SENATOR COHEN (12TH): The two doors through which you entered the room are the emergency exits and are marked with exit signs and in an emergency, the door behind the legislators can also be used. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from capitol police. Do not delay and do not return unless and until you are advised that it is safe to do so.

In the event of a lockdown announcement, please remain in the hearing room. Stay away from the exit doors and seek concealment behind desks and chairs until an all clear announcement is heard.

Okay, just a quick announcement and I think we may be in the all clear but the Environmental Committee's website has been experiencing some
technical difficulties this morning so certain testimonies that were submitted to our committee may not appear to be posted on the webpage. However, please know that those submitted by Friday's deadline are still available to the members through our internal network.

As is tradition, the first hour of our hearing will be reserved for legislators, constitutional officers, agency heads and chief elected municipal officials. After the first hour, we will open it up to the general public. There will be a three-minute time limit at that point and we'll alternate between the public and if there are any remaining public officials. Members of the Committee may have questions after the testimony so we'll allow for that as well.

Do my -- does my co-chair or ranking members have any comments before we begin? Okay then, in the interest of time we'll get our first testimony up and it looks like Ted Shafer, First Selectman of Burlington.

Mr. Shafer, good morning.

TED SHAFER: Good morning. Thank you to the Chairmen and Chairwomen and for the members here. I'm going to be presenting testimony this morning regarding HB-6643, in support. I've submitted written testimony that was also signed by Kathy Eagan, the Town Manager for the Town of Farmington.

So thank you for the opportunity to allow me to testify in support of HB-6643, which expands
opportunities for municipalities to regionalize animal control facilities. More specifically, I'm asking you all to take a look at the current section CGS 22-331A that discusses the ability for municipalities to work together to partner in a region. Currently the -- that section limits towns working together. They have to be with populations 25,000 or less. So this puts a cap on those municipalities that would like to partner with others.

For example, in my testimony, I indicated that -- I used the example of Farmington which has an estimated population of 26,000 and Torrington which has an estimated population of 35,000 or 36,000. That precludes them from working with some of the other smaller towns and joining together in partnerships to establish regional animal control facilities.

So the reason I feel this is important bringing this to your attention is is that in each of the regions, cities and towns across the state, we're all looking forward as the elected officials opportunities to reduce our costs by participating together and creating partnerships.

Currently this will be a very favorable measure because it would allow the growing population of animals -- specifically dogs and cats -- to be assisted and taken care of in more modernized facilities. In 2013, the Northwest Hills Council of Governments completed a regional animal shelter feasibility analysis and concluded that a regional approach to a shelter is feasible and desirable.
The analysis also confirmed that a regional animal shelter enhances the level of care provided for sheltered animals, enables participating municipalities to achieve cost efficiencies through a coordinated animal control program.

So just in conclusion, by increasing the population threshold from 25,000 to 50,000, HB-6643 addresses this concern and it paves the way for regional approach to providing animal control services. There are currently ten regional animal shelters in Connecticut which have demonstrated that regional approaches to animal control are successful in saving towns money and enhancing care for sheltered animals.

I appreciate the time that you've given me this morning to discuss this and I'd be happy to answer any questions you might have.

SENATOR COHEN (12TH): Representative Piscopo.

REP. PISCOPO (76TH): Thank you, Madam Chair. Good morning, Ted, I just want to welcome my friend, Ted Shafer from Burlington, the First Selectman of Burlington. I appreciate your testimony on this.

How far along are we with Farmington if this bill were to pass this year? Has there been preliminary talks, have you laid the groundwork?

TED SHAFER: There have. Thank you, John, it's good to see you and thanks for all you do for Burlington.
To date, I have had conversations with Kathy Eagen, the Town Manager and with the Chief of Police, Paul Melanson. They've been preliminary in nature, they have a strong interest in partnering with Burlington and other towns, if possible. We've gathered numbers, we've discussed the possibility for processes and so far the preliminary analysis looks good. Looks like we would have some cost savings, we would provide enhanced services.

Also, last year Senator Miner led an effort in my region for the city of Torrington looking at the same type of opportunity in terms of these population caps and I believe that measure passed in the Senate last year. So I'm hoping there can be a renewed look at this. I think it would benefit the residents of the state of Connecticut.

Thank you, John.

SENATOR COHEN (12TH): Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Madam Chair. This bill, it seems like the only thing this bill does is it raises the size of the towns from 25,000 to 50,000.

TED SHAFER: That's true. That is correct.

REP. DUBITSKY (47TH): Do you -- what is the purpose of having a limit, do you know?

TED SHAFER: I'm not aware of the legislative history involved. This was -- this was written decades ago, I imagine. And so I don't have the
answer for you but I'm sure it might be found in the legislative history. I could not find anything that would -- that would be negative towards keeping the -- increasing the caps.

REP. DUBITSKY (47TH): Do you see any -- any downside to just eliminating the cap altogether and just saying that any municipalities can jointly work together on a pound facility?

TED SHAFER: I think that would be something that I would appreciate if the Committee could take a look at. Personally, I think that would be something we should strive for. If you put the population cap to 50,000, that precludes the larger cities and I think that there's opportunity now, I think there's a lot of interest in the towns working with the cities if possible.

Currently, right now animal control services are being strung together or patched together in different ways. I know Farmington is using a combination of veterinary services in the area; Burlington has opened up its facility when Farmington is in need. I know that Torrington is looking to upgrade. There must be larger cities and municipalities that can benefit from this also.

REP. DUBITSKY (47TH): Thank you. Thank you, Madam Chair.

REP. DEMICCO (21ST): Thank you, Madam Chair. Ted, thank you for coming to testify, thank you for your written testimony as well as coming here today and thank you to the Town Manager in Farmington, Kathy
Eagen, for sharing or joining in the testimony with you.

So I had a short question, quick question. The statute as currently written talks about 25,000, which you want to increase it to 50,000 for practical reasons. But the statute also talks about contiguous towns. Is there any reason why they need to be contiguous as far as you know?

TED SHAFER: No. No, that was a point I was also gonna make is that there seems to be no reason to continue with the contiguous town restriction. As I mentioned earlier, Torrington, I know a lot about that because it's in my region. Burlington is not contiguous to Torrington but was interested in the initiative for a regional animal control center for the reasons I mentioned earlier.

So looking at the contiguous language, I think would be much appreciated.

REP. DEMICCO (21ST): Thank you.

SENATOR COHEN (12TH): Representative Palm.

REP. PALM (36TH): Thank you, Madam Chair. The use of the word animal control shelter in the title and then in the body language of the bill, it refers to dogs and dog pounds. Do you know or does anyone know if this would also apply to cats -- feral cats -- or rabid raccoons or anything else that might be controlled by a warden or is it just dogs?
TED SHAFER: I know that Burlington does allow cats into our shelter. Most of our raccoons and other animals are managed by the DEP and those enforcement officers and their facilities. So I think we would be limited, at least in Burlington and I think a lot of our other peer towns and cities, to dogs and cats.

SENATOR COHEN (12TH): Okay, seeing no other questions, thank you Mr. Shafer, for your testimony.

TED SHAFER: Thank you very much for your time.

SENATOR COHEN (12TH): And next it looks like Derrylyn Gorski, First Selectwoman of Bethany. Welcome.

DERRYLYN GORSKI: Good morning and thank you for this opportunity. I would be testifying on House Bill 5254 and I want to thank the Chairman Cohen and Demicco and the members of the Committee for this opportunity.

This is a -- House Bill 5254 will establish a -- would establish a pilot program authorizing municipalities to impose a buyer's conveyance fee on real property and use those funds to purchase and steward open space.

As First Selectman of Bethany, the -- they just brought this to my board and we are all in agreement that this would be a good option for Bethany in terms of a revenue stream for open space.
Bethany, as well as many of the other towns are constrained by state budget cuts. The uncertainty about how the state's unfunded pension liability will impact the towns is something that enters into our budget decisions and we still don't know what's going to happen with that. The previous administration's proposal would have completely wiped out the town road budget or my entire public safety budget.

So it's a real concern for small towns what's gonna happen with the unfunded pension liability moving forward. So this would give us a creative way to possibly raise funds.

When I was elected in 2003, Bethany had -- was part of a regional school system and a regional animal control. We have since joined a regional health district, a regional transit district and a regional PSAP. So Bethany is pursuing options to see where regionalization can provide better services and/or cost savings.

Bethany is committed to preserving open space. We have had a land acquisition fund since 1974. Unfortunately, that fund is -- has to be -- that appropriation has to be approved at our annual town meeting and depending on what's happening in a given budget year, it fluctuates from no contribution to about $100,000 dollars. So this would provide a steady revenue stream for us.

Bethany is an old farming community. The older generation, they're now in their eighties and nineties and most of their children or grandchildren do not live in town. So we have large tracts of
land that will be coming available that we would like to protect. We were able to protect -- we did development rights on about 134 acres and we were able to purchase 74 acres with the help of some grants but that purchase two years ago pretty much wiped out our land acquisition fund.

So we are -- this would really provide something very helpful for the town. According to our town clerk, Bethany's 25 percent share of the current one percent real estate conveyance tax is about $54,000 dollars a year. So that's a -- when you consider that that money could possibly be put aside towards land acquisitions, that would be great.

The - when the selectmen discussed this as a possibility, we were thinking of setting it at just a half percent and the threshold in the legislation -- proposed legislation -- is $150,000 dollars and we thought we would maybe raise that to $200,000 dollars.

But whatever we do, it has to go to a town meeting and be approved by the voters. So we're not -- we're not asking for a state mandate here, we're asking for an option. For some flexibility at the local level to help -- to fund something that is desirable by Bethany -- frankly for the state. The rural towns make the state beautiful.

People don't move to Bethany because it's convenient, it takes you 20 minutes just to get a gallon of milk. This, you know, we don't have much of anything. We are a rural, the only rural town in New Haven County. We have no municipal water or sewer system which limits our commercial development severely. We are a water supplier for the city of
New Haven and for the -- and Naugatuck. So our land and our lakes provide water for the city but that comes at a cost to the residents. I would say it's not really a cost because it helps us to preserve the beauty of the town.

But with these large tracts of land that will be probably coming up in the very near future, this would really provide some help for us. So thank you. Any questions? I hope you're all in agreement.

SENATOR COHEN (12TH): Representative Demicco.

REP. DEMICCO (21ST): Hold on one second. If you don't mind, I have to -- thank you for coming and testifying, I appreciate it. I have to ask the elephant in the room question, I suppose. Have you spoken with the realtors in Bethany and gotten their take on this, if I may ask?

DERRYLYN GORSKI: One of my best friends is a realtor and of course they disagree on this. But we're not doing this for the realtors. People don't move to Bethany just for the housing, they move for the environment. When you can leave your house in Bethany and if the trains are running on time and there's no traffic on the Wilbur Cross Parkway, you can be in Grand Central Station in two hours. That's a nice quality of life and the -- you disagree with your friends but I think that most, certainly any of the residents that I spoke with are in agreement and again, bipartisan support of the Board of Select. And the Board of Finance, for that matter.
REP. DEMICCO (21ST): I appreciate that and did I hear you mention something about using -- using this money for purposes beyond what's listed in the bill or did I misunderstand you?

DERRYLYN GORSKI: Yeah. No, no, well it's for -- we use it for appraisals and you know, basically for purchasing or preserving open space farmland. That type of thing.

REP. DEMICCO (21ST): Okay, I thought you had suggested something else. Okay.

DERRYLYN GORSKI: If I did, I didn't mean to.

REP. DEMICCO (21ST): Okay, very good. All right, thank you.

DERRYLYN GORSKI: Okay.

SENATOR COHEN (12TH): Representative Dillon.

REP. DILLON (92ND): Thank you very much, Madam Chair. Just quickly, you did mention that your town is a source of water to regional areas. Do the watershed lands pay taxes?

DERRYLYN GORSKI: Well, roughly 30 percent of Bethany is owned by either Connecticut Water or Regional Water Authority. So we're on -- they're on pilot which, you know, is a never funded at what it should be funded at, but.

REP. DILLON (92ND): So the Regional Water Authority does not pay taxes to you?
DERRYLYN GORSKI: Well, they do, it's in the form of the pilot program.

REP. DILLON (92ND): Well, then that's the state. Not the pilot.

DERRYLYN GORSKI: We get -- we get a percentage of their -- it's not a regular property tax like a farmer would pay, it's a different program but yes, we do get money from the Regional Water Authority.

REP. DILLON (92ND): Okay, thank you. I'll probably look into this a little more. That's one elephant, there's a lot of elephants, actually, on some of this. But thank you very much.

SENATOR COHEN (12TH): Representative Dubitsky.

REP. DUBITSKY (47TH): Hold on. Hold on a minute.

REP. DILLON (92ND): Oh, just one moment. Sorry, a couple more questions tops, possibly. At least one.

SENATOR COHEN (12TH): All right, Representative.

REP. DUBITSKY (47TH): Thank you, Madam Chair. When the town purchases these properties, what's it gonna do with them?

DERRYLYN GORSKI: Well, they're pats of recreation, essentially. We, obviously the farmland development rights, the property continues to be owned by the farmer and but it's restricted to only farming-related activities.

When we purchase open space like the forested parcel that we purchased, that's open for passive recreation -- hiking, yeah. Hiking, horseback riding, there's a lot of horses in Bethany, that type of thing.
REP DUBITSKY (47TH): Okay, so with the farmlands, you're not purchasing the land itself, just the development rights?

DERRYLyn Gorski: In most cases, yes, but not always. I mean it depends on what the situation is and what the farmer wants to do with the property but the recent purchase was a combination of developmental rights and an outright purchase of roughly 80 acres of another parcel.

REP. DUBITSKY (47TH): Okay, all right, thank you. Thank you.

SENATOR COHEN (12TH): Okay, thank you, First Selectwoman. Next on the list is John Elsser of Coventry. Mr. Elsser. Welcome.

JOHN ELSSER: Thank you very much, it's good to be here today. So I appreciate you got my name right which is a miracle. So I appreciate it.

So it's my honor to speak before you today. This is a good idea, has a good way of coming back and this was passed by the Environmental Committee last year and made it through to Planning and Development and we hope that that will happen again today.

So I'm here in support of Committee Bill 5254 which you just heard about on the option of one percent conveyance tax. As Town Manager of the Town of Coventry, I'm writing to express our support and the support of our Town Council Chair Joan Lewis [phonetic], former State Rep to enable a local option for land conversation stewardship funding.

If an act that the legislation would allow but not require certain towns and cities to establish a fund
to acquire, preserve and steward open space and farmland at the municipal level by including a conveyance fee of up to one percent paid by the buyers of residential real estate.

The Town of Coventry is listed as a potential town on that bill and we'd like the option to allow our residents to decide whether or not to adopt this funding mechanism.

