Dear Senator Cohen, Representative Demicco and Environmental Committee Members,

My name is Kevin Zak.

Among other things I am a member of 2 separate Naugatuck River Greenway Committee’s: The Waterbury Greenway Advisory Committee and the Naugatuck River Greenway Committee. I am the President of the Naugatuck River Revival Group (NRRG) and I am writing to you regarding Bill 5395.

Last year we became acutely aware of Connecticut’s Environmental Justice Law (EJL) and how it does and does not work.

In short:

We are in favor of Committee Bill No. 5395.

There is a need to modify, strengthen and reexamine what the current EJL CGS 22a-20a can accomplish and what it means to the “environmental justice community” living in these "Distressed Municipalities".

At the end of the day does the current law work? 2018 showed us it does not. Last year it failed the South End of Waterbury, the revival of the Naugatuck River and the Waterbury Greenway’s potential in that Distressed area to raise the Quality of Life for future generations.

Background:

A company located in the 06705 zip code (South End of Waterbury) applied to expand its “applicable facility”. The EJL required that “they” reach out to the public and stakeholders in specific ways within areas of special concern. 06705 is of special concern and falls into the EJ jurisdiction. In other words, the law required them to file an Environmental Justice Public Participation Plan with and receive approval from the Department prior to filing any application for such permit.

The Solid Waste permit process was nearly completed when we became aware of this application through other stakeholders. In our analysis we determined that the expansion would affect the quality of life in a negative way.

Upon review of the EJL in CT we discovered that this company did not follow the law. For example, the NRRG and both greenway committee’s were not contacted as the law requires. There was no chance to examine whether it would affect the river or the greenway in a positive or negative way. In other words, applicable negative externalities were not allowed to be applied to the permit process.

We visited CT-DEEP’s Solid Waste office at 79 Elm Street to talk to the two lead officials in charge of this particular permit. The ink was all but dry when we arrived and discussed what role the Connecticut EJL played within the process. We learned that they received written
confirmation from Edith Pestana informing them that this (absolute) requirement was properly applied and verified. It was not.

In 2017, in a separate issue this same company, at a different address within the 06705 zip code, was polluting the Naugatuck River. We discovered and documented this during a Naugatuck River cleanup. Waterbury Police and CT-DEEP were notified. In addition, records research at 79 Elm Street, Hartford (DEEP headquarters) revealed this company's past (EPA) Clean Water Act violation’s as far back as 1999.

The Problem:

The Company’s EJ application went to Edith Pestana’s desk. She approved it and passed it on to Solid Waste without proper and timely notifications to the Stakeholders affected.

Furthermore, in the original permit application the company said they had no prior violations. That was also untrue, according to CT-DEEP documents.

If the NRRG and/or the Greenway Committee’s had been lawfully notified these facts would have been added to the process and properly applied in a timely manner.

Bottom line:

The spirit of this law is just. However, as written, this law failed the people it was written for. It is our opinion that the applicant should have been required (at minimum) to re-apply to Edith’s department according to the EJL that exists.

What was the reason to proceed without proper redress with verifiable violations of the EJL? We will never know.

Whether or not someone feels that the fix was in or Edith Pestana was grossly negligent in her duties or both is not at issue here. The issue is: The Environmental Justice Law that exists did not or could not provide the protection that it claims.

Our discoveries and concerns were dismissed, redress was denied and the application that reached the desk of Edith Pestana and then to Solid Waste was approved.

There was no better test for the intentions of the existing EJL than in the South End of Waterbury in 2018.

The Environmental Justice Law needs to be improved.

If you have any questions please feel free to contact me by email or phone.

Thank you for your consideration.
Respectfully,

Kevin Zak
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~Naugatuck River Revival Group~
Nothing is Impossible
Just Act

~Yesterday a landfill....today a river~