7 of the bill. I would associate myself with the comments from Deputy Commissioner Whalen, and you could look to the agency's written testimony on this section. I do believe that the change that the state legislature made last year to give agriculture a seat at the table when it comes to these large-scale solar developments, is appropriate.

I don't believe that the change in the law that you made last year has necessarily hindered applications. I can tell you that through our work with subject matter experts in terms of soil health, prime and important farmland soils, generally accepted agricultural practices, there is room for these proposals to be improved. That if we can work with developers to stay off the best of the best land and to site these projects on more marginal land that that would be good for the industry in both the solar development industry, the energy production industry and the Ag sector here in the State of Connecticut. The reason that the issue has arisen is that through these requests for proposals that the Department of Energy and Environmental Protection has put out, there have been literally thousands of acres of crop land and prime and important farmland that has been targeted for these grid scale solar developments.

And there are many people who feel that that type of large scale, grid scale solar development might be more appropriate on brown fields, landfills, closed landfills and used gravel banks on rooftops, over parking lots, in highway rights of way, that they don't necessarily have to consume our limited

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natural resource that is prime farmland. And we are -- we have worked really hard to have an open dialogue with the Department of Energy and Environmental Protection. Commissioner Klee and I have met dozens of times on this subject. We are working to develop procedures and protocols that would clarify issues around material impact.

I do know that Kip Kolesinskas, who did work at the USDA Natural Resources Conservation Service and does provide expert service to the Department of Agriculture, he is signed up to testify before you today. And I would invite you to ask questions of him as an expert as to what he sees the challenges to be for these solar developments on the best of the best farmland here in the State of Connecticut.

I guess I would say that we're at the confluence of two very well-meaning public policies. One that seeks to grow Connecticut farms and to protect our natural resources in terms of prime and important farmland soils and one that seeks to increase the amount of renewable energy that we produce here in the State of Connecticut.

I think we can do both and that there needs to be a balance and we need to be smart about it. And I am willing to work with the Committee leadership, with my sister agencies, with stakeholders, to get to that better place, and I think we can do it.

And with that, I'll conclude and answer any questions you might have.

REP. DEMICCO (21ST): Thank you, Commissioner. I believe Senator Kennedy has a question for you.

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SENATOR KENNEDY (12TH): Thank you, Commissioner. As you know, we worked hard together to try to pass this legislation last year. Now, we are considering a proposal to amend that language in Section 7, from materially to permanently. So, the first question is, what is your testimony on that particular change?

COMMISSIONER REVICZKY: Well, I'm not clear -- there must be a legal definition for what permanent is. But I don't know what the scientific, what you're, what this Environment Committee's definition of permanent is. I do know that prior to the legislature's changing of the law and the Governor signing the legislation, Agriculture did not have a seat at the table. We didn't -- the Siting Council never had to consider the impacts on farming and agriculture. They should now consider that. I don't believe that that change belongs in this bill. I don't necessarily agree -- I don't believe that having the word "permanent" there will have a good impact on the future of farming in Connecticut.

I think that it will -- it continues to have a fast lane to the conversion of prime farmland to non-agricultural uses. We have a limited amount of farmland here in the State of Connecticut. We have, one of our biggest issues is access to good farmland, both our existing farmers and new and beginning farmers. And when you take that good land out of the mix, it creates this game of musical chairs and ultimately when the music stops, there's a farmer who doesn't have land to farm on.

And so, I'm a little anxious about the direction

that this is going. And I think that there's an opportunity to have greater conversation with leaders and members of the Committee, departments, agencies of state government and stakeholders to get us to a better place to have better definition so people have certainty.

SENATOR KENNEDY (12TH): Thank you for those comments. Just another question on a different topic. So, proposed Bill 106 talks about Connecticut grown to ensure that Connecticut grown products are labeled, properly labeled and out of state products are not being sold, masquerading as Connecticut grown products.

So, here we have a new proposal to expand this labeling, if you will, to educational institutions. So, my question is, if this is a great idea, why stop there? Why not say, not just for our educational, you know K-12, but for our colleges, why not in the supermarkets, why not expand this to include all places that are marketing these products as locally grown?

COMMISSIONER REVICZKY: I think it's right to give consumers that type of information. I don't know what the appetite is here at the General Assembly to go beyond where what our proposal is. But I'm willing to have conversations around the proper labeling of Connecticut grown.

We've invested as a state a lot of resources to build a brand and, you know, I agree that a product that is market place, using your term "masquerading" as Connecticut grown is unfair to the hard-working farm families across the state who turn the soil and

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plant seeds and grow a crop and harvest a crop and bring it to market, to then be competing with somebody who simply backs a box truck up to a loading dock with produce from another state and competes with our farmers. I mean, that competition is fair, but they shouldn't be calling their product Connecticut grown when it's not.

SENATOR KENNEDY (12TH): Well, I agree with that analysis. So, I just didn't know if there was -- we'd be interested in continuing this conversation about maybe just -- not just limiting it to educational institutions, but perhaps, you know, requiring this designation for all people who are marketing locally grown products as Connecticut grown. It seems that it's not too much of an imposition to ask them to just label these products so the consumers, that there is transparency and the consumers know that the produce that they're buying that they think is Connecticut grown, is actually Connecticut grown.

So, thank you very much, Mr. Commissioner.

REP. DEMICCO (21ST): Thank you, Senator. Senator Miner, did you have a question?

SENATOR MINER (30TH): Thank you. Good morning, Commissioner. If we could just stay on 106 for a moment.

COMMISSIONER REVICZKY: Sure.

SENATOR MINER (30TH): So, I think we should try and be as transparent as possible. I certainly don't want farmers in the 30th District bidding against people who are bringing food in from outside the

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State of Connecticut and passing it off as Connecticut grown. This says produced. And in terms of your ability to police the improper labeling and delivery of products under the Connecticut label, if I am a honey producer and I have a bad winter and lose 50 percent of my hives have a contract to deliver honey and bring honey in from outside the State of Connecticut in bulk, and bottle it at my farm in Connecticut, is it produced in Connecticut or is out of state honey?

COMMISSIONER REVICZKY: Well, it's not Connecticut grown honey. You might bottle it, but -- you know, I would suggest that --

SENATOR MINER (30TH): Excuse me, Mr. Commissioner, this doesn't say grown, it says produced. So, what I'm getting at here is I want us to try and do the right thing. But I'm not sure that this is as simple as it's being made out. I know that it's unlikely in June you're going to find Silver Queen Corn in Connecticut that's grown somewhere, certainly in Litchfield County. So, when I see it on the side of the road and it says, "grown in Connecticut," I'm not that naïve. So, I would be asking you, I guess, to help us with this language, to try and do what it is that you and others want to do. But I do think if someone went to make an issue the way this is drafted, I'm not sure you would prevail if someone said you can't have that contract.

So, anyway, I'm looking for some help with the language. Especially if we're going to expand from where we are today, which I'm not opposed to. And I don't want to take up too much of the Committee's

time with this issue. But if you could give us some language that would be helpful.

And if I could go back to the other one, which is 102, is there a distinction in your mind between prime and important farmland? And on line 487, where it speaks to core forest. As I recall the conversation last year, we were trying to differentiate the development of solar farms on prime and important farmland and its impact, if it was done, versus perhaps the clearcutting of a 20-year-old wood lot that may not meet the definition of a core forest. So, could you speak to that issue, whether they have the same value in terms of agriculture to your mind?

COMMISSIONER REVICZKY: Well, I can just -- I can describe a real life situation where -- and I guess this is one of the good things that has happened since you passed the law, that solar companies are coming to the Department of Agriculture and telling us we have a possible project in a certain location and we would like you to evaluate it upfront before we go through all the engineering and application process and all those expenses associated with that to make sure that we're doing things right. And in this one example, which is again a real-life example, the property in question has a combination of forested land, of prime farmland that is actively cropped. It happens to be in proximity to a closed landfill. So, there is a plume from that closed landfill that extends on to this property and they want to develop 30 or so acres on that property into a solar facility and that area is forested. The forest itself is not a core forest because proximity to roads and other developments, so it doesn't meet

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the definition of core forest, but it's a forest.

They went ahead and had that forest evaluated by a forester. And we haven't rendered an opinion on it yet, but at least preliminarily, because they're avoiding the prime farmland and the crop land, and they're talking about 30 or so acres that is currently forested, but has some prime farmland on it, but is not cropped, our preliminary feeling on that is that it would not materially affect the prime farmland.

So, I don't know if I answered your question.

SENATOR MINER (30TH): Well, I think you were headed to an answer to my question and then you switched to farmland. And so, I think in my mind I can understand your concern about permanency versus materially on prime farmland. Where I think the question becomes not so clear in your response is if the trees were taken down in that non-core forest, under this definition, what would your response be, or your recommendation be in terms of that application?

COMMISSIONER REVICZKY: So, on this proposal because they're not proposing to solar all over the prime farmland that is actively cropped and are just seeking or not just -- they are seeking to -- but the solar development on a portion of the property that's wooded, but still contains packets of prime farmland; that is something that, in my estimation, we would probably get to a place where we'd say that that's not a material impact.

SENATOR MINER (30TH): And lastly, since the passage

of the law, has the agency waiting on applications and have there been instances of approval where the agency, although permitted, has not been able to weigh in prior to a decision being rendered?

COMMISSIONER REVICZKY: So, there were two applications, one in New Milford by Candlewood Lake and one in Simsbury, where the Department of Agriculture did weigh in before the Siting Council. So, if you go to the Siting Council's website, you can see all of those deliberations and expert testimony that we provided in both of those instances. And it's a little more complicated because those two projects were part of a previous RFP and the Siting Council ruled that the new law did not apply to those two projects, so they got the fast track. They are, in the case of Simsbury, it's a significant amount of prime farmland and currently -- well, it was active farmland, not all of it, but a good portion of it.

In a third project, which I'm not sure where we're headed on it, the Siting Council approved the project without any letter from DEEP or Agriculture as to material impact, so. You know, the Siting Council has taken that action. I'm not sure whether it's appropriate or not.

SENATOR KENNEDY (12TH): So, let me -- I'm just interested in that last comment. So, what you're telling the Committee is since we passed the law last year, since the law went into effect, the Siting Council ruled on a proposed solar development on prime farmland and did not wait -- did not follow the law that we passed last year? Is that your testimony?

COMMISSIONER REVICZKY: That an application was made to the Siting Council. The Siting Council approved the application and did not -- there was not a letter from either the Department of Energy or Environmental Protection and/or the Department of Agriculture as to whether or not it materially impacted prime farmland or core forest, correct.

SENATOR KENNEDY (12TH): And just to clarify, so that application -- did the application predate the law or did the application come in after the effective date of the law?

COMMISSIONER REVICZKY: You know, I'll have to go back and double check the facts and I'm happy to get back to you.

SENATOR KENNEDY (12TH): Thank you, because obviously if the application came in after the effective date of the law, I would, for one, have a major problem with that decision. But if, in fact, that application came in before the law took effect, then I think that would, you know, change the situation in my mind. Thank you, Mr. Commissioner.

REP. DEMICCO (21ST): Thank you, Senator.
Representative Borer.

REP. BORER (115TH): Hello. Thank you, Commissioner. I had a question on Bill 106. So, my understanding is that we're asking the farmers to provide proof to the school districts that it's Connecticut grown.

COMMISSIONER REVICZKY: It's more the aggregator and

the distributor and not the individual farmer. So, the supplier to the school district or the school system is aggregating that from the individual farmers and then providing it to the school district. So, the aggregator would need to tell the school district which farm that the produce came from or product.

REP. BORER (115TH): Okay. So, my question is, it already has in the statute that the Department of Agriculture develop and regularly update the database of farmers interested in selling their products to the Connecticut schools.

So, is that just a list of farmers interested, that's not a vetted list? In other words, they're not verified that they are actually aggregated in Connecticut and that they certify that they will only sell products, produce that are aggregated?

COMMISSIONER REVICZKY: So, we have certified farmers' markets where we verify the growing plans of farmers that supply product to or sell product at a certified farmers' market. We have a really good idea of who is growing what. We do not have a complete inventory of farmers across the state and what they grow. However, with the passage of the Food Safety Modernization Act, and the action of the legislature last year and a grant that we've received from the Food and Drug Administration, we've contracted with the University of Connecticut to develop an inventory, this would be just for produce, so fruit and vegetables. We regulate dairy, so we know every single dairy farmer in the State of Connecticut. We also regulate poultry. We do not know every background tree grower, but we

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know all of the larger scale growers. So, the issue that this is trying to get at because the food service people know the individual farmers, if they're procuring directly from them, it's the case of the aggregation and then the delivery of the product to the school system, where there is some question as to whether or not the product which is said to be Connecticut grown is Connecticut grown.

REP. BORER (115TH): Okay. So, then I understand what you're saying. I'm just thinking, you know, for efficiencies and government, now we're expecting 169 school districts, some are regional school districts, to take on that task, when it seems like the Department of Agriculture really has the knowledge and the expertise to put together a listing, almost like an RFP listing, right, when you want to look at a contractor for a municipality. And then they know that that list has already been vetted rather than asking the individual school districts to understand and make sure there is proof of aggregation.

COMMISSIONER REVICZKY: So, what we're trying to get at here, actually, we're trying to help the school districts get what they're paying for. Because often times, they're paying a premium to support the farms, their local farms. And the businesses that are bidding on supplying a product to the school, they are telling them that this produce or this agricultural product is Connecticut grown. The question that we've heard is, we from the districts is, we don't know if what they say they're supplying us is, in fact, what they are supplying us.

REP. BORER (115TH): So, then just telling them,

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yes, it is, that's going to be the proof? I just -- just my commentary, I think it would make sense for those in a position that can better verify and understand to create a centralized list. And I think that would make life easier and more acceptable for the school districts.

And then my other question is, in Section B it says that the Department of Agriculture shall provide outreach guidance and training to parent/teacher organizations around the importance of produce. Does that happen often? Does the Department of Agriculture, given the resources, do you have the opportunity to really reach out to the --

COMMISSIONER REVICZKY: Is that part of existing statute or --

REP. BORER (115TH): It's, yep, in 106, it says that Department of Agriculture shall provide outreach guidance and training to parent/teacher organizations, districts, and schools on the value of purchasing the produce.

COMMISSIONER REVICZKY: So, we have one person who does farm institution, which includes all institutions and farm to chef. So, the reality is we do some of that, but it isn't as robust as it should be.

REP. BORER (115TH): Okay. That's understandable. And I believe through education, there's still a requirement that there's a health and wellness committee, within each school district. So, I'm just thinking maybe that is an avenue rather than reaching out to these individuals, which is required

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in the statute, reaching out to these individuals, PTA organizations and the school food service companies that may use the health and wellness avenue as a channel to reach those families?

COMMISSIONER REVICZKY: My Bureau Director is right here and she's listening to every word that you're saying --

REP. BORER (115TH): Okay.

COMMISSIONER REVICZKY: -- so, we're going -- I'd love to have a conversation --

REP. BORER (115TH): Okay.

COMMISSIONER REVICZKY: -- a further conversation --

REP. BORER (115TH): All right. Having been the PTA President --

COMMISSIONER REVICZKY: -- to see how we can improve what we do.

REP. BORER (115TH): -- and sat on the health wellness committee, I know that they would be very interested in learning more --

COMMISSIONER REVICZKY: That would be good-

REP. BORER (115TH): -- about how to help their families. Thank you.

COMMISSIONER REVICZKY: Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Representative Dillon.

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REP. DILLON (92ND): Thank you very much. Good afternoon, Commissioner. And if I restate any questions that were already framed that I misunderstood, just be warned that may happen. I'm asking about the Connecticut grown and very mindful that we're having a very robust conversation in New Haven about a potential \$10-million-dollar hole in the budget and looking at a lot of different things in the -- that's only on the education side. And so, there is -- I'm hearing a lot from families and people within the system about what difficult choices they're going to have to make.

So, getting to the growers, did I -- I'm not quite sure I understood your response to Senator Kennedy about why schools -- was that your question, Senator?

SENATOR KENNEDY (12TH): Just to clarify, this proposal sought to expand the labeling requirement and to assure that people are getting what they actually pay for. So, my question to the Commissioner is if this is good for the public schools, why aren't we requiring this for local supermarkets, for example, that market and sell products as Connecticut grown when, in fact, they may not be. So, that was my thought and idea and there may be problems with that, logistical problems that I'm not aware of. But that was what the question that I had.

REP. DILLON (92ND): Thank you, Senator. And sorry for the cross talk. But actually, you're the Chairman, so it's all right. That was my concern, why schools? Why is this bill schools? And there

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are others, too, but it's okay, I'm just trying to understand why it's before us.

COMMISSIONER REVICZKY: So, the request came from folks who are working at the local level with school districts who do not believe that there is a level playing field in terms of bidding on those school contracts and the belief that the product being supplied by the successful bidder, while it's supposed to be Connecticut grown, in fact, may not be. And so, making sure that the vendors were supplying the school districts are informing the school districts of the farms that the product actually comes from. And I can tell you that the major -- all of the major distributors and the requirements of the Food Safety Modernization Act, the produce safety rule, required that you be able to trace that product not only to the farm, but to the field it came from.

So, the federal law requires it and most of these major aggregators and distributors for liability purposes know every farm and every field where that product came from. So, you know, it should not be a mystery to them where the squash came from or where the corn came from or where the lettuce came from because they actually know.

REP. DILLON (92ND): So, the bill that's before us, part of the story is that someone who is bidding at schools because of the bidding process that's why the public sector because the story is being driven by bidding. So, that's why we're not looking at, you know, farm stands or whole foods, they're concerned about bidding. And it's a classic labeling going back to common law kind of thing

where there is a belief that there's a dishonest vender taking advantage of an honest vender, is that accurate?

COMMISSIONER REVICZKY: Yes.

REP. DILLON (92ND): Okay. So, if you were to -- I understand that's a separate -- just generically speaking, if you were to say where is the most competition, where are we most under threat from other states, what product is the most important to protect when it comes to the Connecticut grown issue?

COMMISSIONER REVICZKY: The product that we can supply, certainly most dairy products, but that's very competitively bid, and my understanding is that often times those bids go four places after the decimal point. So, I mean, it's very competitive. But for the vast majority of Connecticut farmers, it would be in the area of fruits and vegetables.

REP. DILLON (92ND): Oh, that's interesting. Well, see I would think apples, but of course I live in New Haven, so we have all of these wonderful orchards in our greater New Haven area. And we're next to New York, which is apple, you know, empire. (Laughter) Not the city, I mean, upstate. So, this is being driven by that and there's a story, there's a town where there's a problem?

COMMISSIONER REVICZKY: There is a municipality --

REP. DILLON (92ND): There was some kind of an abuse that arose that drove this bill?

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COMMISSIONER REVICZKY: That came to us in the form of a request to help clarify, to level the playing field.

REP. DILLON (92ND): Now, the testimony that we have before us is from the City of Waterbury? Is that where this problem started?

COMMISSIONER REVICZKY: It is.

REP. DILLON (92ND): Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Oh, Representative Wilson, please.

REP. WILSON (66TH): Thank you, Mr. Chairman, and thank you Commissioner. So, as I sit here and I listen, I completely understand, let's call it the plight of the Connecticut agriculture and farming industry for wanting to know that what's labeled grown in Connecticut is really grown in Connecticut. But I always go to one question on these things, how do we enforce it? What's the penalty? And are there examples of citations that have already been levied?

COMMISSIONER REVICZKY: That is a very, very timely and good question, actually, because we are working with the Office of the Attorney General to get clarification on statutory authority and they are doing a significant review of the Department of Agriculture's statutes, including the authority of the Commissioner, and I believe that that may result in an opportunity for us to come back to this Committee and seek clarifications and additional authority so that we, in fact, can enforce the

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statutes that the legislature has already put on the books.

REP. WILSON (66TH): So, thank you, it sounds like we're going in the right direction, but I guess my thought would be if we're going to be able to do this, then the penalty needs to be significant enough to deter it happening again and there has to be example made so that the message gets out there. Thank you.

COMMISSIONER REVICZKY: Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Are there any other questions for the Commissioner? Okay. Commissioner, thank you very much for your time and for your testimony.

COMMISSIONER REVICZKY: Thank you all.

REP. DEMICCO (21ST): Thank you. We are now into the second hour of the public hearing. So, starting at this time, we will begin to alternate between agency heads and public officials and members of the public.

As most of you know, for members of the public, you are limited to three minutes of spoken testimony. Of course, there is no limit to your written testimony, but when you're actually at the microphone, the limit is three minutes and then, of course, Committee members can ask you questions of any length.

So, with that, we're going to go to Bill 102, and the first person signed up for that is Mike Martone.

MIKE MARTONE: Representative Demicco and members of the Committee, my name is Mike Martone. I'm the Connecticut Lobbyist for REEBA, the Renewable Energy and Efficiency Business Association. Since 2010, REEBA has been a major trade association, representing the renewable and energy efficiency industries in Connecticut.