Town of Coventry, like most Connecticut towns, is feeling constrained by state budget cuts and is looking for more creative options to fund land use projects that enhance the local economy and quality of life for our residents.

If approved by Coventry residents, this program would provide our community with a sustainable source of funding for local conservation and stewardship efforts that would not impact a municipal mill rate or acquire additional bonding.

It would also allow our town to fulfill match requirements for state and federal grant programs, cover the cost of expenses associated with acquiring land like appraisals, surveys, brown mole assessments, etcetera, and better maintain the town's open space properties and farmland and also assist in working with invasive species control.

This bill would assist the Town to reach our goal of open space conservation. We set our goal to match the State's goal for open space. We believe that exempting the first $150,000 dollars of value from the tax will mitigate concerns about the negative impact on affordable or attainable housing.
Our estimate is at the very low end of a .1 percent buyers tax, our local option if we chose one point -- .1 percent of the one percent -- that would bring in less than $25,000 dollars annually which is the amount we currently were forced to cut from our budget for our open space fund due to State budget cuts.

In this example, the buyer of a $250,000 dollar house, which is very common in our town, would pay .1 percent on $100,000 dollars or $100 dollars. This seems to be a reasonable amount to us. This also would seem fair since the new residents are benefitting from prior town expenses on open space and it may be a partial reason for their selection of the location to move to.

Connecticut's natural resources are what make the state such a wonderful place to live, work and recreate. Providing communities with tools to take a more active role in the conservation and stewardship will help keep it that way for generations to come.

We appreciate your consideration of this -- this bill and I'd be glad to answer questions.

SENATOR COHEN (12TH): Okay, thank you.

JOHN ELSSER: Thank you.

SENATOR COHEN (12TH): Okay, Mr. Christopher Pia, Town Council member of Stratford. Welcome.

CHRISTOPHER PIA: Good morning, Madam Chair and the rest of the Committee. Just wanted to take a moment and thank my State Representatives Gresko and
McGorty for inviting me up here to offer some testimony.

I'll be speaking on behalf of HB-5092. HB-5092, as you are aware, is AN ACT PROHIBITING THE DISTRIBUTION OF UNSOLICITED MARKETING FLYERS TO HOMES.

Speaking on this behalf and it's rather good timing to be talking to you today as myself, I'm a member of the Town Council in Stratford and the Town Council on January -- excuse me, on January -- on January 14th, revised looking at this, our own ordinance regarding commercial handbills and littering. And I have a copy of that here.

We're also going through it right now at this time and making recommendations to change commercial handbills to a form of litter and I'll explain why that is in a moment. That motion from the Council passed unanimously and bipartisan support to send it to our Ordinance Committee on January 28th and right now that was -- that meeting held just over a week ago went very well and it's going back to the Council for further approval on this.

The reason for it is my district and the first district along the water in Lordship and up the Housatonic, I've spoken to many, many constituents over the past -- just over a year now -- and regarding this and the frustration of the commercial handling of packages which most of the time always come in plastic bags, get thrown on the lawns, get thrown in the middle of the street, get thrown in catch basins and it's really, in addition to litter, it is argued to as an environmental issue.
I had spoken with people, as I mentioned on both sides of this and truly, it is becoming very frustrating.

I'm also, I have the unique opportunity of being the Chairman for our local Water Pollution Control Authority so I've spoken to the Director of the WPCA and gotten their take, the town engineer and pretty much everyone is complete -- in unison on moving this forward and identifying those commercial handbills as litter to one, help the people getting it thrown on their lawn and I, myself, I can't tell you how many times I take care of -- and especially the winter time, snow blowing a couple of my elderly neighbors' driveways and just last winter in one of the, you know, nine to 15-inch snowstorms, I got one of these caught in my snow blower and I had to stop and shovel the rest of her driveway because I wasn't putting my hand in the snow blower. That's what your mother tells you, right? So from a safety issue perspective as well, I encountered that on my own.

Would a -- this is my first time testimony -- testifying in Hartford and I want to thank you for the opportunity and I welcome any questions you have. But I just wanted to fill you in on what we're doing in Stratford and it's going forward well.

SENATOR COHEN (12TH): Thank you. I have a couple of questions. You mentioned that you at Stratford had looked at their own ordinance.

CHRISTOPHER PIA: Yes, ma'am.
SENATOR COHEN (12TH): Is there a reason why that didn't pass or was it just something that you're still looking into? Could you give me a little bit of detail on that?

CHRISTOPHER PIA: Sure. So this had started to come to my attention for many constituents over the past six months so I -- for some administration regarding what our ordinance actually was pertaining to these commercial handbills and I would be happy to submit our current ordinance as it is as part of my testimony.

But what we found is the commercial handbills did not fall under the litter column of that. It's just the way our current ordinance was. So the purpose of sending it to Council and then sending it to Ordinance over the past month was to essentially revise that and a few other things in terms of enforcement as well. But that was how we got to this point.

SENATOR COHEN (12TH): Thank you and what did you envision as a Town Council this to include in terms of unsolicited marketing flyers. Were you envisioning newspapers in bags and could you just expand a little bit upon what you were thinking?

CHRISTOPHER PIA: Sure, so what I was thinking, and I read ordinance and cross-referenced it with the bill proposed. I agree with the bill proposed and its wording, my only concern and I made note in the Ordinance Committee for the Town on record was this would not obviously have any issues with not-for-profits or you know, my next door neighbors' children want to put on a town -- you know, they're in the town play at the local school, I don't want
any issues regarding that. This was really pertaining, as it was clearly written up that any commercial handout from the premise regarding unsolicited marketing materials that I happen to see them in my own community as coming in the plastic bags and can't tell you how many times I've seen them get caught in the catch basins which go down into the source.

SENATOR COHEN (12TH): Thank you. Any other questions?

REP. DEMICCO (21ST): Thank you for coming to testify and I'm glad that Stratford is going through this right now because you can obviously -- and have shed some light on this whole thing.

So just so I'm clear, this bill only pertains to commercial literature as I'm reading it.

CHRISTOPHER PIA: Commercial, correct.

REP. DEMICCO (21ST): And what's going on in Stratford, just refresh my memory why -- I guess my question is, why can't Stratford do this through a municipal ordinance versus requiring the state statute to be involved?

CHRISTOPHER PIA: We can and we're moving forward on it. This happened to come up unbeknownst to me from my State Representatives that the state was working as well on this behalf so I felt, and we felt, that it would be an excellent opportunity to basically talk about it together.

We do want to move forward on it, we are planning on moving forward on it and we're in the midst of
tweaking a few things but just thought that was good timing.

REP. DIMICCO (21ST): Thank you.

CHRISTOPHER PIA: Thank you.

SENATOR COHEN (12TH): [Background comments and laughing] Thank you, Representative.

CHRISTOPHER PIA: It's gonna get caught in the catch basin.

SENATOR COHEN (12TH): Thank you. Thanks for joining us today. Okay, before we move on, I just want to welcome Representative Rebimbas. Thank you for joining the Committee, we're happy to have you here.

Okay and next on our list is Representative Steinberg. Is Representative Steinberg here? Oh, he is here. Taking a little break from public health, I see.

REP. STEINBERG (136TH): Always a pleasure to come before the Environment Committee and yes, I am taking a break so my Co-Chair is chairing the public hearing right now.

I am State Representative Jonathan Steinberg, 136th District, Westport. I'm here before you to testify with regard to the fracking waste ban bill. I forgot the number but I'm sure you're on top of it. Thank you.

So those of you who've been around a while will recall that I was very involved with the initial fracking waste ban bill that originated in Energy and eventually became a moratorium in the
Environment Committee. And not for the first time, we're here again to talk about a permanent ban as opposed to a moratorium.

There is a reason for us to be talking about it. The moratorium to a greater or lesser degree has lost a bit of its force of law and it is important for us to sort of shut the door and not leave any wiggle room for the prospect of that existing moratorium to be weakened.

If you recall, years ago when we were first considering a ban, New York State was contemplating whether or not to ban the hydraulic fracturing itself which if Governor Cuomo had decided differently would have brought fracking right to Connecticut's borders. And the prospect of fracking waste being transported, processed, stored in any sense in the State of Connecticut was real and imminent.

Since Governor Cuomo chose quite sensibly to ban fracking in the State of New York, some of that urgency has been reduced.

Secondly, some urgency has been reduced because there's been a little bit of a lull in the pace of growth of hydraulic fracturing nationwide which is mostly related to lower natural gas prices which has reduced the profit margin and therefore the attractiveness of opening new wells across the country but I would submit the history of petroleum-based fuel extraction would suggest that this is a cyclic situation and the prices are certain to rise.

And that's compounded by the reality that with every day that America espouses its energy independence
through reliance on petroleum fuels, we are working through the low-hanging fruit in terms of the natural gas that can be extracted leaving in our remaining -- our resources -- more and more natural gas that can only be extracted via hydraulic fracturing.

So I would submit that we are on the cusp of seeing both an increase in natural gas prices that will increase the profitability of companies doing fracking activity and there's also a greater likelihood that any extraction taking place in the future will more likely be fracking.

Therefore we have the imminent concern once again that we do not want to bring fracking waste into the state of Connecticut. I don't think I need to review for you all the deleterious elements of heavy metals, normally occurring radioactive material and other stuff that comes out of those wells that we do not want in the State of Connecticut in any which way. And I'm glad to answer any questions.

SENATOR COHEN (12TH): Representative Harding.

REP. HARDING (107TH): Thank you, Madam Chair. Representative, good to see you, I thank you for taking time away from Public Health.

My question is in regards to the bill that we had passed in the House previously and the bill good that's before us now. A lot of advocates I've spoken with have said that the bill that was passed in the House, I think it was two years ago now, was not strong enough, had too many loopholes. You seem to be well-versed on this issue. I don't know if you could elaborate on what was missing in the bill
two years ago and what's currently in this bill before us now.

REP. STEINBERG (136TH): I'll do the best to my recollection, Representative. I do know that we have in the past offered a carve-out for research which I think is sensible because the amount of waste that could be used in that context is limited, it's modest. I don't see that necessarily as a loophole that is problematic.

I think that the -- actually the basis of the moratorium we had in place initially is still a good basis for a permanent ban. We have to think about all the potential encouragements of fracking waste in the State which is not simply transport through the state but more importantly, storage or some attempt to process fracking waste.

There's plenty of studies now that indicate that your standard wastewater treatment plant cannot manage it without really destroying basic elements of that processing plant. That we have not really identified yet an effective way to process fracking waste. So therefore I would argue on the side of being as stringent as possible.

There were some concerns at one point about effectively giving fracking waste away to get rid of it to be used in lieu of road salt, for example, which would be a very scary proposition in my view.

So without getting specific, I don't think I can really answer your question, Representative. I would argue to be as complete and as rigorous as possible across the board in limiting fracking waste in the state of Connecticut.
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Thank you, Madam Chairman, I thank you for your advocacy and good to see you here. Thank you.

SENATOR COHEN (12TH): Representative Dillon.

REP. DILLON (92ND): Thank you very much, Madam Chair. Representative, was this the issue in which the department failed to do regulations?

REP. STEINBERG (136TH): If I understand the Representative's question, there are really two aspects to it. The moratorium was predicated on the assumption that DEEP would promulgate specific regulations going beyond the existing hazardous waste regulations for this case but was also predicated on the assumption that the fracking companies would share information about the various materials they were using in the fracking process so we have a better understanding of our ability to manage or not be able to manage those materials.

From my understanding is that never transpired. So that aspect to fulfill the requirement for DEEP to promulgate regulations never happened. That's one reason the moratorium is still in place, because that never happened. But that could happen tomorrow in which case we would no longer have the force of the moratorium itself.

REP. DILLON (92ND): So that indicates we have some work to do and maybe I shouldn't have used the fail because it sounds like I'm blaming someone and I don't know where the issue is but there was an expectation or a hope of that, that there would be regulations promulgated and that did not happen.

REP. STEINBERG (136TH): That's my understanding, Representative.
REP. DILLON (92ND): Thank you.

REP. STEINBERG (136TH): If I might beg the indulgence of the Chair for one more comment on a slightly related subject. I just wanted to make everyone aware of an event that's taking place this Saturday in the town of Westport at Compo Beach at 1:00 p.m. Our own Senator Haskell and I will be hosting a precedent to talk about banning plastic bags.

As some of you may be aware, Westport is the first community in the state to ban plastic bags but more importantly focus on the ability to change behaviors and move towards use of reusable bags. And we invite all the members of this Committee and the legislature and the public to join us at 1:00 Saturday, Compo Beach, Westport. Thank you.

SENATOR COHEN (12TH): Thank you, Representative. Okay, thank you. Oh, sorry, Representative Gucker.

REP. GUCKER (138TH): Sorry, I'm a little new to this. Usually I'm sitting on that side of the microphone making testimony, not asking actual questions.

Can you go over maybe some of the dangers as far as the chemicals that are involved in the fracking waste? I know there's been discussion, like you said, about using it on road salt, etcetera. But what the hazardous aspects of that are?

REP. STEINBERG (136TH): It's particularly scary, Representative. There are the things we know that are typically used in the fracking process. Obviously a ton of silicone or sand, tremendous amounts of water, which are virtually impossible to
be cleaned. We're talking about millions of gallons of water for each fracking well.

The things we focus on tend to be VOCs, heavy metals, many things that are very difficult if not possible to separate from the water. Often the waste is reduced to some sludge but even then, I'm not comfortable that the water itself is -- is truly clean and certainly not potable in any sense and there are plenty of stories along those lines.

In the case of the Marcellus shale which is present in Pennsylvania and New York State, we have the added concern about NORM, Normally Occurring Radioactive Material, which is found in levels many, many times higher than is considered safe and it's just not the kind of thing you wanna be bringing into the State of Connecticut, if that answers your question.

REP. GUCKER (138TH): Yes, thank you, it does. And thank you for coming forward with this testimony.

SENATOR COHEN (12TH): Okay, thank you, Representative.

REP. STEINBERG (136TH): Thank you.

SENATOR COHEN (12TH): Sorry, Representative Reyes.

REP. REYES (75TH): Thank you, Madam Chair. Representative Steinberg, good to see you here, thank you for your advocacy. Just for my own edification, how many other states have already impacted such a ban and are we aware of any such infractions here in the State of Connecticut.

REP. STEINBERG (136TH): Good question, Representative, both questions. I am not aware of
any entity in the State of Connecticut currently working with fracking waste and that includes research.

There had been instances in the past, I've heard, where that has taken place, you know, it was before our moratorium.