And I'm here today to support Section 7 of Senate Bill 102, which seeks to amend Public Act 17-218. We've had this discussion with others, so I'll try to be brief and sum up my comments.

This bill passed in 2017 and it restricted the development of solar projects on prime farmland and core forests, unless DEEP or the Department of Agriculture determined that the development of a solar project would not materially impact the core forest or prime farmland.

This bill, the bill before us seeks to change the requirement from materially impact to permanently impact. We, REEBA believes that this is a huge step in the right direction because unlike housing or commercial development, solar arrays typically have a lifespan of 20 to 25 years, after which they can be decommissioned and removed.

A couple of other suggestions we have, we would recommend that the agencies be required to affirmatively state within a prescribed timeframe that the projects would have a permanent impact as opposed to existing law, which requires that they inform the Siting Council of projects that will not have an impact on the proposed site.

We would also suggest that the Siting Council be allowed to consider rebuttable evidence to the contrary of what the agencies findings are and also be able to consider a mitigation plan.

So, on behalf of REEBA, I thank you for the opportunity to speak and I'm happy to answer any questions that you might have.

REP. DEMICCO (21ST): Thank you, Mr. Martone. You have questions, Representative? Representative Dubitsky has a question for you.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Now, changing that word from material to permanent, on first blush it would sound like that would benefit the solar panel developers or the solar ray developers because somebody would need to prove that there is some permanent impact to their land as opposed to just a material or significant impact. But don't you also see the other side, where with the word "material," the impact needs to be significant in some way. With the word "permanent," it could be even a very minor impact, so long as that impact is permanent. Had you considered that in any way?

MIKE MARTONE: No, we haven't. We feel that raising the standard to permanent would benefit the solar developer.

REP. DUBITSKY (47TH): Do you think that raises it or just changes it?

MIKE MARTONE: We think it raises it.

REP. DUBITSKY (47TH): Okay. Because with the word "permanent," then even a very, very insignificant change, if that change is permanent, would essentially prevent you from building a solar array, wouldn't it?

MIKE MARTONE: I think -- I mean, I do see your point, but I think folks in the industry would disagree with that.

REP. DUBITSKY (47TH): Okay. So, you disagree that changing that word would make it so there would only need to be a minor permanent change?

MIKE MARTONE: Correct.

REP. DUBITSKY (47TH): Okay. Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Senator Kennedy.

SENATOR KENNEDY (12TH): Thank you. So, I'm curious, obviously this issue doesn't just affect Connecticut. We've seen an explosive growth of large scale solar facilities on prime farmland across the country. And states like ours are trying to deal with this situation and one of the issues that's come up is the issue of after 20 years is over. What the energy company may still be in business, maybe they aren't or whatever, but is there a plan that when these contracts are entered into with farmers to decommission these facilities and what is the life of a solar panel? Is it more than 20 years? I'm curious to know, like, what happens if an energy company goes bankrupt and then now you have to -- we're talking about restoring the

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farmland to its, you know, original state after 20 years and who pays for that? That's the essential question. How much does it cost to take these panels off and who pays for that?

MIKE MARTONE: Typically, there is an agreement between the developer and the land owner that would require a bond be posted for decommissioning after the life of the contract. Contracts are generally 20 years in Connecticut. You know, refer to the project, the New Milford, the Candlewood Mountain project that's in Senator Miner's district, that's the case that the developer had to reach agreement that was satisfactory to both the town and the land owner that there would be a performance bond paid for that would assure that the solar array would be decommissioned, and the land would be put back to its original state.

How long do solar panels last, they generally degrade by 1/2 a percent per year. So, solar panels will last longer than the 20-year contract that they typically have. I would say in the 20 years though, there is likely to be more efficient panels there, so it may not make sense to try to extend it beyond that. That remains to be seen. And I think your other question was, who pays for that? It's the developer.

SENATOR KENNEDY (12TH): Thank you very much.

MIKE MARTONE: You're welcome.

REP. DEMICCO (21ST): Thank you, Senator. Any other questions from members of the Committee for Mr. Martone? No. You're all set, okay. Thank you, Mr.

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Martone. Thanks for your testimony. So, we'll now alternate back to the officials. So, the next person is Representative Steinberg.

REP. STEINBERG (136TH): Good afternoon, Representative Demicco and Senator Kennedy and Senator Miner, esteemed members of the Committee. I will attempt to be brief. You should have your testimony before you. I was going to testify on Senate Bills 103 and 104 and given the opportunity perhaps briefly on 102.

Senate Bill 103, as you're aware, is to create a permanent ban on fracking waste importation processing storage in the State of Connecticut. Those of you who were around may remember that I was imminently involved with our efforts some years ago to institute a Brett ban that became the moratorium and I am very pleased to see the trend that is transpiring at the grassroots level with municipalities taking action as well to keep fracking waste out of our state.

You've heard testimony from DEEP suggesting that really there hasn't been that much activity with regard to requests to deal with fracking waste in the state, which I argue is a good thing. It shows that the statement we made out there is being observed by the industry.

You've also heard that DEEP has not yet promulgated regulations with reference to fracking waste, even though we have among the strongest hazardous waste regulations in the state, for which we should be proud, they have not moved forward on this and partially I would suggest because the industry has

not chosen to share the ingredients that go into their special sauce and injected into the wells. And that has really sort of held up the process. And just to remind you, if we're talking about the Marcellus Shale, which is the deposit closest to Connecticut, there's also the issue of normally requiring radioactive material found in fracking waste in that area, which is something else, I would submit, we really do not want.

Municipalities, I believe, are taking this into their hands because of the lack of real certainty at the state level and concerns that there is yet to be proven a way to effectively process fracking waste. It can do permanent damage to waste water treatment plants with the chlorides and bromides that you will find in it as well as the other toxic ingredients.

So, the real question is, if there is not much activity, why do we need to do it now? I would submit, the reason things have been quiet is that natural gas prices have been very low. And that has inhibited the industry from drilling a lot of new wells until the price justifies the investment in that case.

I would also suggest that it's inevitable that natural gas prices will once again rise, as we've seen the cycles occur in the past. And at that time, we will probably see an increase in well drilling, which increases the risk to states like Connecticut when the industry has to find some place to put all this fracking waste. And since they really can't process it and they're running out of places to stick it in Pennsylvania, they'll be talking to other states.

So, this is an opportunity to lock it down, give everybody peace of mind that we're going to address the issue. Let's do it now. I believe that what we have before us is a reasonable approach. We do have to carve that for those who want to do research to see if they can figure out how to process it. It's time to move it forward.

Moving along to Senate Bill 104, Pesticide Misters. Pesticide Misters, in my book are a bad idea. And I'm sorry to see that they're being used more frequently. I don't know about you, but have you ever had the experience when your next-door neighbor is spraying pesticides, you better get your kids and your pets indoors because even with that direct application, there's always concern about windborne pesticides ending up someplace for which it was not originally intended.

Now, think about it in the context of a mister, which is basically airborne-izing the entire process of applying pesticides which, I believe, certainly increases the risk of pesticides ending up in all sorts of different places. It's a bad idea. This is a great bill for us to put an appropriate spotlight on it and find some way to control it.

Again, trying to be brief, going back to 102, the solar agricultural conundrum. I think you've heard some testimony today that even though the bill that was passed last year may not be perfect, it is addressing a real problem. Sometimes it's healthy to have a tension between two competing goods, and I think Representative Dubitsky brought it up, these are both things we want to have happen. I'll

paraphrase from the musical, "Oklahoma." The farmers and the solar installers should be friends. And we have to find a way to make that happen. And there are plenty of examples out there where solar arrays and the environment, the ecosystem, can successfully coexist. And I think that's what we want to accomplish. We want to be sensitive to both the opportunities for farmers to supplement their income and stay in the farming business, but we have to be sensitive to the environmental context. So, I think it's not merely where, but how that might be accomplished. If we can come up with a way which we believe is environmentally responsible and takes into account the specific context of that location, I think that there are solutions to be found out there. But it's also reasonable to remain extremely sensitive to the local impacts.

There is probably another bill that's before, I think the Energy Committee, that's talking about installation of solar arrays in reservoirs and other public waterways. Yes, we should be concerned. But I also submit this is the kind of the thing that a deliberate body like a legislature should be involved in to examine the ramifications of some of these things, as we seek to expand renewable energy in the State of Connecticut.

So, my comment would be, it's a lot of pressure on the Siting Council. The legislature has a role, but this is the kind of conversation we should be having to make sure we get it right. And I'll answer any questions you might have.

REP. DEMICCO (21ST): Thank you, Representative.
Committee members have any questions for

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Representative Steinberg? I saw your hand first, Representative Dubitsky, and Representative Piscopo, you're next.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you for coming in, Representative. Is it your understanding with regard to the pesticides misting systems that this would only apply around residential dwellings?

REP. STEINBERG (136TH): I really -- I'm not sure whether it would only apply to that, but that's the context which concerns me most.

REP. DUBITSKY (47TH): So, you would be in favor, for example, of banning misting systems that worked on farms or any type of agricultural activities?

REP. STEINBERG (136TH): Well, I will say that personally I'm not a big fan of significant pesticide use in general. I find that many of the pesticides that are used, even in agricultural context, are effectively organocides, they kill a lot more than just the pests that they're intended to attack. And as pesticides build up in various products that humans might consume, it does pose a broader issue. But having said that, I think that there are potentially appropriate limited uses of pesticides and if that's the most effective means for a farmer to protect his or her crops, I'm relatively more openminded to that.

REP. DUBITSKY (47TH): Okay. Thank you. That was my only question, thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative.

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Representative Piscopo.

REP. PISCOPO (76TH): Thank you, Mr. Chairman. Thank you, Representative or your testimony, appreciate it. My question goes to the byproduct of -- I know Dakota has in its fracking procedures producing a light sweet crude; is there any states in our vicinity, like in the northeast that you know of, that are producing oil as a byproduct of fracking?

REP. STEINBERG (136TH): I'm glad you brought that up, Representative. I was not really all that aware of the alternative source of fracking waste until it was brought up in testimony earlier today. No, I'm not really family, whether or not that's all that prevalent in our neck of the woods. I think our focus has been to a large degree on the Marcellus Shale because that's relatively proximate. It's a very large field. There's certainly been a lot of pumping out of that field up until the point where perhaps the industry decided that it wasn't cost effective to drill new wells. So, that's really been our focus. I think that's really probably the majority of the risk for us here in our neck of the woods.

But I would submit whether it's natural gas based, or oil based, the stuff that comes back out is still problematic. And I would suggest that, if anything, we should make sure that we are as comprehensive as possible in keeping fracking waste out of the State of Connecticut.

REP. DEMICCO (21ST): Thank you, Representative. Representative Pavalock-D'Amato.

REP. PAVALOCK-D'AMATO (77TH): Thank you. I just have a couple of questions about 104. Are you aware of any case law that's currently on point in regard to this issue? I guess it would probably be under - - it would be a tort, like a trespass or something.

REP. STEINBERG (136TH): I may talk like a lawyer, but I'm not one. (Laughter) I'm not aware of specific case law. I would not be surprised if this had been an issue in other states potentially.

REP. PAVALOCK-D'AMATO (77TH): So, are you aware of any cases that have been filed in Connecticut or know of any?

REP. STEINBERG (136TH): I am not, Representative.

REP. PAVALOCK-D'AMATO (77TH): Do you know how many devices were sold in Connecticut or currently exist or owned?

REP. STEINBERG (136TH): I do not know. My understanding is that it's trending upward, but I can't tell you what was the baseline or how many there are.

REP. PAVALOCK-D'AMATO (77TH): The topic itself reminds me of the bamboo issue. I know that this Committee has dealt with in the past, you know, something similar. So, if you come across or have any of that information, I'd be particularly interested in, you know, how the courts, if there are cases filed, how the courts have been treating them and how they've ruled. So, if you find any information, if you could pass that along, it would

be great. Thank you.

REP. STEINBERG (136TH): I'd be glad to. Certainly, this may be easier to deal with than bamboo, which is truly problematic.

REP. PAVALOCK-D'AMATO (77TH): Thank you.

REP. STEINBERG (136TH): Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Are there any further questions for Representative Steinberg? I would say you are all set, Representative, thank you for your testimony, appreciate it. So, going back to the other list, Bill 102, the next person signed up is Francis Pullaro. Oh, there he is.

FRANCIS PULLARO: I'm Francis Pullaro, Executive Director of RENEW Northeast. First, I'd like to thank the Committee for proposing this legislation in Section 7 of raised Bill 102. I appreciate the Committee's willingness to consider refinements to last year's Public Act 17-218 as it involves the treatment of the siting of utility scale solar energy projects on prime farmland or core forests.

I won't repeat what's in my written testimony that I've submitted or some of the other remarks that Mike Martone mentioned, but I will take advantage of having heard other speakers, particularly the Commissioner of the Department of Agriculture to respond to some of the points that he made and also some of the questions that were asked by some of the Committee members.

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First, despite what I would consider to be improvement, moving from materially affect to permanently affect, and the reason we see that as an improvement is from the eye of the developer having a standard of permanently affect, would mean that the developer then has the burden to show to the Siting Council that the project will, after decommissioning, allow that land to return to its prior agricultural use. So, that's how we would interpret permanent to mean. Whereas, material is like beauty, it's in the eyes of the beholder. So, we would strongly embrace the idea of moving from permanently, or rather from materially affect to permanently affect.

Even with those changes, there's still some shortcomings that we found with last year's law. One of them is that it allows the Department of Agriculture simply provide a veto over the ability of a solar developer to use the expedited permitting process, simply by staying silent.

Contrary to what the Commissioner of the Department of Agriculture said, it really gives more than a seat at the table to the department, in fact, it gives them the ability by doing nothing to require the Siting Council to reject the petition and force the developer to use the much more expensive and time-consuming certificate process.

The other shortcoming, we see with the bill is that if the Department of Agriculture does issue a statement that the project will materially or permanently affect the primed farmland and the developer disagrees with that, the developer has no ability to go before the Siting Council with it,

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focus on striking the right balance between energy infrastructure and the environment. It has to go through a very time-consuming multi-year judicial process.

So, with that, I'd be happy to take some questions.

REP. DEMICCO (21ST): Thank you, Mr. Pullaro. I just want to make sure I understand. You had two changes that you're receiving here.

FRANCIS PULLARO: Right.

REP. DEMICCO (21ST): So, would you mind just reviewing the first one, just sort of make sure I --

FRANCIS PULLARO: And I did, for your convenience, at the end of my testimony, I did append some red lines as well that help clarify that. But the first change would involve, if the Department of Agriculture does not provide any comment whatsoever during the Siting Council process, that the Siting Council would be able to grant the petition if it saw fit based on all of the other criteria.

But if it did issue a statement that it would permanently affect the farmland, the developer would then have the opportunity within the Siting Council process to offer any rebuttable evidence, which the Siting Council, and this is why it's here, would have the technical expertise and the interest of these two competing interests in mind to balance that and decide sort of who's right. And if there's sort of a middle ground as the Siting Council customarily does, it tries to work with the developer or encourage the developer and the

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department to work together to try to find some kind of a mutually-agreed upon resolution.

REP. DEMICCO (21ST): Thank you. I appreciate that explanation. Do Committee members have questions for Mr. Pullaro? Okay. Thank you very much.

FRANCIS PULLARO: Thank you for your time.

REP. DEMICCO (21ST): Thank you. Next, we're going back to the official's list and the next person is Representative Storms, welcome.

REP. STORMS (60TH): Good afternoon. Chairman Kennedy, Minor and Demicco and Ranking Member Harding and the members of the Environmental Committee, I'd like to thank you for the opportunity to come here and support Senate Bill 103, AN ACT CONCERNING HYDRAULIC FRACTURING WASTE IN CONNECTICUT.

I'm here at the bequest of my constituent town, the Town of Windsor, who along with 19 other towns in the State of Connecticut have passed ordinances banning the use and storage and disposal of fracturing waste in their communities. In 2017, January 2017, by unanimous resolution of the Town of Windsor, the town council of Windsor, they petitioned the delegation, the Windsor delegation, to support a permanent banning of fracking within the State of Connecticut.

Last session, proposals were initially co-introduced by Representative Zawistowski, myself and Representative Baram in response to this challenge. This Committee forwarded the issue to the House,

which approved the measure, but the matter was not taken up by the Senate at that point, which I know you recognize.

Given the serious and substantial environmental risks and hazards to the public safety associated with fracturing waste, I ask the Committee to once again support the concept of a permanent continuing ban on the sale, storage and use of fracturing waste in Connecticut, as set forth in SB 103.

And to support the passage of the bill all the way through both chambers of the General Assembly this year, and I would thank you for your consideration of this matter.

REP. DEMICCO (21ST): Thank you, Representative. I'll ask if Committee members have any questions. Yes, the Ranking Member, Representative Harding.

REP. HARDING (107TH): Thank you, Mr. Chairman. Thank you, Representative, for your great advocacy on this issue and for your constituency. One specific question, I know that you've been, the community that you're living in, has placed a ban. We've had some discussions and I'm sure we're going to have more discussions today about possible ways around the ban or loopholes around the ban. Have you heard about anything, particularly with the ban that you placed in your town about certain avenues or ways in which you can prevent any individual or entity from moving around the ban anyway, any loophole?

REP. STORMS (60TH): Well, thank you for the question. First of all, I live in the Town of

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Windsor Locks, just so that everybody understands it. And the Town of Windsor passed the ordinance. They are a very conscientious town and the council really backed this ban on fracturing waste.

I have not found a way around the ordinance in the Town of Windsor, it's pretty comprehensive and takes care of the topic pretty significantly. I've read through it. I just don't see the way around it in the Town of Windsor. There are some issues about transport through the state and the commerce clause and things like that. But the use and disposal within the borders of the town, no, I don't see anything.

REP. HARDING (107TH): Thank you, Representative, thanks for your great advocacy once again. Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. I have a question, Representative Storms. In view of your most recent comment, would it make more sense for the state to adopt the Windsor resolution or the Windsor language as opposed to the language before us today?

REP. STORMS (60TH): Well, I like the language in SB 103, I looked at it pretty seriously before I came in here. My concern is that we have 19 towns with different ordinances at this point. And so, I'm always concerned as a legislator about patchwork or quilting of ordinances and regulations. And I think the time has come that the State of Connecticut put a solid global response to this issue at this point in time.

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REP. DEMICCO (21ST): Thank you, Representative.
One more time, any other questions? No. All right.
Thank you very much.

REP. STORMS (60TH): Thank you very much Committee
members.

REP. DEMICCO (21ST): Thank you for your testimony.
So, we now go to the members of the public, Bill
102. And the next person is Henry Talmage.
Welcome.

HENRY TALMAGE: Good afternoon, Senator Kennedy,
Representative Demicco, members of the Committee.
My name is Henry Talmage. I'm the Executive
Director of the Connecticut Farm Bureau,
representing nearly 4,000 farming families in all
types of agriculture across the state. It's good to
be back with you again.

I'm here to provide testimony on two bills, raised
Bill 102, and raised Bill 106. First, I will touch
base on some of the things you've heard before.
First of all, raised Bill 102 looks very much like a
technical fixed bill, especially with regard to the
two issues regarding licensing provisions as well as
the title, names of the farmland preservation
program and working with the federal program. Those
are things that we support wholeheartedly and in
Section 5 and 6 in the bill.

As you've heard, there's been a lot of discussion
about Section 7, which kind of touches on the bigger
issue that you all have worked to understand and
worked towards competing interest. We do have
concerns about the change from materially to

permanently, similarly to other testimony you've heard in that we think generally the bill that was passed last year does provide an opportunity for, in the case of prime farmland, for the Commissioner of Agriculture to weigh in on this, and we think that's important.

So, knowing that words matter, we are concerned about whether or not that would change essentially the intent of the bill that was passed last year. With regard to raised Bill 106, AN ACT CONCERNING THE SALE OF CONNECTICUT GROWN PRODUCTS, we do support this bill. There's been a fair amount of discussion about why it's focused on schools. I think the Commissioner did a good job of explaining that. I'd be happy to get into more of that, if there's some questions on the Connecticut grown labeling question as a whole.

And then, just lastly, I did not include written testimony on, but I know it's come up under Senate Bill 104, AN ACT PROHIBITING THE USE OF RESIDENTIAL AUTOMATIC PESTICIDE MISTING SYSTEMS. I think I heard a question related to agriculture. In general, we take the position that issues related to pesticides ought to be handled by the state pesticides bureau and that includes not only the registration of products, but also as part of the label has methods of delivery, which is part of the prescribed label that goes through that. So, what I would encourage is that, you know, use the expertise of the pesticides bureau to help make decisions about methods of delivery and where they might be appropriate or not and that's all I would say there. So, with that I'll be happy to take questions.

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REP. DEMICCO (21ST): Senator Kennedy.

SENATOR KENNEDY (12TH): Thank you very much. Just turning to your testimony about Connecticut grown, again. So, we're considering a bill that's before us that would seek to expand some of those requirements to our schools. And we heard testimony from the Commissioner of Agriculture that said that these food service companies already have this information. They collect the information from what I interpreted from the Commissioner, they can locate down to the field and farm, et cetera of every piece, that piece of vegetable or fruit in their stock. Is that true, do these food service companies, do these distributors, do they have that kind of level of detail? And the reason I ask that question is, if we were to expand the labeling requirements of Connecticut grown, would it be asking too much of the distributors to be able to label that or do they already have this information, but they just don't disclose it right now?

HENRY TALMAGE: I think, certainly the information that you talk about in terms of the farm of origin exists within the system, especially that is increasing as the Commissioner mentioned with the Food Safety Modernization Act, but also many of the internal controls that larger aggregators of food have put in place, which are really risk management tools, because if there is an outbreak or problem, it's in their interest to be able to limit that to know exactly as much about it as soon as possible.

So, to that end, I think that question is probably not as big of a burden as it might seem to be because of that background information. I think you

should probably understand that this is not a situation where a student walking down a cafeteria line would have, next to the beans that are being served that day, a list of farms that it came from. What this really is, is a flow of information that goes to the district that says, you're paying for Connecticut grown, here are the farms that that came from. So, it's a little bit step removed from perhaps the consumer labeling question.

So, I think it's doable. I do not know personally how big the issue is in terms of problems. I can tell you that as more and more interest in local food is out there, that there are -- I'll give you an example of a vegetable farmer who went to a restaurant recently and saw on the menu that their produce is featured at this particular restaurant. Well, her response to me was, well, we haven't sold anything to that restaurant in over a year and the last shipment they haven't paid us for over a year. (Laughter) So, you know, it's complicated as to how this works.

I will answer the other question, which you said, what about supermarkets. And if you remember, we had this debate at the certified farmer's market and at that time there was a discussion, shouldn't we do it for everything that says Connecticut grown, has a farm of origin label on it. One of the concerns that came up with some farmers who or members of ours who said, you know, I'm worried that my grocery store who buys from me, if we make this so onerous that every apple in the store has to say which farm it came from that they may just say, you know what, forget it, I'm not going to the Connecticut grown program. I don't know if that's the case and I

don't know, but that was the reason that there were some concerns about doing that in a retail setting because you could be sourcing from 10 or 15 different farmers and to keep track of that at the consumer presentation level might be more of a problem and not worth it. And to that end, we certainly don't want to create a situation where we create a disincentive for local products. So, that's out there, I don't know the answer to it, but I think it probably should go into the pot of decision making at some point, so.

SENATOR KENNEDY (12TH): Thank you for that testimony, yes, we certainly don't want to do anything in this Committee that would hinder locally grown food. So, thank you very much for that testimony. Thank you, Mr. Chairman.

REP. DEMICCO (21ST): I have a question for you, Mr. Talmage. I just want to make sure I understood you with regards to misters.

HENRY TALMAGE: Yeah.

REP. DEMICCO (21ST): Did you indicate that another body should have jurisdiction over that? Did I hear that right?

HENRY TALMAGE: No. What I said was that the Bureau of Pesticide within DEEP it makes determination as to both product registration and included in that is a method of delivery, essentially the system that can be used that's part of the label. And all I'm indicating is that that's -- that bureau has expertise on these types of things and that, you know, I caution against saying, well, you can't do

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this, when there may be legitimate reasons why that's the most effective or most targeted method that really should be considered. I'd just say, that's the resource that exists and I just hope that there is reliance on that system.

REP. DEMICCO (21ST): Thank you. Thank you for that clarification, I appreciate it. Representative Ziobron.

REP. ZIOBRON (34TH): Thank you very much, Mr. Chairman, and good afternoon. Good afternoon, thank you for your testimony. I also have a follow up question on the misters. Obviously, serving on Appropriations, I'm keenly aware that there is frankly only a couple of people within this pesticide department at DEEP, which is in and of itself very problematic.

But my question is, do we have farmers that are using this similar system? I know this language says residential, but I'd like to know if there are farmers or folks producing foods that rely on some sort of a regulated pesticide application sprayer?

HENRY TALMAGE: I'm not aware of that. If there are, there could very well be, but I'm not aware of that. And we can probably find that out for you as well as talking with DEEP to see if there are any approved methods of delivery that would meet this definition. I actually didn't intend to testify on this, but just as the agricultural side came up, I just wanted to touch on it, but.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions? Yes, Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thanks for coming in, Henry. I just wanted to ask you, I know I missed the first minute or so of your testimony, I apologize. But with regard to the change of materiality to permanent, on the effects on land when solar arrays are being planned, does the farm bureau have any input on that?

HENRY TALMAGE: Well, my testimony essentially is that we're concerned that this might be -- this might get a way from kind of the intent of the legislation last year, which was, I think, wisely was to try to get a pathway of information from the Department of Agriculture with regard to farmland and larger scale solar issues.

So, you know, I'm not -- I guess the definitions matter, right, as to what's permanent. I mean somebody told me yesterday, you know, the ice ages were temporary, right? (Laughter) So, what definitions obviously like beauty and materiality, those are -- I'm sure those provide some challenges to doing permitting and developers. What I -- I guess my testimony here is that I hope that a change like this wouldn't change the basis for the legislation last year, which essentially was to allow for the issue of Siting to take into account the impact on prime farmland. And I would say the concern we'd have is that by that change, it might alter that emphasis that was put in the bill last year.

So, I guess if I had to say, I would say I would oppose that because of that concern. You know, this bigger question of solar on farmland is very complicated and it's very complicated within the Ag community as well because many of you know, we're

champions for private property rights. We're champions of farm energy and especially providing opportunities for farmers to produce energy on site. And I think the bill that passed last year that kind of delineates between two megs and above and two megs and below, is an attempt to try to deal with that and it's complicated. Because I have members on both sides of the aisle who say, who call me up and say, "This is terrible, we're taking all our good farmland and putting it into solar. And I can't find enough land to rent to keep my farm going."

And then I have farmers who call me and say, "Hey, this is great. This is an opportunity for me to take some of my land and use it temporarily and it's going to keep me in business." And in some cases, "It's going to allow mem to buy my neighbor's farm that's going up for development."

So, I would say it is complicated. And I think you folks who have struggled with this over the last year plus recognize that. And I think last year's bill was an attempt to try to deal with that and I think it's probably the -- it may not be perfect, but I think at least there's a pathway for information there and I just don't want to see that lost, by changing those words.

REP. DUBITSKY (47TH): Okay. So, is it your feeling that without the change that we struck the right balance?

HENRY TALMAGE: Well, I think it's reasonable to review what's happening. I mean, you're starting to get a track record of activity around this issue and I would imagine that that would be part of the

process to look back and say, you know, is it working as you had intended or as anybody had intended or are there unintended consequences. I think the issue of what happens if there isn't a letter issued, you know, is there an argument one way or the other as a rebuttal. Those are all legitimate questions, right? I mean, I think they're -- I don't -- I don't know that it's perfect, right. What I'm concerned about is that we're changing something that might change the intent before we know whether or not it needs to be tweaked one way or the other, so. k

REP. DUBITSKY (47TH): Thank you. Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. Representative Harding, did you have a question?

REP. HARDING (107TH): Thank you, Mr. Chairman. Thank you very much for your testimony today. One question that I'm looking to ask is kind of understanding the process by which a farmer may apply to place solar energy on their land. From some of the testimony we received today had indicated that DOAG essentially has some sort of, you know, veto power that if they determine that the land would be, under the current law, the land would be materially impacted or affected by placing solar energy on the land that there's no further discussion. Has that been your observation? Can you explain that?

HENRY TALMAGE: Well, I'm not an expert in the process, but from what I understand, it is essentially an advisory opinion that goes to the

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Siting Council from the Commissioner. I don't believe that if there's a determination of the letter from either Commissioner that says that there's a material impact that that is -- that that precludes the Siting Council from approving a project. But I'm not 100 percent sure on that. And I don't even know what the track record has been with that because I don't believe there's been a lot of applicants that have gone through this where there have been letters issued. So, somebody else might be able to answer that better, but, yep.

REP. HARDING (107TH): Thank you for your answer and thank you for your testimony today.

HENRY TALMAGE: All right.

REP. HARDING (107TH): Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. Representative Gresko.

REP. GRESKO (121ST): Thank you, Mr. Chairman. Based on your testimony and everything you just said, Henry, do you know what your rank and file members feel about 102? I know your testimony was you have a concern about making it go from material to permanent, but if I may farmer that going to permanent gives me a little bit more wiggle room, so do you know what your rank and file feel about this?

HENRY TALMAGE: So, our internal process of policy development, which is a little bit cumbersome, but essentially our county farm bureaus bring forward policy recommendations that are voted on at our annual meeting in November. Last year, two years

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ago, or a year-and-a-half ago, this issue came up because we already policy supporting on farm energy development and what was added to that was essentially policy that came out and said that we oppose -- that our voting members' delegates voted on, that we oppose the use of public incentives to develop solar projects on prime and important farmland. Okay. So, it doesn't mean you can't do it, but almost all of the solar projects have some sort of public investment.

So, then became the question of how do you reconcile those two issues? And what we came up with as an organization was that we support on farm energy, we support private property rights, we support farmers having the ability to put energy projects on their farm, in a way that will augment their income and provide additional revenue or offset energy costs for ongoing farming operations, as opposed to replacing farming operations with large-scale solar projects. There is a distinction there. But I will also say that there is not 100 percent consensus on this among farmers or among farm bureau members. Because, as I mentioned before, it's very complicated. And I know of cases where farmers have developed a significant portion of their farmland, taken it out of production and bought other farms or, and/or paid off debt and allowed them to do additional business opportunities that wouldn't exist otherwise.

So, this is as complicated for you as it is for the farm community as a whole. And that's probably why we all are struggling with this because it was mentioned, you know, competing positive outcomes are at play here. And even within the farm energy

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question, as I just described, I mean, there are farmers who think that we shouldn't have any solar projects on farms, period. There's others who say, "You shouldn't tell me what to do with my land. And if this is an opportunity that keeps me in business, or provides an opportunity to stay in business or transition into a different type of agriculture, what's wrong with that?"

So, you know, I'm kind of airing it all out here. But that's the truth. It shows you how complicated it is. And I will just touch base, I know you talked about the reclamation issue and I believe there's a bill that was raised that's going to address that. This issue came up because there does not seem to be uniformity on this. There's certainly some solar projects that required reclamation and bonding as a part of the negotiation and I think that question of returning farmland to a productive state is one I'm sure we'll have in another hearing. But that is related to this discussion, I think, and one that I look forward to continuing the discussion on.

REP. DEMICCO (21ST): Thank you, Representative. Does anyone have further questions for Mr. Talmage? Okay. Thank you very much for your time and your testimony --

HENRY TALMAGE: Thank you.

REP. DEMICCO (21ST): -- Mr. Talmage. The next person on the public official list is Bill Milardo.

BILL MILARDO: Good afternoon, Mr. Chairman, Committee members. My name is Bill Milardo, I'm the

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Assistant Health Officer with the Town of Durham. And today I'm speaking on behalf of Laura Francis, the First Selectman of the Town of Durham. This testimony is with respect to Senate Bill 105, AN ACT ENSURING CONTINUING WATER SERVICE FOR CERTAIN MUNICIPALITIES.

Almost 10 years ago, the Town of Durham requested a waiver of the requirement to acquire a water diversion permit for public water supply, served by a well on town-controlled property. The reason being behind the request was the pull or withdraw from the well only exceeded the maximum daily amount during the three days of the Durham fare. During those days the yield from the well was generally between 50 and 80,000 gallons per day. All other days of the year, the maximum yield did not exceed 10,000 gallons per day. Those figures are still accurate for present day.

Since the waiver was granted, the Town of Durham in a partnership with the United States Environmental Protection Agency, the Connecticut Department of Energy and Environmental Protection, and the Connecticut Department of Public Health, along with the City of Middletown, had secured a public water supply to service the super-fund site located in the town -- do you need to hear anything, okay? Thank you.

The extension of Middletown water into Durham has been approved and permitted. The EPA anticipates the project will be out to bid in March. An extension for one year is anticipated to be an adequate accommodation for the construction period. After the connection is complete, the well will be

taken offline and no longer utilized for the Durham water company customers.

An extension of the waiver will save the town the effort and costs associated with obtaining a water diversion permit, resources that could be utilized more efficiently building out a public water supply, not under the influence of the present ground water contamination. Thank you very much for your consideration. If you have any questions, I'll try to answer them for you.

REP. DEMICCO (21ST): Thank you for your testimony. So, just to summarize, so this would be the final year, the only year in which this legislation would be necessary because starting next year --

BILL MILARDO: That is correct.

REP. DEMICCO (21ST): -- you made accommodations for that?

BILL MILARDO: We're hoping to actually have had -- being in the middle of the building a construction process this year, but we've had some delays. And we are in good standing at this point to move forward and complete the project within the next year-and-a-half or two.

REP. DEMICCO (21ST): All right. Thank you. I'll ask Committee members if they have any questions for Mr. Milardo. Senator Kennedy.

SENATOR KENNEDY (12TH): Thank you, Mr. Milardo for coming to Hartford this morning. So, just to again make sure I understand the request that you're

making is that you state that Durham Fare, because of the Durham Fare, requires the town to draw down this particular well. And without legislative action, that could be jeopardized. Is that what you're telling us?

BILL MILARDO: Yes, that is correct.

SENATOR KENNEDY (12TH): Thank you very much.

BILL MILARDO: You're welcome.

REP. DEMICCO (21ST): Thank you, Senator. Any other questions by Committee members? No. Okay. Thank you.

BILL MILARDO: Thank you, Mr. Chairman.

REP. DEMICCO (21ST): I appreciate it. So, the next person to testify is Gordon Gibson.

GORDON GIBSON: Good afternoon, Senator Kennedy, Senator Miner, Representative Demicco, Representative Harding. I'm Gordon Gibson, Legislative Liaison for the Connecticut State Grange. And I'm speaking today in support of raised Bill 102. Grange supports all of this bill, but we particularly support Sections 5 and 6, which will give the Commissioner of Agriculture authority to incorporate federal farmland protection clauses into state easements to preserve farmland when appropriate.

When the Department of Agriculture first created their Farmland Preservation Program, I was working at DEEP and since agriculture had no real estate

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expertise, I helped them develop their first program to preserve farmland. Since then, a number of changes have been made in farmland preservation laws and regulations to accommodate situations that were not anticipated in the early days of the program. There have also been situations where the state statutes concerning the Department of Agriculture's authority could not be changed fast enough to accommodate particular situations. So, Connecticut Farmland Trust stepped in to help solve the problem.

Last August, when you USDA Secretary Sonny Perdue made a brief stop at Prides Corner Farms, in Lebanon, I had the opportunity to ask him about the possibility of giving the state offices of USDA authority to modify some of the federal programs to meet the needs of their states because agriculture is so diverse across the United States that different regulations are needed in different states. I said that one size does not fit all.

Secretary Perdue agreed with me and spoke about his desire to give more authority to the USDA state offices. The proposed changes in Section 5 and 6 of raised Bill 102, would give the Commissioner of Agriculture latitude to adjust our Connecticut Farmland Preservation Programs so they could work with the USDA programs to preserve our diminishing farmland in Connecticut.

Giving this authority to the Commissioner of Agriculture would show the USDA that we are ready to work with them and should make Connecticut qualify for more federal funding of programs to preserve our diminishing farmland base. In other words, we could get more federal money.

Thank you for your consideration of my testimony.

REP. DEMICCO (21ST): We love federal money, Mr. Gibson, so, thank you. (Laughter) Thank you for your testimony. Are there any questions from Committee members? Okay. It looks like you're in the clear. Thank you, Mr. Gibson, I appreciate your enthusiasm. Thank you.

GORDON GIBSON: Believe me, I am enthusiastic about it.

REP. DEMICCO (21ST): Very good. So, the next person to testify is Representative Candelora, welcome.

REP. CANDELORA (86TH): Thank you, good afternoon. Chairs Miner and Demicco and Senator Kennedy, Chair Kennedy as well, and Ranking Member Harding. I am submitting testimony in favor of Senate Bill 105, on behalf of the Durham delegation. And essentially, I think Bill Milardo pointed out just previously the issue that this faces, that Durham faces. I'm not going to go into great detail, but essentially, you know, we're seeking a one-year extension from the water diversion permit for the Durham Fare. It will be a, you know, three-day occurrence for next year, as he pointed out. Thankfully, Durham is on the road to solving its water issue that we've been dealing with.

You know, 10 years ago when this permit was put in place, I don't think we envisioned that it would have taken this long to get water into downtown. And I'm just thankful, I know the River Alliance

submitted testimony recognizing that they're not in opposition. But I understand there are concerns of making sure that we deal with the water issue and I just want to testify before this Committee that the water issue has been handled and this should be the last year that Durham would need this diversion permit for the operation permit for the operation of the fare. Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Questions? Representative Harding.

REP. HARDING (107TH): Thank you, Mr. Chairman, thank you Representative for your leadership on this issue and on many issues in this building.

It's my understanding that without this permit, essentially the fare wouldn't be able to continue; is that correct?

REP. CANDELORA (86TH): That's right. The water is needed to operate the fare. They'd have to probably go through a regulatory process to be able to divert the water, which potentially put the fare in jeopardy.

REP. HARDING (107TH): Thank you, Representative.

REP. DEMICCO (21ST): Thank you. Are there any other questions? Representative Srinivasan.

REP. SRINIVASAN (31ST): Thank you, Mr. Chairman. Thank you, Representative, for being here and I echo our ranking member's sentiment for the leadership in the building. So, this extension you're asking for is only for this one year, this year of 2018? What happens moving forward?

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REP. CANDELORA (86TH): Moving forward, we are hopeful that we're in the process of getting public water through Middletown. And once that downtown Durham is put on to the public water supply, we will no longer need to utilize the public well that's currently being used for the fare.

REP. SRINIVASAN (31ST): Thank you. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions? Thank you, Representative Candelora.

REP. CANDELORA (86TH): Thank you.

REP. DEMICCO (21ST): I appreciate it. Okay. So, we are done with Bill 102. Everyone has testified who wished to testify. So, we're onto Bill 103. And Jen Siskind is the next person. Welcome.

JEN SISKIND: Good afternoon, Senators Kennedy and Miner, Representative Demicco and distinguished members off the Committee. Five years ago, when I heard that legislators and community members were trying to stop fracking waste from coming into Connecticut, I got onboard to help as much as possible. I knew that the impacts of fracking waste, what they have on communities because of my personal experience with family in Pennsylvania, and I didn't want Connecticut to be impacted, either by bringing in materials for treatment or for beneficial use determination permits.

My goal since 2014 has been to protect as many

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square miles of Connecticut as possible. And I've been meeting with many citizens, civic groups, local leaders, who understand the same problems that are happening in Pennsylvania can happen here in Connecticut.

To date, as of this week, there are 37 Connecticut towns that have passed comprehensive ordinances that ban fracking waste from entering the community. A correction from earlier testimony, there is no patchwork occurring in Connecticut because 36 of these 37 ordinances have almost exact same language, same definitions and prohibitions.

In addition to that, there are 15 more ordinances that are currently pending, under review, and each week I get a call from another board of selectman asking me to forward him language or other commission members in towns.

But I'd like to give you some personal information on what it's like to have this waste trafficked around you. Drilling and extracting gas and the huge amount of wastes that are being spilled and leaked are devastating areas in Pennsylvania. Each time I visit my family, the problems are obvious. Waste is spattered on roadways from tanker trucks traveling in the middle of the night or during the day and leaking. Accidents on roadways have been regularly and local fire and police are called to respond. They are not warned about the radioactive or chemical contaminants in this waste.

Spills are common at transfer and at storage locations. Just a few months ago, 63,000 gallons of fracking waste spilled near my mother's house. It

flowed off the property through several other neighbor's properties into a water tributary and into a creek that my family has swum and fished in for generations. And whenever there is runoff or illegal dumping, everything that's in the water just dies and floats downstream.

My reason for loving the outdoors is because of a lifetime of visiting a fishing and hunting camp that my great grandfather built. These small rustic clubs are all over the region. Unfortunately, the aquifer at a friend's fishing club is now polluted. This happens when spills can seep down through the ground and get into the aquifer.

I've spend thousands of dollars of my own money helping to test my mother's water and install monitoring devices. This isn't just my sad story, it's a reality for residents on wells. It's the reality for people living, working and engaged in recreational activities where this waste spills, leaks or is brought for treatment.

Long Island Sound will be impacted if this effluent is treated. I'd be happy to take any other questions that you may have. And I thank you for the opportunity to testify.