With regard to other states having done so, I'm not sure. I wouldn't be surprised if another state has but I can tell you for a fact that municipalities, and I think it may be in some cases counties -- in New York State and Connecticut are already going down this path. There's momentum behind us and it'll be only logical for the state to complete its work that it started with the moratorium.

REP. REYES (75TH): Thank you, Representative. Thank you, Madam Chair.

SENATOR COHEN (12TH): Representative Demicco.

REP. DEMICCO (21ST): Thank you, Madam Chair. Thank you, Representative for coming to testify and we'll let you get back to Public Health. Just one quick question. I know you're familiar -- very familiar with the State's comprehensive energy strategy. We have a piece of testimony in front of us on this bill that asserts that this particular bill is inconsistent with the state's comprehensive energy strategy in that the state is -- relies pretty heavily on natural gas and that this would represent an inconsistency. That we want the natural gas but we're not willing to deal with the byproducts of the process of extracting that natural gas. I'm just wondering if you would care to comment on that.
REP. STEINBERG (136TH): Thank you, Mr. Chair, for that opportunity. Yes, the comprehensive energy strategy over the years has put some emphasis on the importance of access to natural gas for electrical location and also for, in some cases, provided heat to homes. I don't fully agree with that strategy. I think that it leads us down a path to building out pipelines that by the time we're done, hopefully we will not need to that degree because we'll have may be important shift to renewable energy and storage. So I do understand that that may be a current pillar of the comprehensive energy strategy. I hope it would be a short-term one.

Secondly, I would argue that there is still a distinction between accessing that for gas and accessing fracked natural gas. And we may still currently be in a circumstance where we can obtain adequate supplies of natural gas that does not come from fracking. I think that gets harder and harder with time which to my point is all the more reason to shift away from fossil fuels towards renewable energy. And I would like to see the state's comprehensive energy strategy amended to reflect that inevitable future.

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

SENATOR COHEN (12TH): Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair, thank you, Representative Steinberg for your advocacy. Just for as a point, do you consider gas extracted through fracking as a green type of energy?

REP. STEINBERG (136TH): Thank you for that, Representative, an argument is sometimes made that
relatively speaking natural gas is preferable to oil, certainly coal.

I think that is only reasonable from a relative standpoint and there are many studies as to the deleterious effects on the environment, on healthcare, with regard to natural gas and I believe at best it is a very short bridge to our future and I do not agree that that is something that we want to emphasize as being environmentally preferable any more than I believe in clean diesel. Thanks very much.

REP. MICHEL (146TH): Thank you. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Up next is Senator Catherine Osten. Senator.

SENATOR OSTEN (19TH): Thank you, Senator. Good morning everybody, my name is Cathy Osten, I'm the State Senator for the 19th District and today I'm speaking on a relatively -- on a non-controversial item and that is to remove the production of honey and maple syrup out of the cottage food products and put it back under the Department of Agriculture.

I've already provided you with my testimony, I don't think I need to read it to you. I trust that each and every one of you can have access to this material and I've also put a research report here on maple syrup production requirements.

I think that this is a far better place. I've talked with the Department of Consumer Protection, they're interested in seeing this happen also. They may be providing some additional language that they would like to see in this and this is supported by
the rural caucus also and I think that this is a good pro-business move.

Thank you very much. Any questions?

SENATOR COHEN (12TH): Thank you, Senator.

SENATOR OSTEN (19TH): See, I told you it would be non-controversial. I'm all set, thank you.

SENATOR COHEN (12TH): Just one moment, Representative Demicco.

REP. DEMICCO (21ST): Senator.

SENATOR OSTEN (19TH): Somebody's throwing paper bags out there now.

REP. DEMICCO (21ST): I'm not sure if it's controversial or non-controversial but I just need to understand. So what is the change that's being proposed and why do we need to make this change?

SENATOR OSTEN (19TH): The change is to remove maple and honey -- maple syrup and honey over -- under the auspices of the Department of Agriculture. Under the cottage food, there was onerous regulations that did not really have actual import on the production of both maple syrup and honey and they were unnecessary and they were creating a certain amount of angst among the producers of both honey and maple syrup and implicating their ability to grow their business, so.

REP. DEMICCO (21ST): I guess my question is would the Department of Consumer Protection agree with that?

SENATOR OSTEN (19TH): They did.
REP. DEMICCO (21ST): They did.

SENATOR OSTEN (19TH): Yes. I talked to the -- part of my testimony is I talked to the Department of Consumer Protection, they said that the honey producers -- not the bees but the producers -- [laughter] not certain, maybe they consider the bees. But and maple syrup, they consider them to be too difficult to be part of the cottage food industry and they would rather they be under the Department of Agriculture.

REP. DEMICCO (21ST): All right, thank you.

SENATOR OSTEN (19TH): Any other non-controversial questions? Very good, you guys all have a wonderful day.

SENATOR COHEN (12TH): You, too. Okay, because we started a little late, we are not quite at an hour yet so we only have a few more of these legislators to hear from and constitutional officers. So next is Representative Delnicki.

REP. DELNICKI (14TH): Good morning everyone, my name's Tom Delnicki, State Representative 14th District, South Windsor.

This may be a little more controversial than honey bees and honey. I'm here this morning to speak in favor of Senate Bill 232, a bill that concerns gas leakage from pipelines and reducing it.

You know, it's hard to believe that we accept a three percent leakage from a gas pipeline, natural gas. And that's allowable and the consumer gets billed for it in their bills. It just doesn't make any sense.
At the metropolitan district, I held an Underground Storage Tank I and II license which deals with fuel oil, deals with gasoline and other consumables like that. And we literally had to report any loss whatsoever and had to do a daily audit through a computerized system on our tanks.

Here, you can have a three percent leakage based on current statute and you don't have to report anything above -- below that, I should say. This legislation would change that to one percent.

If you think about it, it touches three areas -- it touches safety, it touches the environment and it touches the consumer safety because natural gas leakage at a high enough level can cause an explosion.

The environment, you certainly don't want natural gas leaking into the environment from the standpoint of the air pollution that it can produce being unburnt.

And the consumer having to pay for it in their bills for the loss in the system.

This really needs to be addressed and I'm surprised to have read that we were at three percent and I think every source has a responsibility here and the operators have been -- whatever pipelines there are in the State of Connecticut -- to ensure that there is minimal, if any, leakage from those lines.

It's a common sense approach and I wholeheartedly support it and I welcome any questions pertaining to the bill. Thank you, Madam Chair.
SENATOR COHEN (12TH): Thank you, Representative. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Madam Chair. I have to admit that I haven't checked to see if there was an analysis but do you have any idea what the cost of imposing this new restriction would be and who would ultimately pay that cost?

REP. DELNICKI (14TH): I do not have that analysis but I can talk dollars and sense from the standpoint of Eversource and their fiscal stability.

Third quarter earnings for Eversource were $289.4 million dollars compared with a $260.4 million dollars previous year. So they have a substantial amount of profit margin there.

I would say that Eversource would have to pay for this out of their own pocket because quite frankly, they've been profiting from the losses right along. And when I say profiting, they're passed on to the consumer.

So what is the encouragement for Eversource if they have leakage below three percent to do anything about it? They really don't have an economic incentive to do something about it. This would encourage them to act upon an audit of their system which they should be doing to see where the leakages are occurring and remedial action taking place there to eliminate the leakage so that they have a safe system, the consumer doesn't see a higher cost because of the loss and quite frankly, it's reflected in the environment, too.

REP. DUBITSKY (47TH): So are you saying that Eversource would bear the cost of not only the
leakage, the gas that's leaking but also the repairs?

REP. DELNICKI (14TH): I'm saying that they have the economic wherewithal to handle that ability. To do it. Based on what their profits and their earnings have been and what they continue to be.

REP. DUBITSKY (47TH): Okay, but under this bill, do you know where that cost is allocated?

REP. DELNICKI (14TH): I do not have that information because it's not stated in this bill, per se. But I would say that it would be -- it would be the responsibility of the operator, the owner of the system, the maintainer of the system which in the case of the gas in this area, it would be Eversource.

REP. DUBITSKY (47TH): Okay and it's your feeling that they should not be allowed to pass those additional costs onto their repairs?

REP. DELNICKI (14TH): My feeling is this -- they should not be allowed to pass the losses of gas leaks into the environment onto their consumers. And quite frankly, those gas leaks, I believe, would go away fairly quickly if they had to actually take and maintain their system appropriately to eliminate them.

REP. DUBITSKY (47TH): Okay, thank you.

REP. DELNICKI (14TH): Thank you.

SENATOR COHEN (12TH): Representative Harding.

REP. HARDING (107TH): Thank you, Madam Chair -- Madam Chairman. Could you -- good afternoon,
Representative. Just to follow up on some of Representative Dubitsky's question, do you have a number of how much Eversource or any natural gas company would be charging -- or charging customers statewide for leakage?

REP. DELNICKI (14TH): They're allowed to pass on up to a three percent loss to consumers. So they have that ability to pass up to a three percent -- I would call it a surcharge, you might say, onto the consumers to pay for that loss. Dollar and cent-wise, I do not have that, I only have percentages.

REP. HARDING (107TH): Okay and so obviously, this leak that they're passing on to the consumers has nothing to do with the consumer's usage and simply to do with infrastructure issues within their system, correct?

REP. DELNICKI (14TH): Correct.

REP. HARDING (107TH): So essentially you have consumers paying for gas that they're not using.

REP. DELNICKI (14TH): And I go to line 29 of the Committee Bill 232; no gas company may recover cost associated with any lost or unaccounted for gas. So that's actually new language to the statute if it is accepted and passed.

REP. HARDING (107TH): I appreciate your time, thank you Representative.

REP. DELNICKI (14TH): Thank you.

SENATOR COHEN (12TH): Representative Palm.

REP. PALM (36TH): Thank you, Madam Chair. Good morning, Representative. In the course of talking
to some small businesses in my district, I spoke with an oil distributor who was a third generation company in the town of Essex and he was very concerned about the inequity that this allowance of leakage poses to oil distributors like him. And if we just remove for a minute the green aspects or lack thereof of oil versus gas, would you agree that this allowance for gas producers is a -- gives it an unfair advantage over oil producers or distributors who currently do not have any allowance of leakage? Would you agree with what I was told?

REP. DELNICKI (14TH): Yeah I would and let me amplify on that to a degree. Somebody who sells oil, if they were to lose three percent of their inventory, would be held accountable by DEEP. If they were to lose three percent of their inventory in the process of transporting it to and from a customer, again -- severe ramifications there.

And quite frankly, if I were the customer, the end user, and they lost three percent of what they were delivering to me on my lawn, then there would be a high degree of accountability there.

It almost seems as if there's different rules depending upon how the product is delivered whereas there should be a standard set of rules pertaining to it. I don't know what the rules are that apply to some of the jet-age transportation lines that run but I have a feeling that they have a pretty high level of accountability there on that type of fuel that's being transported and I suspect that they're held to a different standard than they purveyors of natural gas would be.

REP. PALM (36TH): Thank you very much. Thank you.
SENATOR COHEN (12TH): Thank you. Representative Demicco.

REP. DEMICCO (21ST): Hi, Representative, thank you for coming to testify. I just have one question for you. So it -- the bill, it is going to -- is proposing to change the threshold from one percent -- excuse me, from three percent to one percent, correct?

And we have testimony in front of us today that -- from someone else -- that suggests that that measurement is difficult to achieve for various reasons; temperature and pressure variations, timing differences between when gas is measured coming into the system versus measuring it when it's leaving the system and various other things.

Would you care to comment on that for us?

REP. DELNICKI (14TH): Let me speak from my background having been in charge of facilities at the metropolitan district. There should be standards in the measuring equipment that will allow you to have a standard cubic foot based on temperature that could be corrected. I have to believe there would be a reference to that.

What we're talking about here is we're talking about actual leakage from the system and the fact that there is presently a three percent allowable leakage. And it seems to me that lowering it to one percent makes all the sense in the world from the standpoint of again, I go back to safety. I go back to the environment and I go back to the consumer.

Now it might require calibration of equipment, maintenance of metering equipment to make that
determination. But again, I have to believe that it's available in the technology that we presently have for measuring -- the rate of flow, the cubic feet per minute and the volume of gas that goes through a line.

REP. DEMICCO (21ST): You would know better than I would, Representative, so thank you for that but so I guess you're telling me that you would discount this argument that it's too difficult to measure for these various reasons.

REP. DELNICKI (14TH): I would be skeptical, I'll put it that way and I think that's fair. I'm not gonna discount anyone's testimony, I would be skeptical of it.

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

REP. DELNICKI (14TH): Yeah.

SENATOR COHEN (12TH): Okay, I don't see any other questions. Thank you, Representative.

REP. DELNICKI (14TH): Thank you.

SENATOR COHEN (12TH): So at this time we will alternate between public testimony and those -- we have a couple more on our public officials list so to start off our public testimony, I have HB 5092, Mr. Shawn Palmer from CBNA.

ANDREW JULIAN: With the Chair's permission, I'm Andrew Julian from the Hartford Conn. I'm scheduled to go next but if we could go together, your questions might make sense for both of us together rather than do it that way. So, okay?
SENATOR COHEN (12TH): That's fine with us, thank you.

ANDREW JULIAN: Thank you.

SHAWN PALMER: Okay, thank you Chairman Cohen and Demicco, ranking members Miner and Harding and members of the Environment Committee, my name is Shawn Palmer and I am the President of the Connecticut Daily Newspapers Association representing all 17 daily newspapers in Connecticut. I'm also the Senior Vice President of the Record Journal in Meriden, a fifth-generation family-owned local newspaper that has been serving central Connecticut for 152 years.

I'm here today to voice my opposition on behalf of my colleagues throughout the state to Community Bill 5092, AN ACT PROHIBITING THE DISTRIBUTION OF UNSOLICITED MARKETING FLYERS TO HOMES which would prohibit the free distribution of marketing material promoting local businesses to residents across Connecticut.

CBNA has always opposed any restriction on the free and unhindered distribution of information and on behalf of our membership, I reiterate that opposition today.

Collectively, the newspapers in Connecticut deliver tens of thousands of packages containing news and advertising to homes across the state each week. These packages are welcomed, anticipated and appreciated by our readers.

How do we know this? Because we get far more calls, as many as eight to one from readers upset that
delivery was missed than from those who did receive it and want delivery stopped.

And why do they want it? Because of the great value inside. We deliver over $200 dollars in coupons and other savings into the homes of families each week in Connecticut, savings that go a long way helping our residents provide food and goods and services for their families. These products provide a value for the readers and a benefit for the advertisers who count on us to deliver customers to their business.

Yes, we do get calls asking us to stop delivery. In fact, we provide an opt out phone number in every package. When we get those calls, we stop delivery to that address right away. We have several measures in place to ensure we deliver accurately, respecting the wishes of those who have contacted us. Delivery vehicles are equipped with GPS. We monitor the speed of our drivers. Our own employees are out in neighborhoods spot checking deliveries. Our drivers are instructed to not deliver if they see two previously delivered packages not retrieved.