REP. DEMICCO (21ST): Thank you, Jen. I know you're going to get some questions and I believe we're going to start with the Ranking Member, Representative Harding.

REP. HARDING (107TH): Thank you, Mr. Chairman. Thank you, Jen, so much for your testimony. I also thank you for your passion and you're a real champion on this particular issue, so I thank you

for that.

JEN SISKIND: Thank you.

REP. HARDING (107TH): We have met in depth before and discussed this particular issue. One thing that we have discussed is some of the issues and the loopholes that I had asked of a previous individual who testified on this issue. Could you explain that issue and elaborate a little bit.

JEN SISKIND: Certainly. The best anecdotal way to explain it is if fracking waste were a six-course banquet, the way the definitions are written in the state moratorium, only one of those courses will be excluded when you ban fracking waste.

The issue is the drilling process, plus the hydraulic fracturing process, the production process, the dehydration process, the storage process, they all produce different types of waste that are named in the moratorium.

But the moratorium language always directs that waste back to the purpose of hydraulic fracturing, at least for what's derived secondarily. So, you also have to define other processes that produce the same types of waste, and that's what the town ordinances have done. They have excellent language defining drilling extraction activity and excellent language that defines waste that comes from both gas wells and oil wells.

REP. HARDING (107TH): Thank you, Jen, for that clarification, that's critical. And again, I really appreciate your efforts on this issue.

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JEN SISKIND: Thank you.

REP. HARDING (107TH): This is a critically important issue to the state.

JEN SISKIND: Thank you.

REP. HARDING (107TH): Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. Representative Srinivasan.

REP. SRINIVASAN (31ST): Thank you, Mr. Chair. Thank you, Jen, for your advocacy and I still remember our meeting that happened a couple of weeks ago, when you brought a group of other people to discuss with me. And I appreciate all that information.

My question to you is, you talked about 36 of the 37 towns that have passed these ordinances. The language is pretty much similar for most of them. Are there any towns where the ordinance didn't pass, attempted, but didn't pass?

JEN SISKIND: Actually, that's an interesting point because the gentleman who was speaking for CCM this morning is the town manager for Avon, and we're currently seeing a significant amount of opposition from him and a DEEP employee who happens to be an Avon resident in getting an ordinance passed. So, there have been about maybe 3 or 4 towns that have had opposition out of the 37. But generally, the amount of residents that are interested in having it passed, has ultimately allowed it to pass, either by a special town meeting vote or by convincing local

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legislators that it was necessary.

REP. SRINIVASAN (31ST): I can definitely understand that there will be some people that will be opposing it --

JEN SISKIND: Right.

REP. SRINIVASAN (31ST): -- I get that. At the end of the day, you know, when you add everything put together, has there been any town where at the end of the day, the ordinance did not pass?

JEN SISKIND: Well, in Newtown, both the Energy Commission and the Conservation Commission recommended language and the Board of Selectmen at the time or the Legislative Council at the time chaired or tabled the language, so it didn't go anywhere.

There was a change in local leadership in the latest election and now it's currently on the Legislative Council and it looks like there is positive support from the Council to pass it.

REP. SRINIVASAN (31ST): So, in some towns it may have been tabled for reason A, reason B, but there is no town where it failed?

JEN SISKIND: Not that I've been involved in, no.

REP. SRINIVASAN (31ST): And one more question, Mr. Chair, with your permission. The language that you are requesting of us, if this were to move, come out of Committee, move forward, was something similar to what is already there in those ordinances; is that

what you would like us to look into?

JEN SISKIND: Well, I think there's -- I think some of the language that passed in 2014, in the moratorium that Senate Bill 103 is based off of, is excellent language. Particularly the conditions that DEEP must meet to deal with radioactivity, know what the contaminants are. Track it from point of origin, all intermediate points, and to final source. If you're allowing carveouts for research to come into the state, researched ways to come into the state, you would certainly want to have that information intact.

But what I'm most concerned about is the information that this Committee is not getting from DEEP. This morning I overheard a conversation of a lobbyist talking to the DEEP employee who was here testifying earlier. And I believe they were talking about using some fracking waste as a beneficial use. And the lobbyist was saying to the DEEP employee, "It's just sand, and it's being used in other places." And unfortunately, that missing information to you is that sand that is removed from fracking waste has a very high potential of being radioactive when it comes out of the Marcellus Shale.

And this radioactive material is not being properly tested for and it's flying under the radar and regulators in other states are allowing beneficial use, but they're not questioning whether that's being used appropriately. An example, the Pennsylvania DEEP, allowed reuse of solid waste to be used as construction fill for about five years. They ignored the advice from advocates and scientists and public health employees saying, "Do

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not use this because you need to be concerned about what's going to be leaching out of it." And they allowed it to be used for five years and then they rescinded the policy about a year ago. And the only thing they had to say about it was that it lacked transparency.

And my concern that the sand that could possibly be beneficially reused in concrete products, could also be radioactive, chemically contaminated. You won't have any control to know how it's going to be properly tested for.

I can tell you that I have a family member who installed a concrete walkway from the street up to his front door and, this is in Pennsylvania, it disintegrated within a year, and he had to pay to replace it. We don't know why concrete cracked within a year. But we highly suspect that this very fine grain silica sand could have been used in this concrete and it disintegrated.

And so, you need to understand where these concrete products could be used here in Connecticut. If they're being used to shore up beach erosion, well, when they crack apart, are you going to be distributing radioactive material that could impact oyster beds and other fishing and, you know, the area for public use?

So, that's why we're are calling for a permanent ban, not only because of spills and leaks that have impacted water and impacted farmland, but also the beneficial use products; you don't know how radioactive they're going to be. They're not being properly monitored. There's nobody out there testing. There's no way for DEEP to enforce this.

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You know, the call for DEEP to write good language will, you know, DEEP's kind of been making mistakes from the get go with their recommendation that they be allowed to regulate this waste, so.

REP. SRINIVASAN (31ST): Thank you, Jen.

JEN SISKIND: Thank you.

REP. SRINIVASAN (31ST): Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Senator Kennedy.

SENATOR KENNEDY (12TH): Thank you very much. So, I think there is general support for this bill. You know we voted it successfully out of this Committee last year. But one of the things that we keep hearing is that DEEP has -- we have a moratorium in place. We heard testimony this morning that they don't have intentions, they're not going to meet their deadline to write regulations. They have no intention to write regulations.

So, what is the rush? That's what I'm hearing from people who think this may be some sort of overreaction. So, I wanted to allow you the opportunity to address that.

JEN SISKIND: Sure. Currently, the moratorium very specifically bans waste from hydraulic fracturing and anything derived secondarily from the purpose of hydraulic fracturing. So, the purpose is to pump fluid underground to fracture rock. So, the entire month-long drilling process that occurs before you even get to hydraulic fracturing, I don't see how

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you can define that as derived secondarily, when it happens before hydraulic fracturing even takes place.

And there are methods of extracting oil and gas that don't use hydraulic fracturing at all, and they produce copious amounts of solid and liquid waste. So, they're not covered at all under this language.

So, I see the moratorium as not fully covering all the contaminants that could come into this state and cause very costly environmental public health and, quite frankly, budgetary concerns for towns and the state. This is basically the contamination issue of our time. the amount of waste that's being produced from fracking in Pennsylvania, billions of gallons a year in a single year from one state that's liquid waste and also hundreds of thousands of tons of solid waste. And we have, county legislatures in New York, that have already passed bans. And they have gone back, some of them have gone back a second and third time to change their language because they realize they didn't cover all the contaminants.

And then what happened was an organization called River Keeper and Grassroots Environmental Education got together with scientists and members from the oil industry and wrote the most comprehensive language possible to make sure that there were absolutely no loopholes. And that's what's passed in 36 towns, that particular language.

And what I would like to see the Committee do is take the missing language that's in the state ban, in the State Senate Bill 103, and just add in and amend these additional definitions. Definitions for

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extraction activity, additional definitions for what oil waste and what gas waste are.

SENATOR KENNEDY (12TH): Thank you very much.

JEN SISKIND: Thank you.

REP. DEMICCO (21ST): Thank you, Senator. Any other questions by Committee members? I told you, you would get a lot of questions and you did and the questions that I had were asked by other members and I appreciate your answers. And I appreciate your patience with us and your testimony.

JEN SISKIND: Thank you.

REP. DEMICCO (21ST): So, everybody is all set here?

JEN SISKIND: I'll follow up with an addendum in my testimony --

REP. DEMICCO (21ST): Yes.

JEN SISKIND: -- for specific language that could be amended if this Committee chooses to do that. Thank you very much.

REP. DEMICCO (21ST): Very good. Thank you, thank you. So, next is Karl Wagner.

KARL WAGNER: Good afternoon and thank you. I'm
Karl

Wagner, Executive Director of the Council on Environmental Quality. I'm here today to make a couple of points regarding Bill 102, specifically, Section 7, the solar siting provisions. As you will

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recall, we investigated the solar siting issue in depth last year.

First, it is critical to remember that the 2017 law, which to our knowledge has not caused any problems, does not prohibit or even restrict solar development on prime farmland or core forest. The 2017 law says that if you are proposing a solar development that's going to have a material affect on prime farmland or core forest, then you have to go to the Connecticut Siting Council to obtain a Certificate of Environmental Compatibility and Public Need, that's the Siting Council's basic permit, that's what they issue for cell towers and most forms of development that they regulate.

If, on the other hand, you're proposing your solar facility on some other type of land, marginal land, a sand pit, a landfill, industrial land, whatever it is, then you can use the more compact petition process. And I understand that the developers would like to use that petition process for all of their projects, but what you passed last year is good policy because it's a very mild encouragement to seek appropriate sites for your solar facility. But if you're a farmer or a forest landowner, you're not prohibited by last year's law by putting a solar facility on that land. And regardless of what agricultural or DEEP says, last year's law only guides the application process.

So, we're receiving that you keep the existing law intact, at least until we see if any problems develop, and let the Connecticut Siting Council balance each project's electricity with its environmental impacts, which is what the Siting

Council was established to do.

And my second point is, though that's our recommendation, if you perceive a need to amend last year's law, we don't think the permanent is the way to go. And my testimony includes some excerpts from a very good article from USDA staff. We don't claim any expertise on prime farmland, but with regard to core forests, forever it's -- up until the present day, it's been understood that if you clear a forest in New England, eventually a forest will grow back. But the world has changed, and it's explained in that article. You could end up with an overrunning mess of multiple flora rose and Asiatic bittersweet that actually suppresses forest growth.

And in order to restore forest to an area that has not been forest for a long time, you often need an active management plan, which is to be put in place. So, if you do that permanent track, which I think is based on the idea that you can use the forest temporarily, it would require some certification that the forest, in fact, would be restored. And it's not just, you know, a temporary use of the space.

So, those are our points and again, we follow this issue closely and we're not aware that you've caused any problems yet with the 2017 law.

REP. DEMICCO (21ST): Thank you, Mr. Wagner, I appreciate your written testimony as well as today. Are there questions from Committee members? No questions from Committee members. Okay. So, your recommendation is that we not mess around with the language from last year at this time?

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KARL WAGNER: You know, again, it does not -- yes, it does not prohibit or even restrict solar development on prime farmland or forest land. It just changes the application process, which is good policy. And if it turns out problems are caused, you know, let's revisit the issue. That would be our recommendation.

REP. DEMICCO (21ST): Thank you very much. Thank you for your time and your patience.

KARL WAGNER: Sure, thank you.

REP. DEMICCO (21ST): Thank you. So, the next person is Ellen Castaldini.

ELLEN CASTALDINI: Good afternoon, Chairman and members. I am a resident of South Windsor and we very recently did pass the ban on fracking wastes in South Windsor. And I strongly support having the State of Connecticut implement a ban and not having to just always do it town by town.

I like the work that Jen Siskind has been doing and we have used the language that she has provided in our ban. And I support what she said about incorporating that language into the statewide ban.

REP. DEMICCO (21ST): Just to make it official, could you just state your name, so it will be in the record.

ELLEN CASTALDINI: Sorry. Ellen Castaldini, and I'm a resident of South Windsor. My comments are general. Connecticut has shown it's support for

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reducing carbon pollution through clean renewable energy for nearly three decades. And that includes passing the 2005 Connecticut Climate Change Action Plan and continuing efforts to meet the goals laid out in the action plan. Clean renewable energy is the way forward for Connecticut, not supporting the fossil fuel industry.

And I should also add that I did submit comments electronically.

The toxic chemicals that fracking companies use need to be disposed of and they contaminate water sheds and wells. Connecticut shown its support for clean water through the development of its state water plan, accepting fracking waste would be contrary to the goals of the state water plan.

And I request that Connecticut ban the support of all fracking wastes by banning the import of fracking toxic wastes, we'll be protecting the health of our citizens and environment and showing our objecting to the fracking processes that contaminate air and water. Thank you.

REP. DEMICCO (21ST): Thank you, Ms. Castaldini. Does anyone have any questions? No. Okay. Thank you very much. The next person is Ellen Weininger, I hope I pronounced that properly.

ELLEN WEININGER: Good afternoon, my name is Ellen Weininger. I'm --

REP. DEMICCO (21ST): My apologies.

ELLEN WEININGER: That's close enough. I am the Director of Educational Outreach at Grassroots

Environmental Education. Grassroots Environmental Education is a science-based environmental health nonprofit. Thank you, Senator Miner, Senator Kennedy, and Representative Demicco and distinguished members of the Committee for allowing us the opportunity to speak with you.

We commend the Committee for the introduction of SB 103 to ban fracking waste in the state and we strongly support this critical legislation. We've included extensive comments from last March, citing scientific studies regarding the health and environmental impacts associated with fracking waste and its byproducts. But for today, I'd just like to spend a few moments to focus on a couple of other points.

One is that just to review that 15 New York counties as well as New York City, have passed comprehensive fracking waste bans as occurred along with the 37 Connecticut towns. We've attached in testimony the actual fracking waste bans enacted by Nassau and Suffolk counties, our neighbors, right here along Long Island Sound. Both of those counties recognize the potential for irreversible radioactive contamination to the Sound and there are public health impacts from fracking waste, which prompted the inclusion of the most protective language in their bans.

In fact, their Department of Consumer Protection is charged with the oversight of consumer products on store shelves to ensure compliance. They recognize that the OC's, heavy metals, radioactive materials in the form of waste water and various semisolids as well as frack sand materials could contain all of

these different contaminants and pose a serious risk to public health and natural resources.

They recognize that radium 226 and radium 228, which are known carcinogens have a half-life of 1600 years and are associated with cataracts, bone and breast and liver cancer. We've included details about the modifications, amendments that could be included to strengthen the bill that connect consistent with Nassau and Suffolk counties. And I would also like to take the opportunity to express our support for SB 104. Grassroots Environmental Education has been very involved on the pesticide issue here in Connecticut. And we certainly support that important legislation to prohibit residential pesticide misters. And thank you so much. I'm open for any questions.

REP. DEMICCO (21ST): Thank you for your testimony and for your patience today. I'll ask Committee members if they have any questions. No. I think we're all set.

ELLEN WEININGER: Thank you.

REP. DEMICCO (21ST): Thanks very much. So, the next person to testify is Lou Burch. Mr. Burch, before you get started, I just wanted to let you know, you're signed up for a couple of bills.

LOU BURCH: Yes. I spoke to the Committee Clerk. I'm only going to be testifying for this one --

REP. DEMICCO (21ST): Great. Thank you.

LOUIS BURCH: So, first of all, good afternoon,

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Representative Demicco, Senator Miner, Representative Harding and Gresko and the rest of the distinguished honorable members of the Environment Committee. Thank you for the opportunity to testify this afternoon.

I'm here today to offer -- Louis Burch, Citizens Campaign for the Environment, supported by 80,000 contributing members in Connecticut and New York State. I'm here today to offer testimony in support of Senate Bill 103, Senate Bill 104, and House Bill 5130, on the issue of fracking waste. I will get right into it.

Citizens Campaign was involved in the passage of the moratorium that we have in effect today. We're very pleased to see that the Environment Committee is taking this issue up again. Strongly support this bill. I would say that at the time that we were advocating for that moratorium, or for the ban that became the moratorium, we expressed that the radioactivity issue related to fracking waste was the biggest challenge of all.

And I believe that DEEP has realized that challenge and that's the reason that they have not moved forward with those regulations. There's lots of great information available about the hazards related to toxic fracking waste, and that's the reason why 35 plus towns in Connecticut have passed bans as well as 15 counties in New York State.

The public has spoken and it's time to move forward on this issue at the state level. I have to say that there is much more to fracking waste than just simply liquid wastewater, as has been discussed

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already by my colleagues. There's everything from sand, drill cuttings and other types of solid waste products that need to be considered and included in this legislation, including oil waste.

So, we do strongly support and applaud the Committee for taking up this important issue and recommend that we take a look at passing some stronger language to address all manner of fracking waste in that bill. On the Sewage Right-to-Know issue, CC was also involved in the introduction and successful passage of Public Act 12-11. The goal at the time was to notify Connecticut families when there was a discharge that would threaten public health in their local waterways.

At the time DEEP was concerned that they did not have resources to do public notice. And the final product was amended to soften up some of those requirements. Okay. Since then, DEEP has embraced the program and they have -- first of all, it has helped to modernize and streamline their reporting process from a paper process to an electronic process. Now, we need to make sure that everybody in the state, all the sewage treatment plant operators are required by law to participate in that electronic reporting process. Thank you. I'll be happy to answer any questions.

REP. DEMICCO (21ST): Thanks, Lou. Just to segue from what you had said most recently, the Bill 5130, would you like to offer some modifications or changes to it or additions to it?

LOUIS BURCH: Let me be clear, we're supportive of the intent of 5130. Continuing education is very

important for wastewater treatment operators. For us, the focus of this, especially after the sewage overflows that occurred in the Town of Waterbury in October, causing 5-million to 6-million gallons of raw sewage to enter into the Naugatuck River, which was not known by the public for four to five days after the incident happened, that's the type of issue that highlights the need for, number one, real-time reporting of these incidents as they happen. But more importantly, to have some kind of convenient timely notification to the public so that families can take precautions to ensure that they're not using those waterways when there is contamination happening.

Furthermore, I would like to say that at some point in time, we also need to look at chemical and industrial spills, which are also happening across the state because of failing infrastructure. These are things that affect our waterways. Many residents of the state depend on those waterways for their livelihood or for their lifestyle or both, and with the technology that we have available to us now and particularly the fact that New York State has really gone above and beyond what we could hope for with a notification process, we think that it's really important for us to move forward, to streamline all of those public notice mechanisms that we have in place here in Connecticut and to figure out a way to get this information to the public in a convenient and a timely manner.

REP. DEMICCO (21ST): Thank you. I appreciate that. I think Representative Reyes has a question for you.

REP. REYES (75TH): Thank you, Mr. Chair. Good

afternoon, sir.

LOUIS BURCH: Good afternoon, sir.

REP. REYES (75TH): Thank you for your testimony and I have a particular concern and a great interest in House Bill 5130, and we've had some side conversations. My question for you is, historically, what have been some of the barriers for clear communication, timely communication? What has been the holdback because it would be in the best interest of all constituents in the State of Connecticut to actually know what's going on with the waterways. So, if you could explain what have been some of the barriers and what we can do to make it better?

LOUIS BURCH: It's actually a really good question. And so one of the things that I have found in my research, working with the Department of Emergency Services is that while Connecticut was the first state to actually implement an electronic emergency alert system for different types of natural disasters and that type of thing, in the country, we're actually the farthest along of all of our neighboring states in terms of being able to integrate those systems with, for example, the wireless carrier system that sends out the Amber Alerts, the National Alert System that's in place, et cetera.

So, there's a lot that the state needs to do in order to fully integrate those processes and my understanding is that right now there's not a great deal of control in terms of being able to target small geographic areas with those type of alerts.

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And so, they've said, the Department of Emergency Services has said that they tried to reserve those types of alerts for, you know, large disasters, life-threatening events, those types of things. But the law and the rules are clear that this type of public health emergency is eligible for that type of notification. And so, I think that it's just a matter of the state is not -- has a lot to do in terms of getting that infrastructure up to date and integrating that alert system with the wireless carriers, et cetera.

REP. REYES (75TH): Thank you. And if I may, Mr. Chair, just to follow up on that. I've been pretty outspoken on the fact that I have been less than thrilled about this situation in Waterbury.

So, I guess my question is, although maybe not life threatening, that 5-million gallons of raw sewage is something that should be communicated. And unfortunately, the constituents in my district did not -- who -- fortunately or unfortunately work and play in that river and actually congregate around that river had no clue. And what's worse, neither did our neighbors down the river. So, I am a firm believer that we need good timely, crystal clear communication and I think with today's technology, we can actually report things in real time. We don't need to wait 7, 10, 11, 12 days to do this and I just think it's -- I won't use the word "reckless," but I will use the word "concerning," that we can't get real time information. And real time to me is within 24 hours. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions for Mr. Burch? No. Okay. Lou, thank you very much.