Occasionally, like all business leaders, we have employees who let us down and don't follow our procedures. We handle these situations like all business leaders do with corrective action that if not adhered to can lead to elimination.

I hope you see just how seriously we take this business. We deliver real value to the hard working citizens of Connecticut and the key market solution for our advertising customers, the local businesses of Connecticut.
When our process breaks down, we correct it. We certainly do not need legislation to remedy a problem that can be solved with a phone call.

Finally, we should recognize the irony within this bill. It reads, "Reading matter reasonably perceived as an ad delivered to a mailbox is prohibited." Was it the intention of the bill to eliminate political direct mail as well?

Thank you for the opportunity to share my thoughts with you on this topic, we look forward to working with this committee and legislature in the future. Thank you.

ANDREW JULIAN: Chairman Cohen, Demicco, members of the Committee. Thank you for allowing me the opportunity to testify. My name is Andrew Julian, I'm Vice President of the Connecticut Daily Newspaper Association and Publisher and Editor-in-Chief of the Hartford Courant, the nation's oldest continuously published newspaper.

I'd like to add my voice to those opposing Committee Bill 5092 to iterate Shawn's thoughts on this and to be clear. The Courant stands ready to work on a town-by-town or neighborhood-by-neighborhood basis to solve the sporadic issues that arise in this arena. We've been part of this community for more than 250 years and we take our responsibility as good citizens seriously. We don't wanna see any snow blowers ruined.

But there is a dimension of this bill that is deeply concerning. At a time when the press is under fire, when objective sources of information are critical to the effective functioning of our democracy, this
The bill could have a chilling effect on the ability of newspaper companies across the state to do the job they need to do.

I point you specifically to the purported exemption for newspapers in Section D which wraps into the bills reach anything that is quote "reasonably perceived as an advertisement even if it contains reading matter".

But who decides in this case what is reasonable? Newspapers carry advertisements. Do I get to decide what is reasonable? Maybe a police officer on patrol in the early morning hours following newspaper carriers. Maybe it's a town official who's upset with what the local newspaper wrote about them that week.

Once this body opens the door to that sort of subjectivity when it comes to free speech, we are treading in murky waters. This is a dangerous road to go down with the potential for serious social, cultural and even constitutional ramifications.

We're at a troubling time in our nation's history. The role of a free press is coming under attack from those who would dismiss the truths that threaten their partisan or personal agendas as fake news. While the intention behind this measure may be good, the unintended consequences could be profound and I respectfully urge the Committee to reject it. Thank you.

SENATOR COHEN (12TH):  Senator Miner.

SENATOR MINER (30TH):  Thank you, Madam Chairman. Thank you both for being here. So we've had something similar to this legislation for the last
couple of years and previously I served on the Public Safety Committee and I think during the time I was there, I recall police chiefs, I think, indicating that these types of deliveries may serve as an indicator of whether someone's home or not home. So if you see at the end of the driveway a pile of what one might assume to be three weeks of deliveries, it may be a source of a target.

So there are a lot of things that we look at here in the legislature and I, for one, am not trying to limit free speech. It seems possible to me that someone made a decision some time ago to separate this type of literature from the average daily mail that I get or the daily paper delivery that I get.

And so can you tell me whether or not that may have occurred, that this separate delivery, I'll call it, is there a way to draft it so that we can just focus solely on that and not touch on the things that you've pointed out as being something we should be fully concerned about with regard to free speech?

ANDREW JULIAN: I'll answer the second part of your question and maybe Shawn can handle the question of the deliveries piling up because that's a very specific we're dealing with a lot.

There are an array of products that newspaper companies deliver across the state from the daily newspaper, what you would traditionally think of the, you know, Sunday to Saturday daily paper, to weekly, community weeklies that go to many communities across the state. The Courant has a number, the Hearst Connecticut has a number, other organizations have community weeklies.
There are lighter versions of the paper, as it were, with some content and in advertising so what we have is really a broad array of products that we deliver to homes in different ways.

So there wasn't so much of a split in, you know, how things were delivered but there has been, there is a broader array of the product and I would argue that it is dangerous to begin to parse one product against another. Like oh, the daily newspaper is okay but a community weekly is not okay or you know, something that's more of a traditional what you'd call a shopper that has news in it. But maybe, you know, higher volume of advertising is not okay.

Think again, that takes us down a very dangerous road. Do you want to address the question of papers piling up?

SHAWN PALMER: Sure, a little bit on that one. We realize that that is an issue, you know, certainly we've heard that before and we take it seriously when we are aware of that. When we know a home is sold, we've often worked with realtors in the past. When we know a home is sold, we remove it from our list so it doesn't sit. We don't continue to deliver when we know nobody lives there or if it's on the market.

[Cleared his throat] Excuse me. We understand that there are markets with seasonal homes as well. And when there's somebody who has a lake home and they're away for the summer, we will turn that off -- no, when they're away for the winter we'll turn that off and they won't get delivered.
And many of our carriers, that's why we have the prohibition that when these get delivered and you see them piling up, stop delivering. And many of them don't go past two weeks. We say we want two weeks, many of them will stop after the first week and they've realized there's nothing -- if no one's picking it up, they won't deliver again.

The reason for this part of delivery versus the newspaper you get delivered to your home, as Andrew said, is we have many products and those products are driven by -- you know, by our advertisers who want to reach every home. There is a need to reach everybody in a community and newspapers don't reach everybody. And we never have and we never will.

So we have these other products as a way to allow advertisers, whether they be commercial advertisers with grocery coupons, etcetera or small advertisers promoting an event in the community that want everybody to know about something happening. And none of our daily newspapers can deliver that for them. It's just -- it's a fact of subscription business.

So that's where these products come in handy and that's why they are delivered that way and that's the need to deliver them to every home.

SENATOR MINER (30TH): So let me just say that there seems to be something here from an environmental perspective and a public safety perspective.

If it is that there's a mechanism to turn it off, I can only imagine that when someone gets transferred or leaves a home they don’t feel compelled to pick up the phone and call you folks and say, "Oh, by the
way, don't pay the guy to deliver that package to me anymore."

So maybe there's a way for us to continue with this conversation because it -- it's -- I am concerned about the alert that you raised with regard to free speech. At the same time, I am concerned and my constituents are concerned about what they tell me which is, "If I go away for three weeks, I don't want my house to be a target and by the way, I don't wanna be picking them up all over the place when the snow plow hits them." Because those are real -- those are real facts and so I -- you know, maybe we could talk at some point in the future.

ANDREW JULIAN: Just one problem that we agree on to present with that and we've worked over the years to find different ways for members of the community to alert us when those situations arise and we can continue to work on others.

We've put phone numbers on town websites, we've put the number in as many places as we can so if a neighbor sees a couple papers piling up again, which is not what's supposed to happen, but if it does happen, we want a way for them to let us know right away and for us to deal with it immediately.

Absolutely.

SENATOR COHEN (12TH): Can I just ask a clarifying question. So typically a subscription, a newspaper subscription, would be exempt from what you would consider unsolicited marketing flyers to homes. So what you're primarily concerned with is not necessarily your daily subscription service but rather the advertisements, other ways to reach the homes. Is that correct?
That pieces of -- of advertisement that may look like a newspaper or could you just clarify a little bit about what your concern is specifically or whether we could have a little bit of creepage and suddenly construe a subscription newspaper because that contains a certain number of advertisements -- as something that would be unsolicited. Is that your concern or -- could you expand upon that?

ANDREW JULIAN: Yes, I mean I'd say there's a range of concerns, you know. One is, you know, if the language speaks of primarily, you know, for advertisement. So who gets to decide that?

I'm also not sure if unsolicited is also a troubling word. There are free newspapers in this state that are distributed to homes. And that's a really important and valid source of information. There are community weeklies that are distributed free. So that may be considered unsolicited as well.

So it's really the potential for creepage here. I do think there are issues that come up in communities from time to time. We're not denying that. What we're saying is we can handle those and I think they should be handled on a local level. On a town-by-town level. And we have handled them on many town-by-town levels.

SENATOR COHEN (12TH): This may be a question that you do not know the answer to but do you have any idea how many or what percentage of newspapers are free, in fact free subscriptions in the state?

ANDREW JULIAN: Whew, no. We could get that together for you.

SENATOR COHEN (12TH): That would be terrific.
ANDREW JULIAN: But we don't have that right here, ma'am.


REP. DUBITSKY (47TH): Thank you, Madam Chair. There was a gentleman here earlier who was speaking in favor of this bill because they have a particular problem in their town or so they perceive.

When -- the Hartford Courant obviously covers many municipalities. If there's a given municipality who has a specific ordinance, how do you handle that?

ANDREW JULIAN: Well, I can tell you that, you know, on Friday I was in Vernon meeting with local officials in Vernon who had grown concerned about a couple blocks where this was happening. So we -- we sit down, we talk about procedures to make sure -- say for example that the newspaper bundle that arrives in people's home is bundled tightly and wrapped up so it doesn't blow around and get into storm drains and on other peoples' property so I know it's a concern.

There were concerns raised about newspapers being dropped too close to the street so they're not clearly either on a hulk or in the driveway, so they're not square on people's property. So we talked about that. And again, to Senator Miner's point, we put into place procedures so that if somebody doesn't want it, they can easily contact us. There are phone numbers on the bag, there are phone numbers on the product. We offered to put phone numbers on the website of the municipality so
people could say, "Please don't bring this to my home."

And we also have procedures in place to stop multiple deliveries to an address so you don't have the situation of papers piling up in someone's driveway, indicating they're either -- that the home is sold or they're on vacation or they're away which -- which can become an issue for folks.

SHAWN PALMER: Excuse me, and just to add to that, in my market, Wallingford has an ordinance, an anti-littering ordinance to some effect and we work very well with the local officials in Wallingford and do not have any, you know, we deliver our products there and we are welcome there and when there's an issue we work directly with the town and we address it.

In my past life, I worked at the News Times in Danbury and spent many times talking with local First Selectmen. Rudy Marconi comes to mind in Richfield and spent lots of time with him. He was getting concerns from his constituents. I would leave a family and we would take care of a neighborhood at a time, we'd monitor it and it would get better. And we can resolve -- we can resolve this all in local -- in contact with our local officials and we're very happy to. We have zero hindrance of doing that at all.

REP. DUBITSKY (47TH): So if for example, one town were to enact an ordinance that mirrors this statute, I don't assume that you would violate that ordinance, would you?
SHAWN PALMER: We work with the local official in that town and depending -- we don't have that issue, I think, that I'm aware of now. But there are towns that have ordinances that may seem to be addressing conflicts like this and we still deliver our products because we work with them to make sure the delivery is clean and efficient and where it should be and it's welcomed.

REP. DUBITSKY (47TH): Okay, because I'm just wondering why we're talking about imposing this on 169 different towns if there's problems in a couple of them. It seems that you're telling me that you can work with any given town that has a problem.

SHAWN PALMER: We can and we have and we will continue to.

REP. DUBITSKY (47TH): Okay that they have the power to essentially do this anyway.

SHAWN PALMER: Mm-hmm, absolutely, yeah.

REP. DUBITSKY (47TH): Thank you.

SHAWN PALMER: Thank you, Representative.

SENATOR COHEN (12TH): Representative Palm.

REP. PALM (36TH): Hi, thank you for your testimony. As a former newspaper reporter, I share your concern about the effect this has on free speech and on a free an unfettered press. So thank you for the wonderful work that your reporters and editors do.

I have two questions for you. One is how often does the Courant these days deliver advertising or advertorials that are not wrapped within the body proper?
ANDREW JULIAN: Of the daily paper? Well, we have -- again, we have an array of products that are delivered in different cadences. We deliver a lot of community weeklies across the Hartford area that are news products that are delivered free to homes of subscribers and non-scribers. That's a weekly product.

We also do have a weekly sort of more -- I would call it light, like really newspaper light product that has got a lot of preprints in it. So that's once a week for the most part on the non-daily products.

REP. PALM (36TH): And is that zoned? I'm a subscriber to the Courant and I don't get these unsolicited things delivered.

ANDREW JULIAN: If you're a subscriber to the Courant, you probably wouldn't get most of these products because you're already getting most of what you're getting as part of your subscription.

REP. PALM (36TH): Oh, okay.

ANDREW JULIAN: So it's different levels. We also sample newspapers to people who aren't getting the Courant to introduce them to the product as well.

REP. PALM (36TH): And thank you, my second question is there seems to be a diminishment of actual newspaper boxes anymore that, you know, the actual -- I think it used to be that the Courant installed those, correct, for subscribers. Do you still do that?

ANDREW JULIAN: Yeah, we've moved away from the boxes and more to driveway delivery.
REP. PALM (36TH): Because it seems that that might be the simplest answer is -- and I know there are a lot of US Postal Service regulations about putting things in the true mailboxes but if you were to reinstate -- just thinking off the top of the head here -- those delivery boxes and made them available to other publishers of "unsolicited material" quote/unquote, wouldn't that obviate the problem of having them blowing around and lying on driveways?

ANDREW JULIAN: I think it's something we could talk about. There's a lot -- it's become more complicated with different deliveries and different products and what can go in what. So it's a pretty complicated arena. But we should -- we should certainly talk about it more.

REP. PALM (36TH): Is it complicated because it takes longer for the delivery person to put it in a box than to schwing [phonetic] it onto the --

ANDREW JULIAN: Well, that's one of the -- that's one of the factors but also you are talking about, for example, the community weeklies are going to a lot of homes that are not subscribers to the Courant so you know, can we install a box on someone's house who's not a subscriber.

SHAWN PALMER: And it just -- back to the point that Andrew was making about -- you asked about efficiency. You know, the days of youth newspaper carriers are gone and each of us having a bag on our shoulder with 30 to 50 papers that we walked door-to-door to deliver, you know, our carriers are all adults now driving cars and delivering for multiple -- multiple companies. You know, we have independent contractors, you know, that deliver
multiple papers so -- and multiple companies. The Hartford Courant delivers the Record Journal.

So it's just how -- it's a model of our business now and how we have to work so, you know, it becomes difficult to go to a tube at every driveway. A lot of us still do it, though, it's not eliminated. There are still out there.

ANDREW JULIAN: Yeah, there are a lot of tubes. But I mean achieving efficiency in delivery within the -- within the confines of making sure we're not throwing things where they don't belong is part of sustaining a business model that allows us to continue covering the communities of Connecticut.

SHAWN PALMAR: Absolutely.

REP. PALM (36TH): Thank you.

SENATOR COHEN (12TH): Representative Borer?

REP. BORER (115TH): Thank you for coming. At the risk of reiterating what we've already said, I do want to comment on the papers piling up. I come from a rather transient district with a number of multifamily homes so I think working with the realtors wouldn't necessarily solve that problem of the papers piling up. That's the area that is a particular issue in my city.

I certainly don't wanna curb our freedom of speech but I'm encouraged that you're looking to work with us to determine an answer, come up with some sort of opportunity that, you know, maybe it's -- I don't know. But now that you know that it's an issue for us, perhaps you could work with us to come up with a solution.
SHAWN PALMER: Absolutely and we do work with multifamily homes, apartments, complexes in multi-areas like that that have lots of units that, you know, we don't necessarily walk in and drop 500 in the lobby of an apartment building that has 500 units in it.

So the multifamily homes we're aware of that and you know, we'd be happy to find a solution that makes sense that is efficient without being wasteful.

REP. BORER (115TH): Thank you.

SHAWN PALMER: Thank you.

SENATOR COHEN (12TH): Representative Mushinsky.

REP. MUSHINSKY (85TH): Thank you. I do live in Wallingford and your paper is not the problem in Wallingford, it's -- it's those wretched phone books that are pretty large and they're put in a plastic bag and they're thrown on everybody's front lawn. And they lay there for weeks and months because people don't pick them up.

And as Representative Gresko has said, they end up in the storm drain sooner or later when we get a good rain event.

So at least maybe because of the ordinance, we don't have this issue in Wallingford but there are other offenders who are -- whose material is getting into the storm drains and causing trouble for storm water removal. And so it's different in different parts of the state.

But I respect that your company has been behaving decently in Wallingford and appreciate it and I wanna mention it. But there are other people who
this bill covers who are not being good citizens and they are causing trouble for the constituents in the municipality. Thank you.

SHAWN PALMER: Thank you.

SENATOR COHEN (12TH): Representative Gucker.

REP. GUCKER (138TH): To follow up on that, I appreciate you guys coming in. In fact, if you would love to come back to the Danbury News-Times, they can certainly use some help because our coverage is not that great up there.

But the product -- the problem that I see is they live in a more rural area of Danbury. Many times these deliveries are done at night or early morning so if there was to be a piling up of newspapers, they wouldn't see it, number one.

Number two, half the time the -- they're in these little green bags that are very loosely fitting. They wind up laying on the lawn and then the rainstorms come in so you basically kind of pick them up and drain the water out of them and throw them in the recycling bin. So there even your product isn't even getting to the consumer because it's already destroyed before it gets there.

And then there's the piling up issue that happens. We have in the town of New Fairfield and Sherman, we do have a free paper that is delivered there for free to every resident but it's going through the postal system so it's not left on a lawn to be unsolicited. And when it comes through the mail system, it's -- it gives the opportunity for the consumer to decide whether they want it or not. If you go to New Fairfield's post office, you'll find a
recycling bin there. So immediately, if you don't want it fine but 90 percent of the time, those papers do find their way back home.

So again, I think it's more of an issue of these advertising papers that are tossed in driveways and lawns. Nine times out of ten they're unusable once they get there because they lay in water or storms or whatever.

And lastly, they are -- it's done so early in the morning that if there were piling up papers, I mean you know as well as I do, these guys aren't really looking, they're just kind of just tossing them out and making time going down the road.

So I believe those are the concerns. You know, and they do wind up -- I mean I live in a -- in the watershed. They do wind up across the street in the stream. I find myself going over there and picking them out of the water because I don't want them, you know, going down the site. I believe that is what the gist of this bill is.

Now I, myself, look forward to working with you on this but that's what we're seeing and unfortunately it's not necessarily you guys but there are, you know, laws don't get written because we need more laws, they get written because things need to be taken care of and I think that's why this is here.

But thank you for your testimony.

SHAWN PALMER: Thank you.

SENATOR COHEN (12TH): Thank you. Representative Dillon.
REP. DILLON (92ND): Thank you, Madam Chair. I regret that I can't get a copy of your testimony and I'm not sure -- is that available to the Committee? Has that been submitted?

ROBIN BUMPER: If it was sent after 3:00 on Friday it will be after the hearing today.

REP. DILLON (92ND): Okay, well so I don't -- I apologize if there's anything I'm overlooking that I did want to say I've been very alarmed at the layoffs in the news industry in the past few months and about what appears to be the meltdown in the ad-driven side of that and certainly for online publications and increasing reliance on subscriptions.

But also downsizing. And I do think that the survival of our local press is desperately important to our democracy. So I really support a lot of the things that my colleagues have said about -- about the quality of life in their own neighborhoods but I'm also -- I really do feel a sense of urgency about our local news operations so I really hope something can be worked out.

ANDREW JULIAN: Thank you for those sentiments. Thank you, appreciate that.

SENATOR COHEN (12TH): Okay, Representative Gresko.

REP. GRESKO (121ST): Thank you, Madam Chair. Did I hear you correctly in saying that you'd prefer it if each individual town did their own ordinances to address this issue as opposed to doing a blanket something for the state?
ANDREW JULIAN: No, that wasn't quite what I said. What I said is that what we found over the years is that most of the times these situations arise within a given neighborhood or often a given street or a couple streets within a given town and we are prepared and often work directly with local officials to resolve any issues that come up and we are always available for those conversations.

If the municipalities feel the need to pass a local ordinance, that's on them but that's not what we're advocating. What we're saying is we can -- we believe that the way to resolve this issue -- because we're not disputing that papers piling up at the end of a driveway and signaling that people may not be home or -- or left on the side of the street to be washed into storm drains aren't issues that we need to bear responsibility for. We are. But what we're saying is we can handle those on a case-by-case, street-by-street, town-by-town basis.

REP. GRESKO: (121ST): So if -- that might be the instance for you specifically and for the Hartford Courant but some of the things that you pointed out like the bag that is schwinged [phonetic] over there before, there was in front of my driveway, has no information on it that would enable me to opt out.

So my question would be, wouldn't it be more financially efficient if you just did this for people that asked for this as opposed to just throwing it and hoping?

SHAWN PALMER: Early on, I don't think you were here for my testimony, Representative, but you know, we deliver tens of thousands of these packages each week and we get far more people that complain that
they don't get it than people that complain that they got it and don't want it.

We also, you know, frankly don't hear from a lot of people. And if we deliver, you know, 50, 60, 70 or more thousand packages depending on the size of the company and, you know, ten people call us and say they don't want it, we take care of those ten people.

The other, you know, 49,990, you know, in our mind want it. Or are taking care of it. So we don't have a way to know that everybody wants it but we know that people don't call to complain they don't want it. You know, it's kind of the nature of this business that people don't want it, they call us, they reach out, they email, they call, they stop by depending on any way you wanna do it.

But certainly people that, you know, we deliver a lot of these packages every week and frankly, we don't hear from a lot of people. In fact, we deliver the paper every day to peoples' homes and not everybody calls to say, "Hey, thanks, I got it." They only call when they say they didn't get it.

So we know how many complaints we get a day, we have to assume that the rest of the issues are delivered okay.

SENATOR COHEN (12TH): Thank you. Just one more question and I'm sort of putting you on the spot here because I'm not sure you'll know the answer to this but we have been talking a little bit about municipalities that have their own ordinance with respect to unsolicited marketing materials.
Do you have an idea of how many municipalities in the state have those ordinances?

SHAWN PALMER: I am not -- I know in my market, Wallingford has one. But I don't know other ones.

SENATOR COHEN (12TH): Okay. Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for coming to testify. Just a question, did -- out of the 50,000 people or so many people that you drop or schwing those packages on, how many have actually manifested to the fact that they wanted that? And I'm sorry I wasn't here for the [Inaudible 01:35:10].

SHAWN PALMER: Well again, they don't -- they don't call to say they want it. They call to say they don't want it although some people do call to say they missed it or they want two. You know, the value of the coupons is such that, "I got -- I got this, can I get a second one, please?" And they'll often say it's for, you know, brother, sister, mother, on you know, pick a person.

We're actually not allowed to do that, the advertising -- the advertisers hold our hand against that. But no, we -- when we don't hear from people, we have to assume the deliver is fine.

ANDREW JULIAN: Can I just add a little bit to that? So the advertisers who put these coupons in, they track the use of these coupons and they continue to put them out into the community. So people are using them. They wouldn't put them out there if people weren't using them.
REP. MICHEL (146TH): So would you have numbers or statistics you could share with us as to how many people used their coupons out of the 50,000 that you drop those packages at?

SHAWN PALMER: No. We don't get that data, unfortunately.

ANDREW JULIAN: That, you know, that's proprietary data that the advertisers hold onto. That's from the coupon holders or the local business holders, you know, Stop & Shop or Big Y, I can tell you that there's probably not a grocery --

SHAWN PALMER: [Crosstalk] grocers in Connecticut deliver their circulars every week through our newspaper products.

REP. MICHEL (146TH): So no one out of those people has really manifested the fact they wanted those packages at their home.

ANDREW JULIAN: No, as Shawn said, we get far more complaints when people don't get these packages than the people who don't like them piling up.

The fact -- the problems that arise become vocal but you know, I think we can safely conclude based on our experience in the field that people like these products, people use these products. We even run into situations where people steal these products and try and resell them through the internet.

REP. MICHEL (146TH): Just as a comment, I live in Stamford so I'm not sure you guys invoke with delivering there but most people that I talk to on a daily basis complain about receiving those -- those
packets that are schwung in front of our homes and then often end up in the catch basins.

I've also been involved in working and trying to see how we can better our act with storm water management so it's a very, very important subject. I'm happy to -- to see that you've been offering to work on these issues so I'm looking forward to see how -- what you can do to work with us on those issues. Thank you.

SHAWN PALMER: Absolutely.

ANDREW JULIAN: Thank you.

SENATOR COHEN (12TH): Thank you both.

SHAWN PALMER: Thank you for your time today.

ANDREW JULIAN: Thank you.

SENATOR COHEN (12TH): So now we'll switch back. Next on the list is Representative Irene Haines. Representative.

REP. HAINES (34TH): Good morning, Committee, thank you so much. Or actually, it's afternoon now. I'm here today, actually, with some friends, some constituents and they're really here to help answer any questions that you may have but we are here to testify for the ACT OF PROHIBITING THE RELEASE OF HELIUM BALLOONS INTO THE ATMOSPHERE.

Back in 1990 we passed a law that said ten or more balloons should not be intentionally released. We felt at that time that it was bad for the environment, bad for wildlife -- both marine life and wildlife land animals. It hasn't gotten any better.
We -- I'm not sure who came up with the number ten but one balloon string is still a problem for a beak of an egret in our land. And we just want to continue that process and make sure that we don't continue to release these.

Since 1990, there really hasn't been much improvement in the way of the litter that we find in both our lands as well as our waterways. And the gentleman to my right is Jeff Allison. The gentleman to my right is Mike Corcoran. Both of them -- Mike is from Clinton and Jeff is from East Hampton and they can give you more information in regards to what they're finding on Long Island Sound and our waterways.

MIKE CORCORAN: Good afternoon. Can you hear me? Mike Corcoran, I live in the Town of Clinton as Irene said. I spend a lot of time on the water. I'm a licensed captain for the US Coast Guard, I work in law enforcement for the Town of Clinton as their Marine Operator and I'm just here actually as a concerned citizen more than anything else that the law that's in place now isn't working.

I can pretty much guess that if you're anything like me, that prior to this hearing on this, that nobody even knew that there was such a law. I mean I didn't know a year ago and I worked in law enforcement.

But it is, it's against the law to release ten or more balloons in the State of Connecticut by an individual or a group in a 24-hour period. And the fact that I can say that it's not working is I submitted written testimony to the group that has a link to a YouTube, little video that I made last
year when I was on the water. That's prior to this ever coming up, I just got really fed up. I figured I can put it on the social media to get people aware that this is what's going on.

Long Island Sound in the spring, summer and fall is just littered with balloons -- littered, I mean it's -- you'll see it in the video if you watch it. But as far as the ten or more, last September 16th in the Courant -- this was printed, which there was a young man in Enfield that was murdered and you know, his classmates wanted to celebrate his death by releasing balloons into the air which I'm sure that they didn't intend to harm the environment when they did this but the -- I counted over 100 balloons in this photograph, all right? And this was on the news, it was on the TV. But if that's -- if you can -- put it out on the media and nobody says anything about it, then how effective is the law?

So that's the point I'm trying to make is, you know, I've got photographs here of just, you know, a day out on the water picking up balloons. I take the time to stop -- I have a, like a 20-foot boat that I can take the time to stop and pick them up.

Last year alone I probably got 200 or more. I didn't count them but on any given day I could pick up 20, 30 of them, put my knife through them, collapse them, throw them in a paper cup and bring them back to the garbage.

But I'm, you know, one of very, very few people that actually stop. When I worked for the police department, we stopped and picked them up. But you know, the average boar I work on, the yachts,
know, I'm on a 150-foot boat, I'm not gonna stop that big boat and stop and pick them up.

They have a lot of repercussions both environmentally and to watercraft that I don't need to get into. You know, that's probably why this bill back in the 90's was implemented. But today I can tell you, if you take the time to watch that video -- I'm not sure if anybody had the time to look at them yet -- but if you watch it, you'll get an understanding of what I see out there on any given day. You know, and especially around Mother's Day. You know, when the kids are graduating from school, colleges, it's unbelievable how bad it is.

And back, you know, back in the 90's when that bill was implemented, that was probably for the latex balloons. I don't think Mylar balloons were that popular yet back then. I can't really 100 percent say so but today, that's what you're gonna see.

You know, last week I went to the Stop & Shop, the store is filled with Mylar balloons. You know, Super Bowl, Happy Birthday. You know, people let those things go unintentionally or intentionally. These were intentionally let go. They think they're going up into outer space. They don't. They lose their floatation, they come back down to earth, they land somewhere as trash. You know, a lot of times it's in the marine environment which has really serious repercussions to both wildlife and to the boaters.

So that's really why I'm here. Thanks.

JEFF ALLISON: All right, thanks for your time. I'm here in support of bill HB 5314 also. I'd just like
to read what I've written down here, I get it over a lot better.

As Mike said, the Connecticut law today prohibits knowingly releasing or organizing the release of or intentionally causing the release of ten or more helium or other than lighter air gas balloons into the air over a 24-hour period. The law applies to any person, non-profit organization, firm or corporation in the state and its political subdivisions.

A violation is an infraction subject to a $35 dollar fine combined with other applicable piece, a total penalty can only reach $75 dollars.

So as Mike said, the law passed during the 1990 legislative session, took effect October 1st of that year.