LOUIS BURCH: Thank you for the opportunity.

REP. DEMICCO (21ST): Thank you. Next is Steven Guveyan. Welcome.

STEVEN GUYEVAN: Good afternoon. Steve Guveyan from the Connecticut Petroleum Council, testifying in opposition to the Hydraulic Fracturing Waste Bill. We thought we disposed of this issue in 2014. We passed a very major bill that came out of this legislature. There was a very major compromise and very honestly, we were the ones that did the compromising. A very tough bill was passed, it became law in this state.

So, the question is, why are we revisiting it? There's been no showing at any point that that law has not worked in the State of Connecticut. We have no fracking here and I know we have a couple of new members on the Committee. But fracking is that process where industry will drill down about a mile deep into shale rock, looking for and finding oil and gas, then drilling horizontally so that you don't have to put more holes into the surface of the earth, and then taking out that oil and gas, that is what the process is. And what this bill is about is the waste that is generated by that. There is no fracking in New England. We do not have oil and gas resources here that are developable in Connecticut or in any of the other five New England states.

So, why are we doing a fracking waste bill? There's

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no fracking here; therefore, there's been no fracking waste here, even before the bill got passed into law there was no waste here.

So, now that we have the law and there is a moratorium on bringing it here, we want to go further than that and do a ban; why is that?

Earlier testimony made the point that at least some witnesses thought the law in Connecticut was not all inclusive. We disagree. The exact words in the current law are dealing with waste that you cannot accept, transfer, dispose, treat, it's a long list of things that cannot be done. That waste was never coming here. It has never come here and it's not going to come here in the future.

The closest state where there is fracking, and fracking waste is Pennsylvania. And in this day, if you look at what's happening in Pennsylvania, the waste, and we're talking waste water is largely treated right on the site, recycled and reused according to very strict rules. You see it in Pennsylvania, you see it in West Virginia, you see it in Ohio. It does not just end up somewhere. It is highly regulated. The process in Pennsylvania for waste includes a series of seven permits, they're signed off on by independent professional registered engineers.

So, our point is, in concluding, somebody has stirred up the pot to make it look like that the State of Connecticut and its municipalities are at risk. No, that's not true. There is no waste that's come here in the past. There's no waste that's come here while the moratorium has gone on in the last four years. There's no waste that is going

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to come here in the future. It's just too far away. Nobody brings waste from there to here, especially when you get into that discussion of radioactive waste because we don't have any places in Connecticut that accept it.

So, we disagree with all of that. And for that reason, we ask for rejection of the bill. The state is very well protected. If this bill passes, the State of Connecticut will not be protected one bit more. Thank you.

REP. DEMICCO (21ST): Thank you for your interesting testimony, Mr. Guveyan. I have a question. I'm sure other members have questions as well. So, to your knowledge, is any of the fracking waste that's generated in Pennsylvania -- let me rephrase that. Is all of the fracking waste dealt with within the state of Pennsylvania or does it end up in other states in the country?

STEVEN GUYEYAN: It can end up in other states so long as they are licensed and permitted to accept that waste. Connecticut and all of these New England states bar Class II underground injection wells, which is where much of that waste would be going. We don't have the right geology for it. We don't have the right geology either for the oil and gas or to inject waste after the fracking process has taken place. So, all the New England states bar underground injection wells. And that rules been on the DEEP books for over 30 years. So, we have nowhere to put it. It's not going to be disposed of here. But in Pennsylvania, it can go to other states so long as they're licensed, and they're permitted to do it.

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REP. DEMICCO (21ST): Thank you. I think Representative Vargas has a question for you.

REP. VARGAS (6TH): Thank you, Mr. Chair. Listening to your testimony, it sounds like this is a nonissue in Connecticut. And if this bill is simply a symbolic bill, why so much opposition?

STEVEN GUYEVAN: There are people who are using this set of issues to really stop the flow of natural gas into Connecticut and into the region. Go next door to the Energy and Technology Committee, where they are dealing with the issue right now. Don't want natural gas, don't want pipelines, don't want natural gas that comes from fracking, in particular. So, there is a concerted effort to cut off natural gas, even though we have a screaming need for it.

The Governor's Energy Plan, that passed in 2013 calls for a major expansion of natural gas. And there are some people that do not want that, to be very honest with you. So, it's symbolic, but at the same time, it's being used as ammunition to undercut the need for, the desire for, and the ability to get natural gas and pipelines. That's why we're opposed to it.

REP. DEMICCO (21ST): Thank you, Representative. Any other Committee members have questions for Mr. Guveyan? No. Okay. Thank you, Mr. Guveyan.

STEVEN GUYEVAN: Thank you.

REP. DEMICCO (21ST): Thank you. Next is Debra Cohen.

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DEBRA COHEN: Hello, my name is Debra Cohen, I'm from Wethersfield, and I thank you all for taking my comment. I will be extremely brief. First, because I've already submitted testimony on line and second, because there's nothing that I can add to what Jen Siskind has offered. She has covered it all. But I do want to add just one personal comment to all of this discussion.

I'm very proud to say that my town, Wethersfield, became the 37th town in our state to pass a strong and comprehensive ban of all fracking waste materials. It includes not only the transfer, storage and use of these materials, but also the acceptance of fracking waste materials for research purposes.

I urge you to support SB 103, AN ACT CONCERNING HYDRAULIC FRACTURING IN CONNECTICUT, with the strongest language possible to protect all of the residents of Connecticut on every possible level. Thank you.

REP. DEMICCO (21ST): Thank you. I'll ask Committee members if they have questions. And I would say there are no questions, so thank you very much for your time and your patience. So, next is Joyce Acebo Raguskus. I'm quite confident I mispronounced your name in some way, but perhaps you can correct me.

JOYCE ACEBO RAGUSKUS: You did not mispronounce it.

REP. DEMICCO (21ST): Oh, very good, even better.

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JOYCE ACEBO RAGUSKUS: I still have trouble pronouncing it. Can you hear me? I'm struggling a little bit with a touch of laryngitis. My family's most happy about that. Simply, my name is Joyce Acebo Raguskus, you are correct. And I'm with Clean Water Action, a strong advocate coalition for safe and healthy Connecticut. Thank you so much for this privilege. And I would like to say -- I'm trying to catch my breath here. I'm in full support of SB 103, AN ACT CONCERNING HYDRAULIC FRACTURING WASTE IN CONNECTICUT. Connecticut must not risk toxic waste delivered to our shores.

We have a vital responsibility to our families and our land. The operative words are protect and prevent, with strong health and environmental policies. We ask for continued protection and not allow insidious toxins to endanger our air quality, poison our waters that we have worked very hard in Connecticut to decontaminate.

Our natural resources to sustain life, as human beings, includes all of us in this room and outside the doors. Known contaminants such as 32 known carcinogens, 43 genetic disruptors, and a touch of radioactive matter. It matters in the process of hydraulic fracking.

I encourage you to read the SR Physician's for Social Responsibility, which I've just included in my testimony, concerned about health professionals in New York, Compendium of Science, medical and media findings, demonstrating risks and harms of fracking. There is nothing more compelling than a child with cancer gasping for air, struggling with neurological brain disorders. We have holes in our

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system, dark holes in our society and culture that must be embraced, mended and cured. No financial gain will come with the loss of quality of life on all levels void of human values. Gas masks will never fit the social school uniform along with a bullet-proof vest, no. These holes are manmade. We must be strong in securing the wellbeing of our children and families and never include destructive contaminating hydraulic fracturing waste. I shall move on to say, in conclusion --

REP. DEMICCO (21ST): If you could conclude. Thank you.

JOYCE ACEBO RAGUSKUS: -- that I have confidence in the Environment Committee to vote yes on this 103 and also support 104 with pesticide issues. Sorry about my voice.

REP. DEMICCO (21ST): We thank you for your testimony and for your patience today. I'll ask if any questions from the Committee members. Hearing none, thank you, and I hope you feel better.

JOYCE ACEBO RAGUSKUS: I feel better already.

REP. DEMICCO (21ST): Very good. Thank you.

JOYCE ACEBO RAGUSKUS: Thank you.

REP. DEMICCO (21ST): So, Mike Thomas is the next person on the list. Is Mike Thomas here? Okay. If he comes back later, we will get him situated. No Mike Thomas for now, okay. Tom McCormick.

TOM MCCORMICK: Good afternoon, Tom McCormick of

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West Hartford. And I'm here basically representing myself as tomforcongress.org because I am registered with the feds to run for congress in the 1st District. I'm going to talk about what I know a little bit about and that's radiation.

Symbolic, well let's make sure that if it's symbolic, well, let's keep it out symbolically. The industry will tell you radiation is natural, but think about it for a second. We evolved as a species with certain levels of radiation from the sun and from the ground and we are in equilibrium with the dose we get naturally. What we are not in equilibrium is extra radiation from any source, not one nucleoid hitting any cell, any DNA of our body. We've already got enough of that stuff in Connecticut from north, as you know. I think Millstone, if you look at the health statistics, it's number one, number two, number one, number two in cancers related to ionizing radiation and also high, highest rates in asthma, also related to radiation. So, no more of that, please.

You've got to understand when it comes to radiation there is no safe dose. That's Karl Wagner, that Karl Wagner that we saw earlier. Karl Morgan, Assistant Director of Health Physics, Oak Ridge National Labs. There's been suppression by the federal government of research into low-level radiation, and Karl Morgan testified to that effect in Congress. So, no more. We just don't need -- period, and I would like my government to block any possibility that we can get one more nucleoid of ionizing radiation in this state, period.

The gentleman before said something interesting.

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Mr. Vargus, good point, well, it's symbolic, you know. Well, this, I hope that symbolism keeps that gas out of Connecticut, period. It's polluting the hell out of the people in Pennsylvania and just because we don't live in Pennsylvania doesn't mean they're not our fellow citizens. This is a union, United States, we're a union, and we're supposed to be looking out for everyone in the union, not just in Connecticut here. And let's say, never mind the pollution, that fracked gas that's going to come into Connecticut to burn power plants. Well, there's a power plant down in South Meadows, right. Hot summer's day, that plant kicks on, and the ozone levels are already high, and that kicks the ozone to the stratosphere and what happens? They are screaming to Hartford Hospital with little kids, little kids that got asthma or people with respiratory diseases, screaming to the hospital because we take that fracked gas and we make sure there's air conditioning for everybody. And it's just got to stop.

And to conclude, the Representative, over to my right mentioned how it will happen in Waterbury and I'll address that quickly. DEEP is not protecting this pollution. DEEP permits pollution. They enable pollution. And Representative, if you don't like it, you got to stop permitting the pollution and you've got to make sure that we have closed-looped industrial systems. So, there is no possibility that any crap from anywhere can get into the water to start with. Thank you.

REP. DEMICCO (21ST): Thank you, Mr. McCormick. I'll see if there are any questions for you. Committee members? Apparently not. Thank you, Mr.

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McCormick. Thanks for your testimony and your patience. We move on to SB 104 and Ann Berman is the next to testify. Is Ann Berman here? Oh, there she is.

ANN BERMAN: Good afternoon. My name is Ann Berman, I'm from Milford, Connecticut, and I'm reporting not only the ECC, but years ago, Nancy Alderman and I and all of the environmentalists, all of Connecticut came to your Committee and we got a ban on the use of pesticides for schools from K-8. And so, here we are again. There seems to be no letup or lack of ingenuity for the out-and-out attacks from the ill-conceived use of pesticides. I can't believe for one minute that there is one of you on this panel who wouldn't be terrified to see one of these pesticide misters blasting their toxic sprays across your fence, into your yard, where your children or grandchildren may be playing.

Well, it should be noted that smoking is banned in all public places, even outside of public buildings. Isn't the toxic spray from a mister comparable or even more dangerous.

So, now my remarks are in response to how in the world, in what manner of the thinking process, could they believe that this pesticide mister is safe or has one ounce of liability in the open market. The pesticide mister is the same senseless non-thinking category that brings your M15 rifle into a market.

I remember several years ago there was a report about these children who were born with several birth defects. Soon after, it was discovered, their fathers had been soldiers in Vietnam and had been

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exposed to Agent Orange defoliant, which was sprayed extensively in Vietnam. By the way, that's now still on the market, considered 24-D.

Below is a quote from a report that has just recently come out. "We've been hyper-focused on how the mother's environment shapes the health of a developing kid, while ignoring the other half of the equation," said Richard Pilsner, an Associate Professor in the School of Public Health at the University of Massachusetts, Amherst. And then he says, "But the father's preconception exposures matter, too." Thank you.

REP. DEMICCO (21ST): Perfectly timed, Ms. Berman. I'll ask if Committee members have any questions. And apparently not. So, thank you for your testimony and for your patience today. The next person is Nancy Alderman. There she is. Welcome.

NANCY ALDERMAN: Thank you. My name is Nancy Alderman, I'm President of Environment and Human Health. You all have been at this a long time already today. But I'm here on two bills. I'm only going to talk on one. I care a great deal that fracking waste not come into Connecticut, and we have a whole website devoted to that. But I'm not going to talk about that.

I'm going to talk about pesticide misting because it is so dangerous, and we are the only ones that can regulate it. It turns out that the EPA is not allowed to regulate applicators. They are only allowed to regulate the pesticides.

So, we have a relatively new product on the market

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that works somewhat like lawn sprinklers in that you time how often you want the spray to come out of the applicator. You put it on your fences, if you want. And every 15 minutes, if that's how you adjust it, you can have pesticides sprayed out of these faucets into the yard.

They are so dangerous that New York has already banned them, and I'd like to read from the American Mosquito Control Association, which discourages the use of automatic pesticide misting systems because they are not consistent with sound practices to promote public health. Their concerns are, unnecessary pesticide use, the lack of efficacy, data, nontarget impacts. I'd like to talk about that. The reason I am so concerned is that as these go off at sort of the height, if that's your fencing of this semi-circle here, anything that's in it, if you put out your dogs, if you put out your children, whatever, they're going to get hit by an onslaught of toxic pesticides.

I cannot say enough about how dangerous these applicators are and without the EPA having jurisdiction over them, people are going to have no recourse. So, if your neighbor decides to go to Home Depot and buy these things, then you have no protection.

I've spoken to the DEP -- oh, that's the end.
(Laughter) No more.

REP. DEMICCO (21ST): Ms. Alderman --

NANCY ALDERMAN: Okay. Well, I'd like to say, when I spoke to Diane Jorsey, who I speak to often, she's

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head of the Pesticide Division, and I said, "What are we going to do about this?" She said, "We get a tremendous amount of complaints and we need help. You know, you can't regulate them. They need to be banned." And so, I guess I'm not meant to speak for people, but I'm going to speak for that because this whole thing has shocked me. We've done pesticides for 20 years, we've worked with this Committee for 20 years. I've never seen anything like this and I've never seen something that was not regulated. They've left it up to the states. And so, that's -- I'm afraid that's you all. I'm not the state. So, it's you all. And I hope because it's new and my fear is that you all will know about it, but my fear is, will other legislators know about it? Will they understand the seriousness that EPA cannot regulate this? That it's up to the state. And so, my worry is, that it might not actually get all the way across the finish line and we all could have neighbors who install these things. And if we do, we are stuck, dead stuck.

REP. DEMICCO (21ST): Ms. Alderman, thank you. Thank you for your testimony and being here today. My only question is, obviously the people who use these pesticide misters have a concern about, you know, otherwise, they wouldn't be using them in the first place. If we do go ahead as a state and ban these items, what is the alternative --

NANCY ALDERMAN: Well there are many.

REP. DEMICCO (21ST): -- for the individual?

NANCY ALDERMAN: There are many. Oh, I shouldn't interrupt. I've been taught that. But there are

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many. So, these products have not been on the market that long. First of all, for instance, my neighbor uses a licensed mosquito/pesticide applicator. So, that is one way. These are trained people, by the DEEP, they are licensed, they use pesticides, some people like that, some people don't. But the point is they are trained, and they are using it. Now, if you don't want to hire somebody, there are things that people have been using for years. There are, they call them, I don't know what their technical name is, Zappers, where you can zap mosquitos. There are other alternatives.

No one, no mosquito, I don't care what it's carrying, is as dangerous as these applicators that are just going to go off. You know, if you believe that there's any toxicity to pesticides at all and they are designed to kill small living things, if you believe there is any toxicity to a pesticide, and that's why they're regulated, that's why people are trained to use them. And my guess is the people who are trained to spray pesticide, mosquito misting equipment are probably not thrilled that these things are on the market. It gives them a bad name. And they work hard to get their licenses and they pay a lot to get those licenses.

REP. DEMICCO (21ST): Thank you, I appreciate that.

NANCY ALDERMAN: I'm not sure that's a good answer, but

REP. DEMICCO (21ST): No, that's --

NANCY ALDERMAN: Is that good enough?

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REP. DEMICCO (21ST): It's good enough for me.

NANCY ALDERMAN: It's good enough.

REP. DEMICCO (21ST): Thank you. Does anyone have questions for Ms. Alderman? No.

NANCY ALDERMAN: Okay.

REP. DEMICCO (21ST): All set.

NANCY ALDERMAN: Okay.

REP. DEMICCO (21ST): Thank you very much, appreciate it.

NANCY ALDERMAN: Yep.

REP. DEMICCO (21ST): The next person is Laura Callahan.

LAURA CALLAHAN: Hello, I'm going to be very, very quick because that was wonderful. Oh, I'm sorry, I'm Laura Callahan and hello everyone. This is my first time doing anything like this, so thank you for welcoming me.

I just want to just piggyback on this and speak as a resident of Milford, Connecticut, that they do sell these products in Connecticut and Norwalk, specifically, I called for a quote, and for both farming and for residential use. And I think we just can't ignore that other insects, important insects, butterflies, bees, all get affected and we should just be conscious of what we are doing.

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So, honestly, that's really, that's it. Does anyone have any questions for me? (Laughter)

REP. DEMICCO (21ST): That's my job, but -- does anyone have any questions for -- yes.

LAURA CALLAHAN: Do you really?

REP. DEMICCO (21ST): Representative.

REP. HARDING (107TH): Thank you for your testimony and thank you for coming up here and talking about an issue, you're passionate about it, that's great.

LAURA CALLAHAN: Thank you.

REP. HARDING (107TH): My question is you said you called for quotes. So, my understanding was that many of these products could be bought at like a Home Depot and set up on a fence. It seems like you had called like a professional agency that would set this up.

LAURA CALLAHAN: Yes, I -- I'm sorry.

REP. HARDING (107TH): No, go ahead.

LAURA CALLAHAN: I didn't mean to interrupt. I wanted to clarify the usage with farmers because that was a question that was brought up here. Do we -- where do we clarify between farmers and residential use. But I just wanted to get a definitive answer that farmers are using this product, just to bring that into the conversation.

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REP. DEMICCO (21ST): Thank you. Any other questions for Ms. Callahan? No. Okay, thank you very much.

LAURA CALLAHAN: Thanks for having me.

REP. DEMICCO (21ST): Thank you. All right. We have no one signed up to testify on SB 105, so we'll move on to SB 106. And the first person is Susan Pronovost.

SUSAN PRONOVOST: Good afternoon, honorable Committee members. Susan Pronovost, I'm the Executive Director of Brass City Harvest. I'm an urban farmer in Waterbury. I have testimony on the record already, so I'll just offer some clarifying points based on some conversations from earlier in the day.

The Farm to School Initiative, which is funded by the USDA down through the state level, targets school systems, taxpayer funded. We looked at some of the issues that go on with the municipal bid processes. And I've got to tell you, Waterbury is probably the most proactive in welcoming farmers into the Connecticut Grown farm to table -- not farm to table, Farm to School Initiative that welcome them in through -- they have an actual meeting with farmers and they send out solicitations to farmers and they set up a special category for Connecticut grown. So, it's in that special category of Connecticut grown that we want to ensure the fidelity of the Connecticut Grown brand. And that everything stays transparent and true to the City of Waterbury, its taxpayers and every municipality in the State of Connecticut that receives taxpayer

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funding under this program.

We congratulate Commissioner Reviczky in continuing to persevere on the preservation of the Connecticut Grown brand. It's very important to farmers to find new pathways and certainly wholesaling to school systems is probably the biggest opportunity for a small farm, medium sized farmer in the State of Connecticut, to realize sustainable revenue streams. It also connects students to their local farmer, especially in the urban systems, it's really hard for a student to understand where their food comes from. When they're paired with nutrition ed that goes on in the schools, healthy cooking and nutrition programs, SNAP education, it makes that connection.

So, keeping the Connecticut brand -- Grown brand whole, really goes beyond just the moniker, it means something to students. And I think that's what the Commissioner is working to achieve. It's beneficial to all parties and really something that is very difficult to sometimes implement in the global marketplace. But it certainly is something that we could start to achieve within the school systems.

And I'll just sum it up with, we are very much in support of this and I will be happy to answer any questions this Committee might have.