I'm in favor of passing the House Bill 5314 which would make the State of Connecticut a no-release lighter than air balloon law. There has been a lot of environmental concerns over metalized nylon balloons. Metalized nylon balloons can conduct electricity on a surface and these balloons, when released into the environment can become entangled in power lines causing power outages and fires.

Mammals and marine life have also been known to ingest them and the nylon strings which are just as bad, if not worse, that are attached to these balloons can create serious entanglement hazards to mammals and marine life.

The release of latex balloons that descend onto the land or sea pose a serious ingestion and/or entanglement hazard to marine land animals. When
latex balloons eventually return to the ground, they begin a degradation process. These latex balloons are the most used because their ability to bio-degrade.

The problem with this is that it can take at least six months to a year under ideal conditions, according to the UConn agriculture department, to show a substantial degradation of the polymer in the environment.

And I called a number of professors at UConn and they were -- they said this is under the best circumstances that this could happen and they weren't even sure it could happen because of what the balloons are made of.

There's a balloon council, the TBC. They're an organization of retailers, distributors and manufacturers of balloons and they claim that an oak leaf will degrade at the same rate that these balloons will.

And like I said, the professors at UConn said -- all of them, in fact -- said that they would be very interested in looking at the test results and where they -- and how they tested that to compare it to an oak leaf.

At any rate, another worry is what is attached to the balloons. Like I said, to hold them, typically nylon balloons can take 20 to 40 years to break down. As to nylon ribbon, this issue can have an effect on the wildlife in both land and aquatic systems from the moments the balloons land because animals will confuse deflated balloons as food, nesting material or simply something to play with.
For example, a bird will use a deflated balloon as a component for its nest. When the eggs hatch, they will get tangled in the balloon and the nylon string attached which can lead to a slow death. In other words, the babies get caught up in the -- in the nylon.

My wife and I own a jet ski and we enjoy traveling up and down the Connecticut River on it. We see garbage all the time including balloons and the nylon. Last summer I ran over a deflated balloon in the water with a nylon string attached to it. We sucked up the balloon in the engine and the nylon string went into what's called an impeller, it's like a propeller on an outboard.

And it literally stopped the engine in a jet ski. I had to get under the jet ski, remove the protective grate and cut the nylon string from the engine. The point being that even if the balloon had been biodegradable and dissolve, the nylon would have still remained a hazard.

I copied this off The Balloon Council's website and I'll say what they're saying now. "Worth the wait. The Balloon Council says balloons should not be released. They agree balloons should not be released. Americans love balloons but for many reasons no long support balloon releases. Balloon makers have worked hard to share and inspire the use of smart balloon practices to keep balloons available for every occasion.

We stand with committees by encouraging that balloons be weighted, which when they sell them in the store like the supermarket, we have noticed that they're weighted or either clipped. Not released
outdoors. Not released outdoors. And disposed of properly when broken or deflated. Whether it's a single balloon or hundreds, let's keep them from flying away."

And then they go on to say, "Don't let go, inflate, weight and enjoy."

So what I'm saying is if The Balloon Council's position is indeed no release like their stance indicates, then why not make Connecticut a no-release state?

We don't want to hurt the TBC's business, we just want their customers, the public, to practice responsible disposal of their product with stronger laws and awareness.

If the public is made aware the environmental damage released balloons do and they know it's against the law to release them, it will surely decrease balloon releases.

I agree with the TBC that educating the public about the harm released balloons can cause is a large part of lowering balloon releases. But passing this bill and informing the public that it is indeed illegal to release any balloons -- and why not -- will dramatically reduce the releases.

Just as in Connecticut litter laws -- Connecticut litter laws and released balloons are litter, too. It's against the law to litter to any degree and breaking that law comes with a fine. I don't know anyone that's been arrested for littering but everyone I know knows that it's against the law to litter. And people don't do it for a lot of reasons -- environment and because it is against the law.
The law will not allow any litter to be thrown out of your car on the highway, not up to nine pieces of litter like the balloon law we have today. If I have ten cans of soda in my car, if I follow the balloon law, I could throw out nine cans. It just doesn't make sense. So why should balloon releases be treated that way? It only takes one release to harm the environment.

Thank you.

SENATOR COHEN (12TH): Thank you. Yes, Representative.

REP. WILSON (66TH): Thank you, Madam Chairman and thanks to you folks for coming to us today. I'm gonna stick my neck out here and say that there's probably nobody in this room that would be opposed to this bill. And if it's in fact been around since 1990, to me it sounds like an enforcement problem.

And when you talk about litter in general, I don't know anyone that's been arrested for littering. You know, we see these big signs on the road and so forth.

So perhaps we need to add language to this bill that says something like this: If you see something and you say something and you report it, you will collect 50 percent of the fine that's collected.

Thank you, Madam Chair.

UNKNOWN: I hear you.

SENATOR COHEN (12TH): Yes, Representative Mushinsky.
REP. MUSHINSKY (85TH): Thank you for testifying, I'm the one that wrote the original law and the reason it says ten -- well, there's two reasons. One reason is that that was the best I could get, it was a compromised number. I had -- it took me three years to pass even that version of the bill. And I was the Chair of the Committee, too, I still couldn't get the vote passed.

The other reason is I was attempting to stop the mass release of balloons at weddings. At the time that was a popular thing and people were releasing hundreds of them at a time and it did stop that. The professional celebration businesses did stop doing mass balloon releases because of the law so it did have that effect.

But you are correct, it did not have as good an effect on individual purchases as I would have wished for it to have.

But I can tell you, it was really difficult to pass the bill and I had to use an Army of school children to help me pass it and the Connecticut Cetacean Society working with the school children. But there were certainly people who wished to keep selling the balloons and they didn't like the bill and they did whatever they could to try to stop it, so.

So if you're gonna go to zero release, get ready, you're in for a big fight and you will have to work very hard and we'll have to get those school kids to come back to us.

REP. HAINES (34TH): Well, thank you. One of the things that we want to keep in mind here is that we're not in people not selling balloons, we're not
interested in enjoying balloons, we're just asking for responsible litter control and I think that that -- today is a day and age maybe where people are a little bit more cognizant of what they do in the world today, how they affect the environment.

So that's all we're doing here is we're just continuing your good work, thank you, and we want everybody to have an enjoyable day with a balloon and then when you're done with it, throw it out in the garbage, that's all.

Thank you.

SENATOR COHEN (12TH): Representative Gresko.

REP. GRESKO (121ST): Thank you, Madam Chair. I do like your idea about the -- it's not new but to the weights or the clips on the ends of the balloons. Maybe we can go down that road as far as language in the bill.

But in the most respectful way, I'm gonna put you in our shoes. Connecticut is facing x-amount of problems and you -- all you guys wanna do up there is take my balloons away from me. How do you respond to that?

JEFF ALLISON: We don't like that, like we both say, we do not want to hurt the balloon manufacturers' business at all. We just want responsible management. I mean are we hurting Pepsi soda by not throwing their cans out on the highway? [Laughter]

But you know, we're just asking for responsible behavior and we know that education and the law working together, we should educate people to the fact that this harms the environment and also let
them know that there is a fine if you do release balloons.

We don't, you know, we're not trying to wipe the balloon industry off the face of the earth.

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

REP. MICHELE (146TH): Just very briefly, thank you very much for your testimonies. I'm very connected with marine wildlife and protecting marine wildlife so I'm very sensitive to these issues so I just wanted to thank you for your testimonies. Thank you, Mr. Chair.

MIKE CORCORAN: Can I just add something?

REP. DEMICO (21ST): Thank you, Representative. If it's brief, please.

MIKE CORCORAN: Yeah, real brief. Along the lines with like the solution to the problem someone mentioned the weighted thing. That a lot -- some stores like Stop & Shop, they do -- and some stores do have like clips. It's pressed. The button is pressed.

Oh, okay. Some stores do sell balloons like Stop & Shop with weighted clips similar to this but they're bigger, you know, and I actually tested them out but you take them off and the balloon sinks.

But that's not a requirement, that's just what this particular retailer does. I thought that a good solution would be to make it mandatory that they be sold with some sort of a weight. And on that weight, let people know that it's -- that it's against the law to remove it, to let them go.
You know, it's a real difficult thing to enforce, the release of them. But if we make people aware that there are repercussions -- I mean I don't know, why would anybody wanna knowingly pollute the environment? I think just people inadvertently think that it's going into outer space up to God or up to Heaven and that, you know, their wishes are gonna go up there.

Well, you know what? They have -- they come down. So that was my idea of somehow having a solution to the problem. Thanks.

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

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. I certainly agree that having these balloons all over the place is a problem. I find them on my place all the time. But it -- we already have a law that says you can't release more than ten. Is it your belief that all these balloons that we are seeing all over the place are due to releases of nine -- of one through nine balloons? And that this bill will --

MIKE CORCORAN: I can't prove it but you know, just -- based on what I see out on the water is I see, you know, happy birthday, happy father's day, happy -- you know, whatever. You know, graduation day. So they're all mixed so I assume it's probably coming from individuals but you know, on this particular day in September when the law that -- you know, look at it, there's over 100 balloons that were released that day by a group. Now they were -- they were breaking the law that we have today.
So I don't know how to fix it. I think there's ways that we can help. We're not gonna eliminate it 100 percent but to put any reduction whatsoever on the impact to the environment is a positive move and I really congratulate this Representative for starting the ball rolling. I mean today everybody's more ecologically -- you know, we're exposed to more today than we were back in the 90s as far as, you know, our knowledge of what we're doing to destroy ourselves as a, you know, planet.

So my --

REP. DUBITSKY (47TH): This question, though, goes more to are we focusing on something that's actually going to solve the problem or if it -- if the balloons we're seeing now are all due to releases that are already a violation of the law, this bill probably won't affect that.

So I'm trying to get from you where do we go to actually affect the change that we can see.

REP. HAINES (34TH): Great question and I think what we had mentioned before was that we have a situation right now where, number one, the law that is in place is not necessarily out there in the open as much as it maybe was back in 1990 when it first passed.

So we are now in a world 30 years later where we're much more environmentally friendly and aware of what's going on out there. This bill, by bringing it to a no release will give it that much more community awareness and that's really what it is here, we're not looking to close down the balloon
industry. We're looking to be responsible with our trash.

And that's what this is, this is trash. When you see an individual happy birthday balloon, it probably wasn't released intentionally but maybe that happy birthday balloon would have been held onto a little bit better because it is trash and it's in the house and it finally dies down and it's finally thrown away as opposed to somebody releasing it.

Again, these are intentional releases, we don't want intentional releases to happen. There's a child in a park and he loses his balloon, it's the saddest day for a mother, believe me. That's not what we're talking about here, we're talking about responsible awareness, what this means and what this does for our environment.

And therefore I think by passing a bill that says we're gonna be a no-release state, that's just giving it more awareness. Will it solve the problem? Not every single balloon but I certainly think that it will definitely bring it down even further than it already is.

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

REP. DEMICCO (21ST): Thank you, Representative. Anyone else have any questions for the panel of testifiers? I guess not. Okay, thank you very much, Representative and others. Thank you.

So in keeping with the tradition, we are going to switch back and forth between members of the public and public officials. So at this time we're gonna
move to Senate Bill number 7 which is the second bill on our list today.

Senate Bill number 7, AN ACT OF ESTABLISHING CALF PASTURE BEACH IN NORWALK AS A WILDLIFE REFUGE and the first person that has signed up for that is Fran Silverman. Is Fran here? Okay. And Fran, was someone gonna come testify with you or no?

FRAN SILVERMAN: We can come together or right after.

REP. DEMICCO (21ST): Okay but you know what, in the interest of time we're gonna limit you to three minutes so I don't know if you wanna do a minute-and-a-half each or two and one. However you wanna do it.

FRAN SILVERMAN: [Inaudible 02:03:07]

REP. DEMICCO (21ST): Okay, thank you.

FRAN SILVERMAN: Hi, my name is Fran Silverman, I'm speaking today as Communications Director for Friends of Animals, an international wildlife advocacy organization headquartered in Connecticut in support of SB 7, AN ACT OF ESTABLISHING CALF PASTURE BEACH AS A WILDLIFE REFUGE.

I'm also speaking as a Connecticut resident who enjoys Calf Pasture Beach. I am one of more than 1.2 million residents in the state who enjoys wildlife watching and disturbed that a minority of hunters can shoot waterfowl from before sunrise to sunset at a beach enjoyed by families and residents seeking a serene day at the shore.

Hunters in Connecticut represent less than one percent of the population and waterfowl hunters are
a fraction of that yet they are allowed to hunt in all but three of Connecticut's state forests.

Friends of Animals supports SB 7 so visitors of recreation areas such as Calf Pasture do not have to endure the sounds of gunfire and witness the shooting of ducks and other waterfowl.

Hunting is not without risk to residents and this issue should not be dismissed. Since the 1980s, ten people were killed and 118 were injured in hunting accidents in Connecticut.

Calf Pasture was originally set aside as a beach in 1917 and since then visitors have flocked to its shores to enjoy its facilities. By allowing hunters to shoot the very waterfowl visitors, including children, enjoy seeing is counterintuitive and hostile to the notion of a peaceful day at the beach.

NICOLE RIVARD: I will just add, I'm Nicole Rivard, I'm a correspondent for Friends of Animals and like Fran said, there's only a measly one percent of Connecticut's population actually hunts yet 1.2 million Connecticut residents participate in wildlife watching.

So we really support this pioneering legislation because we believe it's time for the non-hunting majority of Connecticut residents to start taking recreation areas and forests back from the hunting minority in the state.

We also found out that there actually -- wild bird observers total 873,000 in the state and wildlife watching expenditures totaled $935 million dollars so we would like to see more areas given back to
Connecticut residents so they don't have to worry about putting their life at risk when they just simply wanna enjoy the great outdoors.

We're seeing warmer temps prompting residents to be on Connecticut beaches year around and in months when waterfowl hunting season is gonna be underway so we feel like this legislation is crucial for public safety.

In 2016, Fairfield County saw the warmest Christmas on record when the temperature soared to 64 degrees, so putting people on beaches year around.

The last thing I wanted to add was you know, hunting safety is an oxymoron. You can wear all the orange you want but bullets are colorblind. Last year there was a woman in western New York who was simply walking her dog and was shot by her neighbor who mistook her for a deer.

And lastly, there are only 4,000 to 6,000 waterfowl hunters even in Connecticut so we feel that why should the state continue to bend over backwards to accommodate them.

Thank you.

REP. DEMICCO (21ST): Thank you. I'll ask Committee members if they have any questions. Representative Dubitsky, you're always willing to help, thank you sir.

REP. DUBITSKY (47TH): Thank you, just trying to get the information out there for everybody. Thank you for coming in. Do you know what kind of funds were used to purchase this land?