REP. DEMICCO (21ST): Thank you very much for your testimony. I think we do have a question.
Representative Borer.

REP. BORER (115H): Thank you for testifying.
Hello. Just a quick question for you. So, earlier

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we talked about the change in the bill that requires the school -- requires the farms to demonstrate to the schools that it's Connecticut grown. Is there something that requires the farms to demonstrate to the schools that they've been evaluated for pesticides or anything in particular that -- what else do they have to show to -- what else would you have to show?

SUSAN PRONOVOST: There really isn't anything that requires us to show anything about pesticides because unless you're saying that you're certified organic, the schools haven't drilled down to that level yet in terms of requesting -- well, actually some of the smaller school districts have. They'll specifically bid that out.

What we have to do now is simply provide a statement when I turn in our bills. A simple statement that shows where we've purchased produce from. Take the farm invoice, you just blank out the financial information, that's sufficient. It's not -- there is no onus then on the City of Waterbury, the City of New Haven, the City of Hartford, the city of anybody to have to go beyond seeing, just a proof, a validation. Here's the bill. It did come from farm A, B, C. That's all you want approved in this instance. It's just -- it's like the Connecticut Grown for farmer's markets. Farmer's market, you've got Connecticut Grown sign. It says, "farm of origin."

Sometimes farmers buy from other farmers. That farmer that's at a farmer's market is obligated to show that he bought from a farm down the road, a farm across the state, wherever, but he's obligated

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to show that. It's the same principle here. It's not going to obstruct anything or make life more difficult for food service workers and the food service staff, but it's just designed to make things a little bit more transparent.

REP. BORER (115H): Okay, so, and I agree. I want to support locally grown as much as you do. It just seems that we're asking the local school districts to understand that there's a certification as to where they bought them from, but they don't have to confirm what was used at that farm. So, do you know what I'm saying? We just talked about pesticides. So, how does the school, if they're buying locally, they know that okay, yes, this was grown in Connecticut or the farm bought from this particular group in Connecticut? How do they know that it's a safe product?

SUSAN PRONOVOST: The best we can do is basically providing validation of purchase, that's as far as we can all go. It's just one step that helps to ensure fidelity of the Connecticut Grown brand. There's only so much we can all do. But right now, there's not even a mechanism, without clarification of the language and this incremental build upon the Connecticut Grown brand language in the state statutes, no one has any power. There is no mechanism, no tool for anybody to use. So, we're all going on, you know, everybody's word.

REP. BORER (115H): Yeah, so I just want to go back to my comments earlier when the Commissioner spoke about we were going to leave it up to the individual schools. My preference would be that the Department of Agriculture, that has the ability and the expertise to identify which programs are the right

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ones to be purchased from and are definitely local, there should be a centralized list. And then the schools can actually pick off of that list and know that it's not only Connecticut grown, but it's safe. I don't know that we should be leaving that up to the school districts to do that. Would it be easier for you if there was a centralized list in the Department of Agriculture and you went to a school that they just had a list of, okay, this is --

SUSAN PRONOVOST: I understand what you mean, but that may also fly in the face of charter language on procurement procedures in the various towns and cities. They may not be able to go off the list. A public bid is a public bid.

REP. BORER (115H): Well, typically for other services, though, there is a centralized list at the state.

SUSAN PRONOVOST: I'm not qualified to answer that question on behalf of a municipality.

REP. BORER (115H): So, there is. If you want to purchase goods and services for other, you know, other opportunities, there's a centralized list that you look at, they're certified or approved bidders by the State of Connecticut.

SUSAN PRONOVOST: Bidder's list, I understand.

REP. BORER (115TH): So, I'm just suggesting that. I'm not suggesting that we don't support Connecticut Grown, I'm just talking about the avenue of which to do it, which would make more sense.

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SUSAN PRONOVOST: No, and I agree. I'm not qualified to speak to charter procedures and how it would affect bids. But I am appreciative of your efforts and I'm appreciative of your not wanting to overburden school districts. I don't think what the Commissioner proposed is a burden. I think there could be continuing conversation that would make this process a little bit more streamlined and I think we could all just -- we all want the same thing in this room.

REP. BORER (115H): Yes, agreed. We all want the same thing, which is --

SUSAN PRONOVOST: And if there is a language change, a little tweaking, I think that's -- I leave that up to this capable Committee.

REP. BORER (115H): Okay. I appreciate your testimony. Thank you.

SUSAN PRONOVOST: Thank you.

REP. DEMICCO (21ST): Thank you, Representative. I think, yeah, Representative Byron has a question.

REP. BYRON (27TH): Thank you, Mr. Chair, and thank you for your testimony. Just out of curiosity, how many Connecticut towns currently receive Farm to School?

SUSAN PRONOVOST: That one would be a question that you, I'm sorry, would have to direct to the Commissioner of Agriculture. From my understanding, you have to fulfill -- the school district would have to fulfill several mandates. I don't know if it goes by population. I honestly don't know if

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they have to want to participate in it. Generally, the larger cities do want to participate in it and a lot of the regionalized districts want to participate in it because it's beneficial for the students and it's beneficial for everybody.

REP. BYRON (27TH): Sure. I would imagine it would be. And so, therefore, you probably would not know what the rate of retention would be to retain those towns in the program?

SUSAN PRONOVOST: No, I would not.

REP. BYRON (27TH): You said -- did you say a moment ago that it was partially a federally subsidized --

SUSAN PRONOVOST: Through the United States Department of Agriculture, yes.

REP. BYRON (27TH): And is that disseminated through all the towns as well?

SUSAN PRONOVOST: Yes. Those wishing to observe the mandates and go through the procurement process to actually go after locally grown food, yes.

REP. BYRON (27TH): So, therefore, with that federal mandate, with that level, the fee to the schools with competing offers are competing --

SUSAN PRONOVOST: There are various grant proposals to the Farm to School Initiative. So, school systems are able to go after various pots of money. It's a trickle down and a Christmas tree of --

REP. BYRON (27TH): Sure.

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SUSAN PRONOVOST: -- a menu of items.

REP. BYRON (27TH): And I do like the idea of Farm to School. My concern, of course, are the cuts to many boards of education across our state with the increase of the irony of this, yet with the increase of educational unfunded mandates. And I would presume that it's not a matter of towns not wanting to partake in this program, it certainly sounds healthy and I would want my children to eat healthy food. But I'm concerned that sometimes these decisions are based more on the wallet rather than, you know, the nutrition value. Would you say that's a fair assessment?

SUSAN PRONOVOST: My understanding of Farm to School, just from my experience in interacting with local school district people, is that this is a fully funded program. Yes, they have to make the effort to procure from local farms, but it is a funded effort.

Whether or not a district wants to procure from local farms and rather go the institutional route, it's up to them. The money is there for Farm to School.

REP. BYRON (27TH): And the amount of money that is allocated for this, does it depend on the population of each town and --

SUSAN PRONOVOST: The population of each town and how many schools will participate.

REP. BYRON (27TH): Okay. Great.

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SUSAN PRONOVOST: Some schools aren't set up for it.

REP. BYRON (27TH): Got you. Thank you for answering my questions.

REP. DEMICCO (21ST): Senator Kennedy.

SENATOR KENNEDY (12TH): Thank you. I just wanted to provide a little bit of a point of clarification on this last discussion because in the last couple of years this Committee did raise and pass a Farm to School piece of legislation. And at the time, we heard testimony regarding the mandate that local school districts purchase a certain amount of their product in schools from Connecticut grown farmers. We've heard testimony that that was a problem, that we couldn't mandate. This would be an additional mandate. So, what we ended up doing, and I want to refresh everybody's memory in this room, is that we allowed for a preference; meaning that, if two food service companies were bidding on a school contract, say for a municipality to provide food, and both contracts came in at the same price, okay, which a lot of them do because it's a very competitive system and these companies are bidding against each other all the time, so they know each other's pricing. That the board would be able to allocate a preference to that food service company that had a program that purchased food through local farmers.

So, the intent was to, of course, incentivize these food service chart wells, these types of Aramark, these large companies who service a lot of our schools and the intent was well, some of them already have Farm to School programs, but those who didn't want to want to like miss out on a huge

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multi-million-dollar contract, simply because they didn't buy from local farmers. And so, what's happened is just what we intended. That these food service companies have not contracted with many local Connecticut farmers. It's not a mandate, but they don't want to lose out for some marginal -- in case the bids come in at de minimis level, they don't want to lose out on a contract simply because they don't contract with local farmers.

So, I know in my district, the food service company Chartwells, which services a number of towns in my district, have contracted with a number of local farmers right now, and it's been a successful program. It's good for the farmers and it's good for the school children and Chartwells says that this is a program that they really welcome. So, I just wanted to give everyone that update, because sometimes we pass bills in this Committee, we don't think about is this stuff actually working. I'm pleased to report that it actually is working. So, I think that's been a positive development.

SUSAN PRONOVOST: Thank you.

REP. DEMICCO (21ST): Thank you, Senator for the update, appreciate it. Does anybody have any further questions for Ms. Pronovost? No. Thank you very much.

REP. BYRON (27TH): Thank you very much.

REP. DEMICCO (21ST): Appreciate it. Thank you. So, the next person is Mike Robel. You're not Mike Robel, but that's okay.

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DAVID BOOMER: David Boomer with the Kowalski Group.

REP. DEMICCO (21ST): Yes.

DAVID BOOMER: We represent the Greenhouse Growers Association and Mike wanted me to just tell you he wanted to be here, but that he had a little emergency at his Greenhouse, which is Winterberry Gardens, in Southington. He's an active working farmer. So, very supportive of the bill. You have his statement and we appreciate the work of the Commissioner, the Commissioner's Chief of Staff and the staff there and your commitment also in support of the bill.

REP. DEMICCO (21ST): Put your name into the record.

DAVID BOOMER: Sure. David Boomer, B-o-o-m-e-r, with the Kowalski Group, here in Hartford. We represent Greenhouse Growers Association and appreciate your consideration of the bill.

REP. DEMICCO (21ST): Thank you. And stick around, I believe Senator Miner has a question for you.

SENATOR MINER (30TH): Thank you, Mr. Chairman. So, it's a request, really. If you were here for the testimony on the mister --

DAVID BOOMER: Yep.

SENATOR MINER (30TH): -- item that we have legislation currently pending, there's been some discussion about what the impact and the agricultural might be. And so, if you could perhaps check into that for us.

DAVID BOOMER: Yes.

SENATOR MINER (30TH): I don't want to say we don't want to have any unintended consequences.

DAVID BOOMER: That would be huge.

SENATOR MINER (30TH): Well, and I don't know, and I guess as I think about the technology as it's been discussed, an automatic mister within the confines of a building to me would be one thing.

DAVID BOOMER: Right.

SENATOR MINER (30TH): An automatic mister outside the confines of a building on an adjacent property line may be as problematic as one from our residential neighbor. So, if you would kind of inquire as to the whole picture rather than just a small snapshot so we don't make a mistake.

DAVID BOOMER: We will get you a memo on the bill --

SENATOR MINER (30TH): Thank you.

DAVID BOOMER: -- from the Greenhouse Growers.

SENATOR MINER (30TH): Thank you.

DAVID BOOMER: Thank you.

REP. DEMICCO (21ST): Thank you. Thanks, Senator. So, we are moving on to House Bill 5128, and the first person signed up for that is David Greenstein.

DAVID GREENSTEIN: Thank you. My name is David

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Greenstein. I am Vice President of Lakin Tire East, located in West Haven, Connecticut. And I'm here today to address House Bill 5128, AN ACT CONCERNING BENEFICIAL END USES FOR DISGARDED TIRES AND THE EFFICACY OF TIRE HAULING LICENSES OR PERMITS.

Lakin Tire has nearly 100 years of leadership and in-depth experience of the scrap tire industry. We provide safe, smart removal and recycling of scrap tires. Lakin Tire East has made substantial investments in state of the art technology and equipment. We have operated in Connecticut since 1979. We currently employ 200 people at our West Haven facility and occupy nearly 100,000 square feet of warehouse and office space.

Lakin Tire has recycled over 50-million Connecticut sourced scrap tires for almost 50 years. This represents over 50 percent of the discarded tires generated in the State.

Currently, Lakin Tire supplies the equivalent of four-and-a-half million tires in the form of feed-stock to a crumb rubber producer located in the State of New York. This crumb rubber producer uses this feed-stock to manufacture products such as molded goods, floor mats, and athletic field turfs. We believe that the state and DEEP would agree that in today's marketplace these uses represent the highest form of recycling our State's discarded tires.

Bottom line, today, the State of Connecticut is one of the country's leading states in converting discarded tires into crumb rubber.

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While Connecticut in recent years has enjoyed this crumb rubber market through Lakin Tire, the remaining Connecticut tires, and the entire New England region, continues to rely on tire-derived fuel as the only means of recycling tires. Lakin Tire shares DEEP's concern for the need for additional end-use markets. But to mandate the cessation of tire-derived fuel, will not help create other markets.

Firstly, there is not a single crumb rubber producer in all of New England.

Secondly, crumb rubber producers in other parts of the country generally have struggled financially as the end product is not cost competitive. If this one crumb rubber producer disappears -- I'm sorry, if this one producer of crumb rubber that Lakin is supplying feedstock to were to go away, the state would be in dire need of a scrap tire disposal option or options. I'm almost done.

Therefore, to eliminate the ability to burn tire derived fuel could be devastating. The state and Lakin Tire are goal aligned in identifying the highest and most beneficial end uses for discarded tires. Having said that, if the vehicle for exploring such end uses is to established a Tire stewardship program, Lakin Tire would urge the state, this Committee, and DEEP to include Lakin Tire and its years of experience within the Stewardship Program.

In addition, Lakin Tire believes that implementing a well thought out tire hauling license and/or permit program could be beneficial. Ensuring that tire haulers are held to appropriate and reasonable

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standards should yield positive results.

Lakin Tire is committed to working with the Committee and DEEP to provide you with the information you need to provide an informed decision on HB 5128.

Thank you for the opportunity to provide you with these comments.

REP. DEMICCO (21ST): Thank you, sir. Thank you for your testimony. I'll ask Committee members if they have any questions. So, I just want to make sure that I understand. Do you see anything in this bill that would be detrimental to the industry? Because it looks to me like this is just a bill that would, you know, require the department -- the Commissioner of Energy and Environmental Protection to basically do some research and report back to us.

DAVID GREENSTEIN: Yes. As you know, this is bubbled up every year. And as I stated in my testimony, we would just like a seat at the table to contribute our expertise to this matter.

REP. DEMICCO (21ST): Okay. That's fair enough. I appreciate that. As you probably know, probably the main impetus for this, you know, bill, one of the main reasons is the illegal dumping of tires. And I don't know, are -- do you recognize that as a problem? Is there a better way to deal with this?

DAVID GREENSTEIN: I really don't think it's a problem. I know from time-to-time, we've had the Commissioner of the Waterways come up here and they said we dug out 12-13,000 tires over the year and nobody wants that. But in perspective of the four-

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and-a-half million tires and for example, we do that in a mornings work, it's an anomaly. In fact, in many of these waterways they were used to help breach the sideways. So, today, the tires are being picked up responsibly and brought to permitted facilities and I don't believe there is an illegal dumping problem.

REP. DEMICCO (21ST): Thank you. Just one other question. So, other than the crumb rubber use, is there any other use or any other way of disposing of these tires that you're aware of that's efficient and environmentally safe?

DAVID GREENSTEIN: Yes, there are many. I know the state has a position against tire-derived fuel, but tire-derived fuel burned in the proper environment with proper pollution control equipment, burns very safely and responsibly. While we would like to see all this product go to crumb rubber, tires are made to last 50-60,000 miles. And to break it up into its component parts of rubber, steel and cord, is so expensive. It's very hard to compete with other original products. It makes, therefore, a wonderful fuel and until we find other ways, I don't think we should close that door.

In addition, there's also civil engineering applications. And as we know, we have many large ash-fill landfills here in the state. And in many states across the country, tires are used as alternative daily cover. And just to emphasize the point, if this crumb rubber manufacturer were to go away, that it's taking four-and-a-half million tires a year, Lakin Tire would not be able to pick up the tires and they would accumulate all over the state

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very rapidly.

So, I urge DEEP to consider alternatives and even an emergency plan because we're relying on one particular entrepreneur to take our tires.

REP. DEMICCO (21ST): I'll just ask you one other question. Do other states have this tire hauler license? Are you aware of --

DAVID GREENSTEIN: I believe more than half, if not two-thirds do have something in place.

REP. DEMICCO (21ST): Okay. Thank you. I'll ask if Committee members have questions. And apparently not. So, thank you. I appreciate your testimony. Thank you for your patience today.

DAVID GREENSTEIN: Thank you.

REP. DEMICCO (21ST): Next person is Dan Rubino.

DAN RUBINO: Good afternoon, and thanks for this opportunity. My name is Dan Rubino, I'm from Town Fair Tire. I do most with their strategic development. I wanted to give you sort of the industry perspective on this particular bill.

You know, Town Fair Tire has been in the State of Connecticut since the mid 1960's. We currently have 36 stores in the state, retail stores as well as two major warehouse locations, one in East Haven and one in West Haven. We occupy about 425,000 square feet in those two warehouses.

So, we have a significant presence in the state.

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And we've been around for in excess of 50 years. We probably have employed currently about 750 employees throughout the state. So, we're also one of the state's largest employers.

To give you an idea as to the industry itself, together with other independent tire retailers throughout the state, we constitute a significant part of the supply chain from manufacturer to ultimate disposal of the tires throughout the state. So, we play an important part of that overall tire chain cycle.

What's interesting, and I need to sort of echo what David had mentioned, is that the State of Connecticut does not have a waste disposal problem as it relates to tires. It has a very functioning sort of market-driven tire waste business, or I should say, procedure throughout the state. And it is actually quite good. From my perspective the best in the United States. From the origination of the tire from the manufacturer to ultimately its ultimate disposal.

Looking at this particular bill, I applaud the efforts of the Committee to focus on the two issues that it's supposed to be focused on. You know, one is a determination of the appropriate beneficial end uses. I think that is the most important thing for this Committee to do and for DEEP to do, because there needs to be that outlet. You know, how do we define what the markets are, can we do anything to really develop the markets so that there is a constant flow through of the "residue" from the tires. I think that is one of the key things.

The second things in terms of the permitting and

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licensing, I think that's also sort of a laudable effort. I don't know whether or not that's going to make a difference, but it certainly may. But one thing and I will end in one second. The one thing that I would mention is there is a reference to a tire stewardship program in the bill. To the extent that that's explored all well and fine, I would counsel strongly against it. I don't think it's really worked, you know, throughout the United States. I think it creates expenses, a lot of bureaucracy and it just ultimately is ineffective. And why disrupt the great system that we do have in this state for something that doesn't work and will probably compound the problem. Thank you.

REP. DEMICCO (21ST): Thank you for your testimony. I think we have questions, no. I have a question or a question or two actually. So, in lieu of a tire stewardship program, what are some of the beneficial end uses of tires that you would recommend to this Committee and to the Department of Energy and Environmental Protection?

DAN RUBINO: Well, as David had mentioned before, I think there are a number of potential end uses. You know, whether it be civil engineering or plastics and extrusions, there are a number of things that are currently out there that you can deploy throughout the state and to the extent that there is reliance upon one particular crumb rubber facility, not even in our state, to funnel most of the waste to, I think we are in serious -- there's a serious issue there.

So, in terms of what DEEP, the Committee could do, there must be at least 20 to 30 types of proven uses

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of the ultimate end product that could be analyzed and deployed in the state.

REP. DEMICCO (21ST): Thank you.

DAN RUBINO: Great. Thank you.

REP. DEMICCO (21ST): We're all set, thanks. So, the next person is John Sherrin.

JOHN SHERRIN: Good afternoon. I'm John Sherrin with the U.S. Tire Manufacturers Association. Thank you, members of the Committee, for the opportunity to discuss House Bill 5128.

As Connecticut does not have regulations or a specific enforcement program to address illegal tire dumping, USTMA is encouraged by the interest in a tire hauler license or permit program, as suggested in HB 5128. Appropriate regulations and active enforcement against illicit scrap tire haulers can address much to this problem.

With that said, USTMA believes Connecticut can move forward with such a program without completing an efficacy study. 36 states have implemented tire hauler permit or license programs to curb illegal dumping. 31 have record keeping system requirements and of those, 16 have complete manifest systems. So, these tools are well established, and they work to reduce illegal dumping.

USTMA welcomes the opportunity to work with Connecticut policymakers to develop and enforcement program to eliminate illegal dumping of scrap tires, as we have with dozens of other states without a

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product stewardship or extended producer responsibility mandate.

USTMA is concerned that this legislation mentions the possibility of a tire stewardship mandate. A product stewardship or EPR system for managing scrap tires in Connecticut would add costs and bureaucracy without significant benefit. Displacing and bringing inefficiency to a well-functioning free market system.