NICOLE RIVARD: To purchase Calf Pasture Beach?
REP. DUBITSKY (47TH): Yes.

NICOLE RIVARD: I do not.

FRAN SILVERMAN: Back in 1917 when it was set aside?

REP. DUBITSKY (47TH): Yeah, do you know if any Pittman-Robertson funds were used?

FRAN SILVERMAN: I don't -- I don't know.

REP. DUBITSKY (47TH): Okay, do you -- now you say that that one percent of the state population hunts, is that right?

NICOLE RIVARD: Yes.

REP. DUBITSKY (47TH): Okay, do you know what percentage of the state population regularly goes to Calf Pasture Beach?

FRAN SILVERMAN: No, I do not.

NICOLE RIVARD: That was actually something I was seeking and I will get back to you on that.

REP. DUBITSKY (47TH): Okay.

FRAN SILVERMAN: Yeah, we spoke with Senator Duff about his legislation so we've heard from him but I don't have that detail but I can get it.

NICOLE RIVARD: But -- but we do believe the 1.2 million wildlife watchers and that doesn't include hunters and fishermen, these are truly just wildlife watchers. It's a disincentive to come out and enjoy recreation when they're worried about seeing or hearing gunfire.
FRAN SILVERMAN: And they are getting complaints about -- about waterfowl hunting at Calf Pasture Beach, otherwise this wouldn't have been brought up.

NICOLE RIVARD: Calf Pasture, also Bridgeport. A lot of people are getting --

FRAN SILVERMAN: New Haven.

NICOLE RIVARD: New Haven. They stopped hunting in an area in New Haven because of complaints of the hunting and the people hiking and fearing the gunshots.

REP. DUBITSKY (47TH): Okay, is your organization dedicated to eliminating hunting?

FRAN SILVERMAN: We're an animal advocacy organization and we deal with a lot of issues.

NICOLE RIVARD: Including environmental issues.

REP. DUBITSKY (47TH): Is that one of them?

FRAN SILVERMAN: Oh, are you asking if -- what are you asking?

REP. DUBITSKY (47TH): Is your organization dedicated to eliminating hunting?

FRAN SILVERMAN: We are an anti-hunting organization, yes, but this bill is not banning hunting, it's just banning hunting in Calf Pasture Beach.

REP. DUBITSKY (47TH): Okay.

NICOLE RIVARD: It's more -- I mean our position is to have more refuges -- refuges to coincide with the number of people who enjoy wildlife watching. We feel that the numbers are skewed for the one percent
of hunters who have all but three state forests to hunt in whereas the wildlife watchers far outweigh the number of hunters.

FRAN SILVERMAN: Right.

REP. DUBITSKY (47TH): And do you have statistics that you could present to us?

FRAN SILVERMAN: Yes, it's the US Fish and Wildlife Service national survey. I can certainly email that to you, that's where we get our information.

NICOLE RIVARD: And it's 1.2 million residents who bring in $900 million dollars a year.

FRAN SILVERMAN: Yeah, we just want them to have -- you know, why aren't they represented in this. The scary thing is, I think, a lot of people -- you know, I -- I frequent Calf Pasture Beach because I live in Derry and my friends have, you know, beach passes and I didn't even know there was hunting allowed there. It happened to me up in Litchfield. I was hiking in White Memorial and a man drove up to my friend and I and her ten-year-old son and they said, "Why aren't you wearing orange?" And we were like, "Why would we wear -- be wearing orange?" He's like, "You're -- there's hunting here."

And you know, her son was like terrified, he's like, "Mom, are we gonna get shot", and then we just left because it's just -- I think a lot of people, just people who are interested in passive recreation don't even realize that hunting is allowed in these areas and so the more research we do, we're like -- you know, there should be more areas where people don't have to worry about being hurt.
REP. DUBITSKY (47TH): Thank you.

NICOLE RIVARD: You're welcome.

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

SENATOR MINER (30TH): Thank you, Mr. Chairman. For the record, there's never been hunting allowed at White Memorial Foundation. So --

NICOLE RIVARD: Is it in Goshen? Maybe I have the name of the forest wrong, I'm sorry.

SENATOR MINER (30TH): Well, I'm trying to -- I'm trying to help people understand. And so if we're asking people to understand, I want to make sure that the facts are clear.

White Memorial Foundation, 7,000 acres never allowed hunting. Never. So whoever told you you should have blaze orange on at White Memorial, they were mistaken.

NICOLE RIVARD: Well, it was enough to scare us.
[Laughing]

FRAN SILVERMAN: I mean I think our point is that --

SENATOR MINER (30TH): Ma'am. Ma'am, I'm not done yet, all right?

FRAN SILVERMAN: Okay.

SENATOR MINER (30TH): The Federal Government tightly -- tightly -- regulates waterfowl hunting in every state in the country. In fact, it's probably one of the most regulated hunting opportunities there is and it is, for purposes not only of
recreation, that's probably a very small percentage -- it's conservation.

And so at some point maybe we could have a dialog. I think you're represented perhaps by a lobbyist, maybe we could have a meeting and sit down and talk about what the real facts are around waterfowl hunting and I would appreciate that opportunity.

FRAN SILVERMAN: I'd like to address that. I mean the number of --

SENATOR MINER (30TH): Excuse me, you want to address whether you want to have a meeting?

NICOLE RIVARD: We can do that.

FRAN SILVERMAN: We'll be happy to do that. Just about the number -- I mean this is something that we're talking about as an organization, the number of hunters is continuing to dwindle and the number -- the amount of conservation, like the money that goes towards conservation will not -- not sustain DEEP and it seems to be a need for a bigger discussion because we -- we will hear from hunters that the number of licenses helps DEEP but the fact is that the number of hunters is dwindling and it's not gonna support DEEP in the future.

SENATOR MINER (30TH): I thank you both for being here, I thank the Chairman and I look forward to that meeting.

NICOLE RIVARD: You have the meeting. Thank you.

REP. DEMICCO (21ST): Anyone else have questions? Oh okay, thank you very much. Thank you.
So now we go back to the public officials and the next person is Commissioner Betkoski. You have waited patiently, Commissioner, we thank you sir.

COMMISSIONER BETKOSKI: It's always a pleasure to be back in the building and thank you very much. Committee Chairs Cohen and Demicco, Vice-Chairs Gresko and Kushner, ranking members Harding and Miner and members of the Committee it's again a pleasure to be here today and talk about Senate Bill 232, AN ACT CONCERNING THE ALLOWABLE PERCENTAGE OF LEAKAGE FROM GAS PIPELINES.

The authority welcomes the opportunity to offer this testimony today. This proposal seeks to make two changes in statutes which requires our authority to submit annual reports to the legislature regarding loss on account of gas, better known as LAUF. And initiate an investigation if a gas company exceeds three percent. That's the statute that presently exists.

The bill would lower the investigation threshold to one percent and would prohibit gas companies from recovering costs associated with this. To evaluate the proposed changes it's important to understand that LAUF gas is an accounting concept and a rate-making tool, not an indicator of the amount of gas leaking from the distribution system.

During annual PURA a difference will arise between the total metered amount of natural gas purchased from suppliers and the total metered amount delivered to customers. The difference is accounted for using the concept of LAUF gas methodology.
This methodology generally results from circumstances outside the control of LDCs including the measurement of the inaccuracy counting differences, theft, venting and damage to the plant.

Current most recent annual report on the LAUF report dated July 20th of last year is docket number 180328 and this is a report to the General Assembly concerning loss and accounted for gas and of course this is available on our website.

The unaccounted gas reduces LDC's revenues and therefore is considered recoverable through the purchase gas adjustment unless peer finds that the - this resulted from imprudent control of conduct of gas company. I can't emphasize that more. If we find something that's imprudent, there's not gonna be any type of cost recovery to the company.

Gas leaking from the LDC's distribution systems raises important environmental concerns because methane is the principal component of natural gas and is a potent greenhouse gas.

The gas meter is sometimes misinterpreted as the actual quantity of natural gas or methane leaked into the atmosphere from a gas distribution system. Although leaked gas is one component of LAUF gas, the primary contributors, the leader in accounting disparities which do not reflect actual quantities of gas escaping the distribution system.

For example, the LDCs will appear on the report negative LAUF gas numbers. The amount of gas delivered to customers exceeds the amount of gas put into the system over a 12-month period and this is what our reports are based on.
Similar, the lost gas and found gas is a result of measurement inaccuracy in accounting factors. Consequently, LAUF gas is not a precise measure of the actual methane emissions from the gas distribution system.

To address the legitimate concerns of leaked gas, PURA, in docket number 180328 is currently revisiting the methodology by which local distribution companies are required to calculate and report the LAU of gas to PURA including implementing uniform research-based approach to estimate leaks for the distribution system. This will allow PURA to monitor the amount of leaked gas to determine if the LDC's leak repair and pipeline replacement programs are effective in reducing the amount of leaked gas.

I can't emphasize that more. That is something we actually refer to as the distribution integrity management system. PURA supports reduction of threshold below three percent for investigating LAUF gas. However, PURA suggests that the investigation under general statutes 1634A is initiated based on the component of LAUF gas that is related specifically to gas leaking from the distribution system rather than the entire LAUF gas concept.

Currently, a substantial increase in the gas would potentially go uninvestigated if there are coincident reductions in the accounting and measurement component of the LAUF gas. By focusing on the amount of leaked gas, PURA and the LDCs will be able to address the specific issues as climate change implementations.
This concludes my testimony, I'd be glad to answer any questions the Committee members may have regarding this. Thank you again for allowing me to speak here today.

REP. DEMICCO (21ST): Thank you, Commissioner. Are there any questions? Yes, Senator Haskell.

COMMISSIONER BETKOSKI: He's the sponsor of the bill, he has to have a question. [Crosstalk] it's good to see you.

SENATOR HASKELL (26TH): Thank you, Commissioner. It's wonderful to see you in a different setting and I thank you for your patience and all the other matters that we've dealt with. I'm eager to work with PURA on this legislation.

I'm concerned about a statistic that has been brought to my attention, that's that the Sierra Club did an investigation of leaked and unaccounted for gas and found that the number of leaks that they identified exceeded those reported to PURA by five-fold. Five-fold.

I'm wondering from your perspective within PURA how that might be explained.

COMMISSIONER BETKOSKI: Well, it's something that I believe was -- one thing I wanna stress is that -- and I'm not gonna dance around questions but sometimes, as you are well aware, we have docket of proceedings. Okay, so I want to make sure that I don't step over that or I know my staff will say something to me about that.

But that's something that -- I actually looked at that earlier -- to that testimony earlier today when
I was getting ready to come here and I think it's something that we would have to like evaluate and quite frankly get back to you, Senator. If it was submitted to our -- as part of this docket.

I don't believe -- I don't believe it was submitted as part of the docket. So if it was submitted as prior to docket then we can evaluate it, then I can give you an answer to it.

SENATOR HASKELL (26TH): Fantastic, thank you. Looking forward to continuing the conversation.

COMMISSIONER BETKOSKI: Good to see you. Gas instead of water today.

REP. DEMICCO (21ST): Thank you, Senator. Representative Gresko, you had a question.

REP. GRESKO (121ST): Thank you, Mr. Chair. Jack, did I listen correctly, there's a way of determining the difference of that three percent and whether it's a -- if it's a calculating error or a deliverance error as opposed to a leak? You're able to classify all those, did I -- did I miss hear?

COMMISSIONER BETKOSKI: When the companies submit their --

REP. GRESKO (121ST): Yes.

COMMISSIONER BETKOSKI: When the companies submit their statistics to us.

REP. GRESKO (121ST): And these reports on these statistics that are being provided to you are being done so by the utilities themselves?

COMMISSIONER BETKOSKI: That's correct.
REP. GRESKO (121ST): So they're basically policing their own.

COMMISSIONER BETKOWSKI: Well, they're not -- well, the other thing is that we -- I should emphasize, I mean it's a good question. I should emphasize the fact that we have a number one in the country gas pipe on safety program with engineers that work and are certified by the Federal government that look at all these statistics that come in to us and are really -- they are the watchdog. They really look at that [Inaudible 02:20:20] in terms of you know, what could be real or not.

So I have the utmost faith in our staff when it looks at those reports being submitted which is, because of legislature is being submitted to us on an annual basis that we can take a look at it and make sure that they're putting the appropriate responses.

REP. GRESKO (121ST): I had the opportunity to go to Southern Connecticut Gas for their -- for their annual safety update and that was my question to them about the leakage and they said that they are performing an aggressive repair/replacement program and you know, I would believe them but did I also miss hear you say that PURA would support something to the effect of maybe lowering the threshold on the leakage, the recognized leakage --

COMMISSIONER BETKOWSKI: Yes, but --

REP. GRESKO (121ST): -- and not the calculating error?
COMMISSIONER BETKOWSKI: We would support. We would support that lowering it. But I wanted to pick up what you just said.

REP. GRESKO (121ST): Yes, thank you.

COMMISSIONER BETKOWSKI: Gas, as I mentioned in my comments, we have a docket, it's the distribution integrity management program. And this is to look at repairing or replacing bare steel and cast iron pipes in Connecticut and we actually are in the process of doing that right now and then we're doing surveys within the companies themselves and looking at leaks that are successfully repaired. Of course any leakage that is happening right now is gonna be repaired immediately.

And the level number two isn't hazardous but it's something that could be scheduled for repair.

So there is a very, very aggressive program that we're monitoring right now.

REP. GRESKO (121ST): Beautiful. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Representative Dubitsky and then we'll go back to Senator Haskell. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. I very much appreciate your coming in and giving us that information. I just have one question, though. Are you for or against this bill?

COMMISSIONER BETKOWSKI: We are for reducing to the one percent.

REP. DUBITSKY (47TH): Okay, thank you.
REP. DEMICCO (21ST): Thank you, Representative and now Senator.

SENATOR HASKELL (26TH): Thank you, Commissioner. One for the line of question I neglected earlier, from a consumer protection point of view and correct me if I'm wrong but I believe some of PURA's responsibilities fall under the purview of protecting consumers in Connecticut. Are there any other utilities that you regulate that allow consumers to be charged for the material that they don't actually receive?

In other words, I'm referencing the potential of three percent leaked gas that rate payers are being asked to pay for when they're not actually receiving that gas because it was leaked over the course of delivery in the pipeline.

And is that the case, for example, with water [crosstalk].

COMMISSIONER BETKOWSKY: Yeah, actually that's an excellent question and actually and of course it's very -- with water, the national accepted guidelines is 15 percent leakage and they're up -- and when they go over that, when companies go over that, certainly we're not gonna give them cost recovery. But that has been the norm in the water business.

SENATOR HASKELL (26TH): Thank you. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Senator. I just wanted to be clear to the Commissioner. In response to Representative Dubitsky's question, so you would favor what the bill calls for which is changing the threshold from three percent to one percent?
COMMISSIONER BETOWSKY: Yes.