The main issue for disposing of scrap tires in Connecticut or throughout the country, as USTMA has previously shared with DEEP, is the lack of market development. We encourage market development by taking down barriers to recycling, such as the lack of DOT standards that would allow rubber-modified asphalt. And by sharing information and best practices regarding market opportunities, as USTMA did at the 6th Scrap to Profit Conference in Albany, New York and in more recent conferences.

States can help support recycling markets by closing the loop and buying recycled products as well. We've worked with many states over the years to support free market shared responsibility systems, often in expert task forces or stakeholder's groups, including in Vermont, for example, and we'd be happy to participate in further discussions in Connecticut. We understand that Connecticut like other states has limited resources. I have two or three more sentences. However, some basic regularly parameters, enforcement against illegal tire haulers, and a review of regulatory barriers that discourage tire recycling could help foster, improve scrap tire markets in Connecticut and New England,

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implementing a tire hauler program or permit program is a terrific first step.

Thank you for the opportunity to present our views and we look forward to working with the Committee and other Connecticut policymakers to make appropriate improvements to the current free market scrap tire management system. Thank you.

REP. DEMICCO (21ST): Thanks very much, Mr. Sherrin. I have a question for you, based on something that you said. So, 36 states have a tire, some sort of tire hauler license?

JOHN SHERRIN: That is correct.

REP. DEMICCO (21ST): Okay. And I assume some programs or some of these license programs are more successful than others. Could you identify some problems that we should try to avoid, if we do go that route?

JOHN SHERRIN: Licensing can be pretty straightforward. I would also move toward some kind of financial assurance by the haulers because if all you do is make them buy decals, it's just maybe not quite enough. Further, in terms of problems, if it's decals or licenses, you've got to check on how many vehicles can be covered, whether they have to carry the license with them and there's a lot of -- there are some details within a system like that, but they're readily worked out.

REP. DEMICCO (21ST): Thank you. Thank you. I don't know if Committee members, Senator Kennedy.

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SENATOR KENNEDY (12TH): Thank you. I think you mentioned your participation in various task forces around the nation that have looked into either hauler licenses and try to curb the practice of illegal dumping. And to try to come up with some, you know, plan for some beneficial end uses of tires other than burning the tires, I think that's kind of what we're interested in knowing about. Are there other uses for tires other than burning them or grinding them up and putting them in turf fields, which --

JOHN SHERRIN: Yes.

SENATOR KENNEDY (12TH): -- it would not be preferential end use that I would like to see more of personally, I'm just speaking for myself. So, that's what we're trying to figure out here. So, it would be very helpful if you could provide our Committee with some additional information because we're on a very tight timeframe now, so we can craft this legislation with the benefit of your knowledge and background and experience. Thank you very much.

JOHN SHERRIN: I would be glad to do so, and I would hate to leave the seat without again saying, rubber modified asphalt. Thank you.

REP. DEMICCO (21ST): Thank you, Mr. Sherrin, well done. Oh, other questions? Representative Mushinsky.

REP. MUSHINSKY (85TH): Have you tried rubber asphalt with DOT yet?

JOHN SHERRIN: We've talked in Connecticut with

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various agencies about rubber-modified asphalt and we advocate for it.

REP. MUSHINSKY (85TH): And what do they say?

JOHN SHERRIN: Well, the standards certainly don't allow it and Connecticut over the years has not made a movement towards changing its standards and --

REP. MUSHINSKY (85TH): Okay, so how do we get past that problem? This is an old problem; how do we get past it?

JOHN SHERRIN: I think they may need encouragement at DOT to start adopting some innovative technologies.

REP. MUSHINSKY (85TH): Okay. Have they run tests on it and the tests failed, the product failed? Because they are pretty vehement about this and I wish we could bridge the gap between what you're recommending and what they are not willing to look at.

JOHN SHERRIN: Going back to the original ISTEA mandate from the federal government in the 1990s that required the use of rubber-modified asphalt, there were some failures of the product 30 years ago. But the product has developed subsequently since then and it's now far more widely used without a mandate. Further, there can be questions about weather compatibility. Most of the rubber-modified asphalt and the U.S. is used in warm climates. However, it was recently laid in New Hampshire, for example, and it's also used in Alaska. It's used in Rhode Island. It's used in Massachusetts. So, we

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know it's not a climate issue. I would say that the lengthy hangover from the 1990s ISTEA mandate has poisoned the well so to speak.

REP. MUSHINSKY (85TH): Okay. Thank you.

JOHN SHERRIN: Thank you.

REP. DEMICCO (21ST): Thank you very much. So, we are on to House Bill 5129, and the first person is Chris Sanders.

CHRIS SANDERS: Thank you for this opportunity to speak to the Committee in support of House Bill 5129. I feel like I should also congratulate the Committee on your stamina in a very long hearing. I appreciate it.

My name is Chris Sanders and I am President of a non-profit named Friends of West Side Pond. It's a small non-profit focused on the environmental issues of one lake here in Connecticut. West Side Pond is a small 42-acre lake in Northwest, Connecticut. It must be one of the smaller lakes in Connecticut with a state-owned boat launch. But lake management experts have told us that it's a particularly diverse lake in terms of its aquatic plants. But like a lot of lakes in Connecticut, our lake is under attack by invasive aquatic species and we need to do some things to fight off the prospect of cyanobacteria blooms.

If nothing is done, the experts tell us that the invasive species will eventually crowd out native species and eventually the lake will be less unsuitable for various forms of wildlife and for

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recreation purposes.

In the coming season, our little group, is preparing to invest almost \$45,000 in an attempt to control invasive milfoil in our lake. Even in this very small lake, managing invasive, managing this important environmental issue is very expensive.

And the point I wanted to make is that across the state, groups like ours, some larger, some smaller, are doing the hard work of dealing with this important environmental issue. We are out there trying to save the lakes, but we can't do it alone.

One of the things that we need to do is to reach out to those who use our lakes, to ensure that they understand their role in transporting invasive species from one lake to another. To those who live on our lakes and live in their watersheds, to understand their role in keeping the water clean and free of the nutrients that make the problem worse. And to those who want to develop the land around the lakes, we need to make sure they understand that this can be done with lower impact.

I'm here to urge you to support House Bill 5129, as it will create an opportunity for awareness, for dialogue, education, and hopefully for action. This is something we think you can do that's not going to cost the state and, in fact, it should generate some revenue and to the extent it generates revenue in excess of costs. The idea that DEEP can use those funds to help us is an extra plus. It's a win-win. Thank you for listening.

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REP. DEMICCO (21ST): Thank you, Mr. Sanders. I'll see if people have questions. No. Senator Miner.

SENATOR MINER (30TH): Thank you, Mr. Chairman. And thank you for taking the time to come all the way out here to testify. Am I correct that this would be an opportunity for people to check off a box and voluntarily purchase a plate similar to the Save the Sound plate. We're not requiring anybody to do it under this legislation.

CHRIS SANDERS: It's an optional plate. As drafted, as I understand it, there is a fixed premium on top of the state fees and that premium would go to a special account set up for the DEEP.

SENATOR MINER (30TH): Thank you.

REP. DEMICCO (21ST): Thank you, Senator. Any other questions for Mr. Sanders? No. All right.

CHRIS SANDERS: Thank you very much.

REP. DEMICCO (21ST): Thanks for your patience, sir. So, the next person is Constance Trolle, did I say that right?

CONSTANCE TROLLE: It's actually pronounced Trolle.

REP. DEMICCO (21ST): Trolle.

CONSTANCE TROLLE: Thank you.

REP. DEMICCO (21ST): My apologies. Welcome.

CONSTANCE TROLLE: First of all, I don't see any of

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my teachers here, but I really had a heck of an education today. This is -- I don't know how you guys do it.

I'm here to represent the Connecticut Federation of Lakes. We represent about 500 lakes around the state and we are supportive of this bill for the many reasons that Chris had just outlined.

You know that the State of Connecticut has some of the most beautiful lakes in it and I think we had, at one time we counted maybe 200. We are fighting a battle all of ourselves. We don't have very much help from the DEEP because there isn't a lot of funding. And we're here all alone, so we have created this idea of the license plate, which would be a way to illuminate the need to save our lakes.

We're hoping that people will get a little more attention and be much more interested in doing what it is to preserve or protect the lakes. So, we are wholeheartedly in support of it from the Connecticut Federation of Lakes.

My other hat as the President of the Bantam Lake Protective Association, we also are supportive of this bill. Bantam Lake is the largest natural lake in Connecticut. We are a heritage lake. We are fighting the battle that many lakes are, we're doing it on our own. And our latest big problem in the state and the country is the cyanobacteria. So, we are hoping that with this bill and perhaps some funding from it that will come through the DEEP, will have a source of some funds that can be used throughout the state to protect our lakes.

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And I thank you for taking your time today.

REP. DEMICCO (21ST): Thank you, Ms. Trolle. I'll ask if members have questions. Representative Wilson.

REP. WILSON (66TH): Thank you, Mr. Chairman. Connie, so good to see you.

CONSTANCE TROLLE: Good to see you.

REP. WILSON (66TH): I know that you're a diligent worker for us in Northwest Connecticut. And we haven't heard any numbers. So, the previous speaker didn't share a number. Could you share a number, just for example, the estimate of what you and your association feel the cost to fight this bacteria in Bantam Lake is?

CONSTANCE TROLLE: Well, every year I budget about \$125,000 a year to take care of Bantam Lake, it's 970 acres, for treatment. We probably need a lot more. I have an actual estimate, if we wanted to do what we want to do on Bantam Lake, it would cost us a million dollars to do a treatment that's an alum treatment that we're receiving, that's just for the cyanobacteria, which is called blue-green algae by others.

And we have a goal and we're going to try to accomplish that with our fundraisers and with funding from the local municipalities or municipality.

REP. WILSON (66TH): Thank you so much. Have you heard a number of the dollars that might be

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generated from the sale of these plates; is there any estimate?

CONSTANCE TROLLE: I really am -- I don't have that information. I know that about 150 people had signed up previously that we're interested in this. So, we really don't know.

REP. WILSON (66TH): Thank you.

CONSTANCE TROLLE: But for me -- excuse me for interrupting. It's really to get awareness and it's really to get people to understand that we do need to save our lakes.

REP. WILSON (66TH): Right. I appreciate it and I appreciate both of you being here to testify today. Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions for Ms. Trolle? Yes, Representative Mushinsky.

REP. MUSHINSKY (85TH): Is your community also working on reducing nutrient loading of the lake because the two things that are causing this are warmer water temperatures and extra nutrients. I have it in my area, too, and I've been trying to get my town to not cut the brush at the lower end of the slope before you hit the water because that's what filters out the extra nutrients and they want to cut everything because they like to see the view, so. Are you working with your community to --

CONSTANCE TROLLE: Well, we have --

REP. MUSHINSKY (85TH): -- treat it naturally?

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CONSTANCE TROLLE: Bantam Lake Protective and the CFL are very involved with the low impact development around the lakes and in other areas. Our particular Bantam Lake protective I could speak about a little bit more. We are doing an extensive study of storm water. But we're finding, the blue-green algae is not just from the storm water or runoff, some of it is self-loading in the lake itself. I don't know if that answers your question.

REP. MUSHINSKY (85TH): So, the nutrients in the lake, you think are there naturally, they're not coming from --

CONSTANCE TROLLE: Some are.

REP. MUSHINSKY (85TH): Okay. All right. Thank you.

CONSTANCE TROLLE: Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions for Ms. Trolle? No. All right. thank you very much.

CONSTANCE TROLLE: Thank you very much.

REP. DEMICCO (21ST): The next person to testify is Mike Pappas.

MIKE PAPPAS: Hi, good afternoon, my name is Mike Pappas from Stamford, Connecticut. Thanks for allowing me to speak on this. And technically, I also am for the SB 103, SB 104. Actually, I don't understand the way people could be against, you know, this 103. It's almost like when you buy

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health insurance, you know, you don't know you gonna get sick, at least you do have some kind of protection. So, I think we should definitively move for 103.

Now, 104, I'm for it, but I'm not really definitively for it because it looks like we still have no -- no business, really don't know what we're doing over here by these kinds of things. I know we use pesticides, but now we want to do one step forward. In other words, we just come to the extremes. We just want everybody to use pesticides, which everybody is doing anyway, you know. So, why nobody talking about stewardship. So, it looks like we have a no clue over here. I'm sorry to say that, but we really have no clue. And we are not even willing to listen to the people that have been doing it for 12 years. I mean, I've been doing it for a long time, everybody is happy, business goes up 50 percent. The only thing after it made other people problems. That's the problem.

When I move in, you know, I end up losing money because we have to work to remediate a bad ecosystem, which make -- promotes the spreads of Lyme disease, encephalitis, Zika and all that kind of stuff. So, we don't do that kind of stuff. And then for the other one, the one right now it's this invasive species. See, we lost a battle there because we lost site of business at hand. We don't do these kinds of things.

Just to give you an example, you do such a beautiful narrative and now this is, you know, the last time I fall I almost broke my back on a city street, you know. So, I went to look at the study. 2015 study

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is an excellent study, okay. Then I went to look at the city over there, find out that they don't -- they didn't even read this. Why they don't they didn't read this? Because they just put down it right there exactly what they say you should not do. Things that they are saying. In other words, you know, the local government sometimes they don't even take the time to read, why?

Because when you did this you spend half-a-million dollars in these kinds of studies. You should also include it to enforce multiple choice questions to the people that they work on these things to make sure that they do the job.

Now, if they don't do it, you're supposed to go back there over again to study this. If they fail to do that, then we should give a couple hundred-thousand-dollar job to somebody that's passionate enough to do it. Because otherwise, you guys go crazy over here, you know, working with these kinds of things. And then at the local government they fail miserably sometimes. In good faith, you know, I'm not saying they are criminals, but those people in good faith. Nobody is watching, so they can do whatever they please and then they straight up in court -- in other words, you go in court and they say, well, you put the calcium chloride, which is liquid, you know, says very carefully, there are so many things over here. It took me a couple of days to read it.

REP. DEMICCO (21ST): Mr. Pappas, I think we're going to have to --

MIKE PAPPAS: Yeah, thank you, though. Sorry about my getting too --

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REP. DEMICCO (21ST): That's all right. That's all right. That's okay. Does anybody have any questions for Mr. Pappas? Okay, Mr. Pappas, thank you. Thank you for your patience. Thank you for your testimony. So, we are now on to House Bill 5130, and Bill Lucey is the first one to testify. Mr. Lucey, welcome.

BILL LUCEY: All right. Thank you, Senator Miner, Kennedy, Demicco, members of the Committee. I'm here reporting the Connecticut Fund for the Environment, Save the Sound. My name is Bill Lucey and I'm reporting Connecticut Fund for the Environment, Save the Sound. And I am the new Long Island Sound Keeper. Some of you may have served with Terry Backer. The late Terry Backer did a phenomenal job, so I'm picking up the torch and carrying on where he left off. Thank you for the opportunity to testify.

I'm going to keep it short, we're getting late in the afternoon. We fully support 5130. We've got a lot of phone calls after that in Naugatuck's bill from all over our membership. And people wanted something done. Then we got hit with the oil spill, which is a separate issue, but it sounds like we may be dealing with that a little bit later on; one of Senator Kennedy's bills. There is some language from DEEP that were in support of. Were also supportive of Representative Reyes' bill and we're looking forward to working with everybody.

So, I think there's a lot of support. I believe I heard there's 30 co-sponsors already to this bill and more coming. So, that's all I have.

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REP. DEMICCO (21ST): Thank you, Mr. Lucey. I imagine we'll have some questions. Representative Reyes, did you have any questions for Mr. Lucey? Okay.

REP. REYES (75TH): Thank you, Mr. Chair. Thank you very much for your testimony and thank you very much for your advocacy. And as I stated earlier, the accidents in Waterbury have been very concerning. So, I'm obviously in very strong support of -- I think we need to be -- I hate to use the word maybe "harsher," but I think we need to drop the hammer and actually really say what we mean and mean what we say, and not walk around tapdancing around the issues.

Again, I'll state it again, we just want transparency, clear communication, should be timely. And to me, timely is 24 hours. Did you just say you're the new sound keeper and how long have you been serving?

BILL LUCEY: Seven months.

REP. REYES (75TH): Seven months.

BILL LUCEY: Newly minted.

REP. REYES (75TH): Okay. In your experience, in your short experience of seven months, I'm assuming you're seeing quite a bit of activity coming into the Sound. In your short experience, have you seen anything like this bill, which that came out of the Naugatuck River and into the Sound?

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BILL LUCEY: Yeah, currently we have an ongoing spill in Rye, New York that we discovered, one of our watchdogs reported it. I went down -- we did a bucket test that's going to hit 6-million gallons, I believe, by the end of this month. There's another big one that's in White Plains. We have sewage spills all over the place.

Now, in New York, you can download a spreadsheet and it will tell you every single sewage spill that's ongoing. In Connecticut the website is not fully populated right now, and that's one of the key issues we need to deal with here. We need to have mandatory reporting. It's actually two hours for the operators. They have to put that in two hours. We want all those spills on a spreadsheet for the public and DEEP to see and any reports that we as an organization can figure out where the problems are, where we need to focus state revenues, where we need to focus our advocacy to fix up the sewage problems, much like Danbury had an issue, that we use these bill reports, but we had to go to the municipality to drag those reports out, we couldn't go to one spot.

So, we have a huge nutrient problem in Long Island Sound. Now, this year we had 75 square miles of hypoxia. But last year we had 200 square miles. That kills lobsters and drives the fish out of there and it's all coming from sewage and fertilizers and industrialization on land.

So, the more we know, the more we define the problem, the better we can fix it.

REP. REYES (75TH): And, sir, in your estimation,

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who could we model as best practice along the United States?

BILL LUCEY: I would say New York State. They have a fantastic system. I just got an alert on my phone about a spill in the Bronx River. I know that DEEP has some capacity issues that will have to be addressed. But there's a lot of technology that's not that expensive these days. And my discussions with DEEP are we think we can come up with a solution to notifying the public.

REP. REYES (75TH): Well, thank you for your advocacy and welcome aboard. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions? Yes, Representative Piscopo.

REP. PISCOPO (76TH): Thank you, Mr. Chairman, and thank you for your testimony. Do you know what the mandated time it is to report a spill, if there's a sewage spill to DEEP?

BILL LUCEY: Yeah, it's supposed to be two hours and then a full report in five days. The issue is they have an electronic reporting system, which my colleague, Lou Burch explained, it's good, it's not being used. The issue for DEEP is if they get written or faxed in information, they have to enter it.

So, if we had it all automated, where the operators put it in, it went into a database, then they could decide rather quickly which ones are serious and where we shoot that information.

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REP. PISCOPO (76TH): So, within two hours.

BILL LUCEY: Yeah.

REP. PISCOPO (76TH): And is there a penalty if not reported within two hours?

BILL LUCEY: No, that's another potential language addition would be a penalty, so it would force the other organizations to comply. Right now, about, I think there's about 35 different sewage treatment plants that don't use the electronic reporting system.

REP. PISCOPO (76TH): Thank you. Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions for Mr. -- oh, yes, Representative Gresko.

REP. GRESKO (121ST): Thank you, Mr. Chair. Bill, let's say that this system worked, and we did get a notification into ours, what's the advantage, what's the importance of getting the notification so quickly?

BILL LUCEY: Great question. So, the Naugatuck's bill happened during low water. That means it really concentrated that sewage. And it concentrated it so much it killed the fish, it drove the oxygen out of the water, biological oxygen demand. There were people fishing downstream. I talked to other people who said they were throwing a tennis ball for their dog in the river. And you get all those viruses and bacteria on your dog, when

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you're reeling in a fishing rod, it's coming off the reel into your mouth and your face, you're going to get sick.

So, that's a primary concern, aside from the wildlife issues.

REP. DEMICCO (21ST): Thank you, Representative. Other questions? I had a question or two myself. One of them has to do with the other part of the bill having to do with continuing education programs for wastewater operators. I presume you would be in favor of that or would you care to speak to that?

BILL LUCEY: Yes, my understanding from conversations with DEEP is there is something in place. I'm not very well educated on the depth of that, though I did see from some of the testimony from wastewater pollution control facilities that they're in support of that. So, it seems to me there's a need. And if you have trained personnel and they're looking up the mobile, Class I, II, and III water treatment, you're going to create good moral with a new organization and plus you can use it at the same time to train them on the new electronic reporting system or the old one.

REP. DEMICCO (21ST): Thank you, thank you. So, I guess my other question would be, would you recommend that we expand this to include spills other than sewage spills or is that already provided for by other means?

BILL LUCEY: So, you bring up an interesting point because sewage spills used to go through the Spill Response Program, which handles say, the Naugatuck

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oil spill. They separated that out because there's a lot of small sewage spills. Those guys are already dealing with 8,000 calls a year. They can only act on about 1,800 of them. Their staff is reduced.

With that being said, we do have an issue with chemical situations. I know Senator Kennedy has put in a placeholder to maybe do an inventory of some of these chemical spill risk sites along rivers and along the coast that could be flooded. That may be the best avenue.

Our viewpoint is since Sewage Right to Know is already an Act, and we're amending it. Maybe we should keep those two efforts separate but, you know, we're open to what works.

REP. DEMICCO (21ST): Thank you, I appreciate that. Any other questions for Mr. Lucey? No. All right. Thank you very much. Thanks for your testimony and your patience today.

BILL LUCEY: Thank you.

REP. DEMICCO (21ST): So, the next person is Jay Sheehan.

JAY SHEEHAN: Hi. Thank you, Mr. Chairman, and members of the Committee. I'm Jay Sheehan with -- I come reporting the Connecticut Water Pollution Abatement Association. I'm on the Board of Directors. I'm also with the Connecticut Association of Water Pollution Control Authorities, on the board. I'm the Vice Chair of my Simsbury WPCA. So, local representation. I'm also a

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registered professional engineer in the State of Connecticut as a consultant that works in the industry. So, I come with a lot of perspectives to this topic.

My organization is all of them unilaterally or, you know, wholly support HB 5130. There's really the two components that you've been talking about. There's the Right to Know in the reporting. There are 82 waste water facilities or permits in the state of Connecticut and 35 of them are not doing electronic reporting as of yet, as you've heard, or roughly 35, but they need to.

You know, I think we all realize that that technology is available, it's very easy to do. Reporting within two hours is not a problem. In the field you can use your cellphone, it's just a simple website. Once you do the report, you put in the GPS coordinates of the spill, and that automatically populates a map on DEEP's website. When everything is working, it's very easy.

So, we're in support of that Right to Know piece. In addition, we're very, very supportive of the education piece of the bill. And the reason for that is that the State of Connecticut has invested about \$1.5-billion-dollars over the last several years into wastewater treatment plant upgrades and collection system upgrades.

Operators need to keep current with new technologies, with the new treatment systems, with their new components. Continuing education training is a very important way to do so. And so, it's really protecting the investment that the state has

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already made.

In addition, I think the prior speaker had done a nice job of saying that it also brings the community of wastewater together and that is true. We see that, you know, the waterside, water -- I have a water license as well. I do not have a wastewater license. But on the water side, I have to do continuing ed right now. But if I had a wastewater license, I wouldn't, in Connecticut. So, it's kind of out of step. There's only three states left in the country that don't do certification requirements for wastewater operators.

And lastly, we think it can be very low cost for the state. It can be done as a self-leasing, you know, you get your certificates, you keep them in your drawer. DEEP does an annual inspection of most wastewater facilities, sometimes it's two years, sometimes it's 18 months, whatever, but when they come and do that inspection, they can check the certifications. It's not additional work in terms of cost or anything. It should be fairly low cost. And there's also private companies willing to do the training. So, it really won't cost the state very much at all.

REP. DEMICCO (21ST): That's good to hear. Thank you for your testimony. Does anyone have any questions for Mr. Sheehan? Okay. Thank you --

JAY SHEEHAN: Okay.

REP. DEMICCO (21ST): -- for your testimony and your patience today, I appreciate it. Next person is Ray

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Weaver.

EVERETT WEAVER: Good afternoon, Mr. Chairman, Committee members. For the record, my first name is actually Everett. I am an operator at a wastewater treatment plant. I also serve on the CWPA Board. I am also Chairman of a local municipality water pollution control authority. We do, I am speaking on behalf of the continuing education. We have needed, our training classes in Connecticut actually at this moment are pitiful because we have no requirement to have to get more education once you get your certification. And it makes it difficult for some operators to get that education in order to be able to move up in their licensing.

It takes nine continued education units to get your Class 130 for your Class II. It goes up to 70 for your Class III and 135 for your Class IV, along with time requirements. Getting those education units is difficult unless you're going to a college-type situation, getting that during your working hours and during your job is very difficult, it takes a very long time.

I was fortunate that I went to college and I was able to get 90 CUs out of my college education, so I didn't have to get very many more in order to be eligible to get my license. I am happy -- there are 860 operators within the state. The past fail rates for state, for your state licenses is pretty pitiful. Pass rates for Class I is 50 percent. For a Class II, it's 54 percent. For Class III is 32 percent. And for Class IV it's 23 percent. A lot of that has to do with not having the classes that you would need.

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There are training organizations that have relatively low-cost classes. They don't come to Connecticut because there is not a need for them to come because people are not taking those classes.

I'd be happy to answer any questions that you have.

REP. DEMICCO (21ST): Thank you for your testimony. I just want to make sure I understand. So, in some cases less than 50 percent of the people who apply pass the exam? Did I hear that right?

EVERETT WEAVER: Yes, sir, yes. It depends upon which class license you're going for. Class I and II is roughly 50 percent. Class III is roughly 30, and Class IV, which is the highest grade is 25.

REP. DEMICCO (21ST): So, I presume as a result of that, you would be in favor of this continuing education in order to make sure that people get the knowledge to be able to pass the test?

EVERETT WEAVER: Absolutely. I'm also supervisor at a treatment plant, and the classes that I would like to see my operators get, in order to be able to further their knowledge in the treatment, they're just not there.

REP. DEMICCO (21ST): And that's why we're here, so, thank you. Any questions? Representative Mushinsky?

REP. MUSHINSKY (85TH): Actually, it's not a question, but I just wanted to thank you and your crews for keeping the water clean. You guys are really important. You don't get a lot of pat on the

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back, because you just go to work very quietly, but if it weren't for your people, the waterways would not be in better shape than they are now, back from the battle days. So, we appreciate it and we appreciate all your crews and the work they do every day.

EVERETT WEAVER: Thank you very much. I encourage everybody to contact their local treatment facilities and ask for a tour. People really do not understand what goes on at a modern wastewater facility and the technology that is involved in creating the some of the cleanest water in the state. So, I encourage people to go and take tours.

REP. DEMICCO (21ST): Before you go anywhere, Senator Miner. We're too polite here in the Environment Committee. Okay, Representative Reyes.

REP. REYES (75TH): Thank you, Mr. Chair. Mr. Weaver, thank you for your testimony. And just for my clarification, so you're saying 25 percent, 1 in 4, have the Class IV, which is the highest class you can have as an operator --

EVERETT WEAVER: That's the pass rate.

REP. REYES (75TH): Okay.

EVERETT WEAVER: Right now, I can't find my -- there are 250 Class I operators in the state. 264 Class II, 205 Class IIIs and 149 Class IVs at this time. So, you can see Class I is the most and moving on to the Class IVs.

REP. REYES (75TH): So, I have a series of

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questions. You don't have to pass; do you have to pass any of these four classes to be able to work as an operator in these plants?

EVERETT WEAVER: It's a progression, yes. It depends on the facility. Some places have people that are not operators, but do work at the treatment plant, such as a janitor. For licensed operators, you do have to get a Class I and you progress on through the II, the III and then the IV.

REP. REYES (75TH): Thank you, Mr. Weaver. And the second part that I'll ask you is, so in the situation where there's an accident, and I would assume that there is at least one, if not two, backup plans for any of these waste treatment plants. When is the determination made to actually okay to dump into the waterways and how is that determination made?

EVERETT WEAVER: I don't believe it's -- I personally don't know the answer to that question. I don't have that ability in our facility. It's got to be something catastrophic as it's going to be coming out the doors or out of a -- we don't make that decision in order to be able to release sewage through water.

REP. REYES (75TH): Who makes that authorization?

EVERETT WEAVER: That would most likely be the superintendent of the facility.

REP. REYES (75TH): Okay. And then back to the second part of my question. So, I would imagine that each of these facilities have at least one, if

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not two backup plans before they dump into the waterways?

EVERETT WEAVER: I don't have the answer to that question because we don't have that decision-making process. I don't and my superintendent, we don't have that decision-making process.

REP. REYES (75TH): Okay.

EVERETT WEAVER: And we don't have the ability to release.

REP. REYES (75TH): Thank you, Mr. Weaver. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Senator.

SENATOR MINER (30TH): Thank you, Mr. Chairman. So, I just wanted to try and be clear. So, if we were to require continuing education, is there a ready-made curriculum in the State of Connecticut that people can go to?

EVERETT WEAVER: Yes, there is a number of community colleges do have wastewater treatment plant programs, Gateway being one of them. It has not been a popular thing because it's really not required for people to utilize that. And those are a little longer course and taught for the take. Within the operator guidelines from the State of Connecticut, there are a list of courses from the University of California Water Programs. There is another -- there are other training manuals called MoP11's, which is Method of Operations 11, that have

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training classes that you can get CEU's for. And like I said, there are classes listed within the Connecticut guidelines.

SENATOR MINER (30TH): And in terms of the facilities that are already here, you gave us some numbers about who was at what level of, I'll call it credentialing, in order to operate a facility for a municipality to have one functioning over any period of time. Are they obligated to have somebody on premises all the time?

EVERETT WEAVER: No. A lot of facilities right now, the technology that is available are run by SCADA systems, supervisor control and data acquisition, which operates the facility according to the inputs that the operators have made to it. Basically, it's computerized.

SENATOR MINER (30TH): Thank you.

REP. DEMICCO (21ST): Thank you, Senator. Any other questions for Mr. Weaver? All right. Thank you.

EVERETT WEAVER: Thank you.

REP. DEMICCO (21ST): Appreciate the testimony and the good information. Thanks for your patience. So, next is Margaret Miner.

MARGARET MINER: I'd like to switch with Kevin Zak, who has an appointment in Waterbury Town Hall.

REP. DEMICCO (21ST): Sure, that's fine with me.

MARGARET MINER: I have an appointment with a dry

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martini. (Laughter)

REP. DEMICCO (21ST): Very good.

KEVIN ZAK: It's good to know people in high places. Thank you for listening to me. Chairman Miner, Chairman Kennedy, Representative Demicco. I'm sorry, Demicco, thank you, and distinguished members. My name is Kevin Zak, I'm from the Naugatuck River Revival Group. We're a 501(c)(3) nonprofit that monitors and videotapes everything that goes on in and out of that Naugatuck River. And I have plenty of video of the last oil spill and that 5-million-gallon sewage spill. I walked that river 13 days after the spill and was totally devastated by what I saw and recorded. If it wasn't for my wife, the Waterbury Observer, we would not be talking about this right now. As well as that oil spill, there was a serious disconnect. My wife got a call at 4 o'clock and I was unavailable, from a concerned citizen downriver in Naugatuck, who saw a lot of oil coming down the river.

She immediately went out there and was totally blown away at the bubbling oil that was pouring down that river. Immediately called 9-1-1. Meanwhile, the Waterbury Fire Department and DEEP responded to the spill, thought and was told, and believed the source at Somers Thin Strip, that it was only 100 to 200 gallons, that it was contained within that property.

I have, you know, video that would blow you away. But the point being is there's a system that's broken. Those two main spills, that was in excess of 5-6,000 gallons of oil on January 20th. By the way, I found out there was an oil spill June 5th, I accidently discovered it, it was discovered in

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Seymore on the Naugatuck River. It was June 5th of 2017. I discovered this after the oil spill in January.

My point is, to find out about this stuff is very difficult. If you search the Right to Know website at DEEP and find out how many gallons of sewage spill, you will find that it was a million-gallons plus. I had many conversations with the site operator at DEEP and she tried to explain where that 5-million was. I still can't find it. That was October 9th. Thank you.

REP. DEMICCO (21ST): Thank you, sir. I know you're in a hurry, but members might have questions for you. No. Okay. So, I take it you're in favor of Bill 5130?

KEVIN ZAK: Yes, with some modifications and they're known. Thank you.

REP. DEMICCO (21ST): Okay. Thank you very much, appreciate it. Thank you for your patience. Thank you. Margaret, how gracious of you.

MARGARET MINER: So, I'm Margaret Miner with the Rivers Alliance of Connecticut. Thank you, Chairman Miner, Chairman Kennedy and Demicco. I submitted testimony on, I think six bills. The misting, I hope that I -- misting, I'm against misting. Save our Lakes License Plate, we support it and it's the best effort I've seen so far to work on a very difficult situation. Fracking waste, I do think a state ban would be -- I don't think what we have now adds up very well. Durham, I submitted testimony, saying what, this isn't fixed yet? But I gather it

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is fixed, so, that's good.

The sewage Right to Know, the business of new trading, that's important and I do support it. Although, I think it's, and as you can tell, my experience of meeting some operators are very good. I've seen problems with installation and then integrating with the new computer systems. So, I don't always think just operators, but I do know that a training and bringing technology up to date will be very important.

You saw in my testimony that I submitted, we are simply not responding to the many sewage spills. You know, you'll know about them, who thinks before they go out to fish to -- well, maybe some people do, or play with their dog near the river to go look at the DEEP website in the hopes that you'll see, you know, you'll see news there, even though it will probably be two days late. So, I don't feel that's an adequate way to notice the public.

The spills in the Naugatuck this year were dramatic. Chairman Miner, there were two spills in the Bantam, which is smaller, and less attention was paid to them. But they are a serious impact on our little wildlife that we have there. MDC spilled approximately 90-million-gallons over two days in the Park River. Near here, you might have picked up on that. So, what happened in Waterbury, what was very clear is that the public notification system is not reaching the public, it's barely reaching the health districts where nobody knows what to do. And if it reaches DEEP it may or may not go up. But the public just doesn't see it.

So, I put some specific, a few specific, three or

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four specific recommendations that I feel the bill should address, particularly emergency response to these bills, which improvement is urgently needed.

REP. DEMICCO (21ST): Thank you, thank you, thank you for your testimony. And I'll ask if we have any questions from Committee members. Representative Mushinsky.

REP. MUSHINSKY (85TH): I wanted to ask about the Durham Fair Bill.

MARGARET MINER: Yeah.

REP. MUSHINSKY (85TH): They want to remove a large volume of water for three days without a diversion permit. Is that a good idea?

MARGARET MINER: They want to remove a large -- well, I did -- my question was, the testimony was given earlier that no permit would be needed. And I didn't quite understand that. Maybe Durham doesn't need a permit, but Middletown should. So, I'm not sure if the fix is a good idea. My testimony was aimed at saying, coming to the legislature for a diversion permit is not a good idea.

REP. MUSHINSKY (85TH): Okay. Well, I think what they're aiming at is --

MARGARET MINER: What --

REP. MUSHINSKY (85TH): -- like to be exempted from any regulatory action on their temporary diversion. But even if it's temporary for three days, you could still draw down the river entirely, if it's a large

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enough diversion, so.

MARGARET MINER: As you know, I testified against this bill, was it three years ago, four years ago. And I did not prevail. It's now being asked for an extension for one more year. I wish that we were in the regular course of business and it had been fixed in the correct manner by now. I'm hoping that it won't do any more damage this year than in previous years. My understanding is that the new source of water for the Durham Fair will be permitted and will be in compliance with current regulations. That's, otherwise, we would be in opposition.

REP. MUSHINSKY (85TH): Okay. So, if the problem has been fixed by bringing water in, you don't care. But if it has not been fixed, you are still in opposition?

MARGARET MINER: If it's been fixed by bringing water -- I know Durham has a lot of water contamination problems. If this fix is done with a water diversion permit, not as part of a registration, none of this is in the bill, so. It's just one more year, give us one more year, but in principle, if it's being fixed using a water diversion permit, that's usually fairly protective of the environment if it's complied with.

If it's using a registration and I made a note to ask, that might be -- that might be a cause of serious harm to the environment, but since I don't know that right now, I did note to ask.

REP. MUSHINSKY (85TH): Okay. Will you let us know if it is a concern?

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MARGARET MINER: I'll be right back.

REP. MUSHINSKY (85TH): Okay. Thank you.

MARGARET MINER: I will.

REP. DEMICCO (21ST): Thank you, Representative.
Representative Reyes.

REP. REYES (75TH): Thank you, Mr. Chairman. Thank you, Ms. Miner for your advocacy and thank you for your patience here this afternoon.

MARGARET MINER: Well, thank you.

REP. REYES (75TH): I was listening sharply to what you were saying about the timely information and I think many of the folks that use our waterways here in Connecticut would probably not look at the DEEP's site or probably some other site before they actually use the waterways. But I think that, where I was going with it is I believe that the cities and towns all have websites and I think that they should be able to -- that should be one of the click boxes that they have in the cities and towns because that could be timely information and most people would actually look there. So, but thank you for your advocacy in that area.

MARGARET MINER: If may comment, I do recommend that people on this bill talk to Waterbury and the Town Council there. They looked at the problem in terms of first, there's not a good emergency response to an accident in terms of the infrastructure, what you do. And second, the response plan is of no use with respect to notifying the community. And indeed, the kind of think you're suggesting I do recommend here.

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I mean, we get instant news from all around the world. Surely it can go to the towns, to the selectman downstream, maybe to the major water groups, to the newspapers. That is not really hard. So, I think it can be improved greatly.

REP. REYES (75TH): Thank you, Ms. Miner. And, Mr. Chairman, if I may, one more quick question. So, you reference to smaller spillages into the Bantam Lake. Were those reported?

MARGARET MINER: Well, this was Bantam River.

REP. REYES (75TH): Bantam River, yes, ma'am.

MARGARET MINER: One was, yes, reported because we saw it on line and it was, I think in that October period, 100,000 gallons, something. And one was recently. And I don't think we originally saw it online, a neighbor reported it. It was quite odorous. It was in the sort of shopping center, Tapping Reeve section of town. So, I think that's how we heard about it first was from neighbors.

REP. REYES (75TH): Thank you.

MARGARET MINER: And it may have gone up later. But I believe we heard about that from people around the river.

REP. REYES (75TH): Thank you, Ms. Miner. And it just continues to beg the question of timely reporting and it seems like it's an issue throughout the state. Thank you very much, Ms. Miner, Mr. Chairman. Thank you for your --

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MARGARET MINER: Thank you.

REP. DEMICCO (21ST): Thank you. Any further questions? Okay. Thanks, Ms. Miner.

MARGARET MINER: Thank you.

REP. DEMICCO (21ST): Appreciate it. Thank you. So, the last person who is signed up to testify is Louise Washer.

LOUISE WASHER: Thank you for letting me testify. I will be quick. And thank you for letting me go out of order. My name is Louise Washer. I am reporting the Norwalk River Watershed Association. And I'm here in support of Senate Bill 103 and to ask that it be strengthened and made more comprehensive to reflect the ordinances that we are passing locally.

There are six towns in our watershed, six Connecticut towns, one has passed the ordinance and three have votes pending. And I just wanted to share what happened this week at the Norwalk Ordinance Committee meeting. It was -- the room was overflowing with very concerned citizens, students, teachers, people who live along the river, people who live along the shore and people from the oyster industry and a representative from Copps Island Oyster pointed out to us some statistics that I just wanted to share, that that industry brings a commercial harvest worth \$30-million-dollars a year. This figure does not include the value of recreational oyster harvests. Off our shores is 77,000 acres of oyster grounds. 600 people are directly involved in harvesting and this number does not include many hundreds that are in fringe

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employment, truckdrivers, shippers, inspectors. There's a new kelp industry that is starting and there's an aqua culture industry with propagating oysters off on the shores and then once they are mature enough and pass their vulnerable states, putting them back in the water.

So, these new industries and the established ones are in the food industry and any contamination of water, obviously, is a huge threat to them.

So, I'm just here to voice the concerns. Earlier statements made it seem as if it was not a possible threat because we don't frack here, that we would receive this waste. And we just don't -- we just don't trust that. We don't feel that that's correct.

There's a hazardous waste treatment plant in Bridgeport called Tradebe that would be, I'm sure, very happy to receive this waste future. After it's treated there, it would then go to wastewater treatment plants right on the Sound. We don't even know what is fully involved with this waste. We don't -- these companies are exempt from having to tell us exactly what the toxins are. We know they are radioactive substances and toxins that cause all kinds of public health problems.

We have people who go to the beach. We have regular citizens, we are worried about water quality, but we're really worried about the industry, the oyster industry and the shellfish industry and we ask you to please support this ban. Thank you.

REP. DEMICCO (21ST): Thank you very much. I

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appreciate your hanging in there for all of these hours. Does anybody have any questions?
Representative Tweedie.

REP. TWEEDIE (13TH): Thank you, Mr. Chairman. And I also would like to thank you for staying here late on a Friday. You are very committed to our environment and I do thank you for that.

LOUISE WASHER: Thank you guys, too.

REP. DEMICCO (21ST): All right. Thank you. Any other questions for Ms. Washer? No. Okay. So, I will -- thank you again. I will ask, is there anybody else in the room, who has not signed up, who wishes to testify on any of the bills today? One more time, anyone wishing to testify? This is your last chance. Okay. Hearing no one, I will declare this public hearing to be closed. Have a nice weekend.