REP. DEMICCO (21ST): Did I hear that right?

COMMISSIONER BETOWSKY: Yes.

REP. DEMICCO (21ST): Okay but I'm looking at your testimony -- but you're suggesting that the way that it's measured or -- but just -- I'm looking at your testimony so help me out here if you could. Are you suggesting that the way that we measure it or the methodology that we use or the gas that is measured be modified?

COMMISSIONER BETOWSKY: My -- Scott Musgard, our Chief Regulator, one of our Chief Regulators just came to me and said, "You know, we're talking about two -- we're talking about leaks law and leak gas are two separate things." And that's where the disconnect here is a little bit. I mean when you're looking -- when you're looking, as I said, at my testimony, when you're looking at law, you're looking at the way it's accounted for, what goes into it, how much is being supplied to the people of the State of Connecticut, how it's being paid for, what's being distributed company and it's more than -- more than gas leakage. I guess that's the disconnect there.

REP. DEMICCO (21ST): Okay, so I'm assuming you're going -- we can avail ourselves of your expertise and tell us how we should write this so that [crosstalk].

COMMISSIONER BETOWSKY: You can absolutely, we will help you write the bill. Absolutely you can --
REP. DEMICCO (21ST): Not saying that you will get what you want.

COMMISSIONER BETOWSKY: No, I know about that.

REP. DEMICCO (21ST): I would welcome your input on this. We are absolutely --

COMMISSIONER BETOWSKY: It should be because we have the legislature are the ones that passed the original bill where we report back to you on an annual basis in terms of the LEUF program. And if it's gonna be some type of -- and as you know, we do legislation sometimes -- legislation and regulation, we're regulators so sometimes we have to make sure that what we're proposing here is going to fit into the present regulatory standards that we have on the books, too.

REP. DEMICCO (21ST): Thank you, I appreciate that. Senator (sic) Wilson, please.

REP. WILSON (66TH): Thank you, Mr. Chairman. This for many of us is an education process and so as we go along, I listen and get questions. And so one of the questions is how many years can we estimate that these leaks have been going on here in Connecticut?

COMMISSIONER BETOWSKI: It's -- I guess it's the same as long as there's been -- Commissioner Cairn is with me. He said as long as there's been pipes. I mean not to be flippant but there you -- it's like water mains. I mean this time of year you always see, because it's so cold, there's a lot of water main breaks.

And when you have pipes in the ground, you're always gonna risk leakage even if you have the best pipes
in there, something in the ground could shift, there could be roots. I know in my hometown we had a -- chopped down a tree because the tree was going into the -- into the main and it was causing leakage.

So sometimes you have unforeseen circumstances that cause leakage.

REP. WILSON (66TH): Thank you and just one more question. The other concern we've heard expressed is safety and so over the years that we have, let's say an awareness of this leakage, how many explosions have there been in Connecticut?

COMMISSIONER BETKOWSKI: I can -- I can only think of one explosion that was in my backyard in Naugatuck Valley in 1984 at the River Restaurant. That's the only explosion I can think of. We did have a gas explosion in Middletown but that was not under our -- that was during construction.

But the only one I can think of and there might -- don't hold me to it, there might be others -- but that was really a catastrophic one and that's where the whole -- you know, we have a very aggressive, thanks again for the legislative hearing -- aggressive Call Before You Dig program in the State of Connecticut. A lot of that was based upon the tragedy in the River Restaurant in Derby in 1984.

So we have a very aggressive program for that and we have a very, very stellar pipeline safety unit in the state.

REP. WILSON (66TH): Thank you. Thank you. And thank you, Mr. Chair.
REP. DEMICCO (21ST): Thank you, Representative. Any other questions from Committee members? Okay.

COMMISSIONER BETKOWSKI: Thank you.

REP. DEMICCO (21ST): Oh -- wow, Representative Mushinsky.

REP. MUSHINSKY (85TH): No, just a P.S., we also had an explosion in Wallingford. I co-sponsored that bill for the 811 because we had a house blow up and severely, almost killed an elderly woman.

REP. DEMICCO (21ST): Thank you.

COMMISSIONER BETKOWSKI: And I apologize -- I'm sure there -- the one that was the significant -- they're all significant but the one in the valley was something that really was the impetus for legislation.

REP. DEMICCO (21ST): Thank you, Commissioner, so one more time, any other questions by Committee members? Okay, I think we're all set.

COMMISSIONER BETKOWSKI: Thank you very much, appreciate your time. We'll look forward to working with you on this. Very much so. Thank you.

REP. DEMICCO (21ST): Thank you sir. Thank you sir. So I just want to make one clarifying announcement. It's come to my attention that some people have signed up to testify on multiple bills and we're going to stick to the tradition of the Committee which is to allow each person testifying to only come up to the microphone once and only once.

If you wanna testify on two or three bills, you will either have to talk fast or something but in order
to be fair, we have a lot of people here, a lot of bills, you know, so we're not gonna allow people to come up two and three and four times.

You get one shot at the microphone, if you wanna testify on more than one bill, please feel free to do so and you know, I'll be as generous as I can to allow you a little extra time. I don't wanna rush anybody but by the same token, I don't wanna keep us here, you know, well into the evening.

So with that, we're gonna go back to the public, Senate Bill number seven. The next person who has signed up is David Larson but he -- it occurs to me bill number 5254, is that you, sir?

DAVID LERSCH: That is.

REP. DEMICCO (21ST): Okay, you're signed up for bill number 5254 which we are not doing for -- until later on in the agenda. We tend to go in the order -- in other words, I don't know that you're testifying on the right bill here, sir.

DAVID LERSCH: Mr. Chair? I would prefer to spend my time on Senate Bill number seven.

REP. DEMICCO (21ST): Oh, you would?

DAVID LERSCH: I would.

REP. DEMICCO (21ST): Okay, well thank you. All right and if you wanna talk about 5254, you're welcome to do that, too, you have three minutes, sir.

DAVID LERSCH: Very kind of you to offer us the opportunity, Mr. Chairman and esteemed members of the Environment Committee.
I'm Dave Lersch, I'm a State Chapter Chairman for Delta Waterfowl. Delta Waterfowl is a 110 year organization, started a research in conservation of migratory birds in US and Canada and -- and in 2000 we started opening chapters. Five years ago we opened up a chapter in Connecticut. Already we're doing work to put more waterfowl, more ducks into the Atlantic Flyway here in Connecticut.

I am strongly opposed to Senate Bill number seven, to establish a log life refuge in Calf Pasture Beach and that's not only me but that's speaking for a lot of other waterfowl and other hunters in Connecticut.

We have very limited access to the coastline. Calf Pasture Beach just happens to be one of those places that -- where a person can legally and ethically hunt waterfowl.

People there who hunt there shoot toward Long Island Sound so for folks who say it's a danger to public, I challenge them that unless somebody is out there swimming in November, December or January, the chances are they're not gonna have any trouble.

As for folks who talk about noise, you know, I'd say it does make a little more noise. You know in November is about the time that they stop charging you to go into the park area which means it's pretty much closed down and that's when waterfowl hunters are grabbing their bag of decoys and their shotgun and they're walking below the high tide mark to water's edge to throw out a couple of decoys to enjoy the activity that they do so that they can also partake and enjoy water -- you know, ducks or geese, whatever they have there, they take.
They shoot them because they enjoy the sport and they like to eat the birds. Why this is a water life -- a wildlife refuge is beyond me. It looks just like a -- an end around to stop hunting. And when you look to waterfowl refugees and protecting areas, it's usually to protect nesting areas and whatever but heck, there's beaches, there's baseball fields and everything else there. I don't know what the heck a wildlife refuge is gonna protect other than to try to end around us and stop us from hunting there.

It's a -- how do you say, it's an outdoor activity, it's one that we enjoy. There should be a -- I have written testimony on this and I'd be happy to answer any questions that anyone might have.

REP. DEMICCO (21ST): Thank you, sir, and I apologize for mispronouncing your name. I believe it's Lersch?

DAVID LERSCH: Lersch, yes.

REP. DEMICCO (21ST): I apologize so it's [crosstalk] Mr. Lersch. Thank you for your testimony and I will ask Committee members if they have any questions. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thanks for coming in. Do you have any idea what percentage of the state's beaches are open to hunters?

DAVID LERSCH: I don't, Representative Dubitsky, I can tell you as a duck hunter myself, it's pretty tough to find access along the shore in Connecticut where you can walk in. That, in one -- that is -- is probably one of the biggest challenges that we
have as duck hunters, a place where you can walk in along the shore to hunt in a safe place. And that isn't private property.

REP. DUBITSKY (47TH): Is it fair to say that there's a significant portion that you -- that hunters don't have access to?

DAVID LERSCH: Oh, it -- very much so. This is a -- there's only a couple places in Norwalk that I'm familiar with. I don't hunt that -- that area very often and but I'm more -- I'm from Waterford and stay along the eastern side of the state.

REP. DUBITSKY (47TH): Thank you, appreciate it.

DAVID LERSCH: Thank you.

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

DAVID LERSCH: Mr. Chairman, do I have -- do I have a minute? Oh, I'm sorry.

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

DAVID LERSCH: Oh, I was just wondering if I -- if I had an extra couple of seconds, I would just speak very quickly about another bill.

REP. DEMICCO (21ST): Thirty seconds, Mr. Lersch because we really do have to --

DAVID LERSCH: 5313 -- 5315 on life jackets for paddling sports. I'm a retired Coast Guard Captain and I was involved in search and rescue and I see the bill adds the use of lifejackets in paddling sports.

During the period of time this summer when typically -- well, in the past, no other state I know of
requires lifejackets be worn but on board. I'll just say that I've been involved in search and rescue cases where people have been lost in the summer. I'm not really saying that I advocate that everyone should have to wear lifejackets during the summertime but you know, there are more areas are higher risk than others.

I neither oppose nor approve of that legislation, I'm just saying that more information would be -- should be required.

REP. DEMICCO (21ST): All right, thank you, Mr. Lersch, I appreciate that.

DAVID LERSCH: Thank you, sir.

REP. DEMICCO (21ST): Does anyone have questions? Representative Wilson.

REP. WILSON (66TH): Thank you, Mr. Chairman and thank you, Dave, for coming out today. I'm just curious, an earlier question asked by Representative Dubitsky to another testifying party, asking the question about Pittman-Robinson funds. Do you have any knowledge of any of those funds being used at Calf Pasture Beach?

DAVID LERSCH: Representative Wilson, I do not know how that land was purchased. I could certainly try to find out but I don't -- I don't know.

REP. WILSON (66TH): Thank you very much. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Yes, Representative Michele.
REP. MICHEL (146TH): Thank you for testifying today, thank you, Mr. Chair. Just wondering, I'm familiar with the geographical area of Calf Pasture Beach. Where does the duck hunting occur, if I may ask? Thank you.

DAVID LERSCH: Sure. And from talking with my colleagues who hunt there, it's on the extreme southern part of the beach. I have a photograph or a Google map. It's basically that rocky shoreline, it's kind of from the fishing pier, you know, around to the west. [Crosstalk] And you can only get two to three groups there.

REP. MICHEL (146TH): Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions from Committee members? Okay, I think -- I think we're all set. Thank you, Mr. Lersch.

So let's see, that's it for Senate Bill number seven so we'll move on to Senate Bill 237, AN ACT DESIGNATING ROCKY TOP AND YORK HILL AS PROTECTED TRACKROCK RIDGES. And Tim Mack is -- Mr. Mack.

TIM MACK: Good afternoon, Mr. Chair and the other Committee members. My name is Tim Mack, I live at 24 Rainbow Court in Hamden. I am an Inland Wetlands Commissioner for the Town of Hamden and also a Board Member for the Hamden Land Conservation Trust as well as Trail Manager for Connecticut Forest and Parks.

I'm in favor of SB-237 to protect the York Hill, Rocky Top Traprock Ridge. This ridge should be added to the list of neighboring already protected
traprock ridges such as Sleeping Giant a quarter mile away, Eastrock and Westrock.

York Hill/Rocky Top became part of Hamden's natural landscape over 15,000 years ago when sculpted by the retreating ice age glacier. In the past ten years, York Hill/Rocky Top Traprock Ridge had plans submitted twice to remove over 800,000 cubic yards of traprock by blasting, drilling and crushing on site.

These plans would've taken 80 to 100 feet off of the traprock, off of this ridge over an 18 acre parcel. Fortunately, the first plan was denied in 2008 and the second plan in 2016 resulted in the developer donating the 18 acres to Hamden Land Conservation Trust.

Although this 18-acre section of York Hill/Rocky Top is now protected by the Hamden Land Trust, the passing of this bill will add another layer of protection not only to this parcel but to the rest of the York Hill/Rocky Top traprock ridge.

This traprock ridge, although not as grand as Sleeping Giant or Westrock serves as an important animal corridor, supplies pristine water to adjacent wetlands and has multiple natural habitats and is home to the historical beginning of the Quinnipiac Blue Trail System started by Reverend Edmund Hairmons in 1920.

This trail system today is statewide with over 800 miles of trails. York Hill/Rocky Top was just dedicated to Reverend Hairmons by Connecticut Forest and Parks in September of 2018.
York Hill/Rocky Top is officially recognized by the USGFs as a geographical feature with a 472-foot summit. I wanna bring your attention to a technical issue on this bill and how it is listed.

Rocky Top and York Hill or Rocky Top, comma, Rock Hill implies that they are two different features. However, the USGS recognizes the feature as a summit called York Hill with the very rocky top. That notation including historic maps that were submitted to the USGS to verify these names and were approved by the Town of Hamden.

In other words, they are two different common names for the same summit. Therefore, I would suggest they should be listed as York Hill/Rocky Top on the bill. York Hill first followed by forward slash followed by Rocky Top.

Adding York Rocky Top -- adding York Hill/Rocky Top to the list of protected traprock ridges will protect this unique open space for future generations as a resource for nature, recreation and a pristine water supply.

Please vote yes to add York Hill/Rocky Top to this list of already protected traprock ridges. Thank you. Any questions?

REP. DEMICCO (21ST): Thank you sir, I just wanted to note that a couple other people in their written testimony did point out the -- what you just pointed out regarding the name -- the fact that York Hill/Rocky Top should be designated or named in that fashion rather than the way it's written originally. So we will look into that and make sure that we get it right. You were not the only one to pick up on
that. So are there questions from Committee members? Senator Miner.

SENATOR MINER (30TH): Thank you, Mr. Chairman. So I'm not specifically familiar, I guess, probably with this area but I am with Sleeping Giant and I grew up in Wallington so I have some knowledge of traprock.

So what I'm trying to find out here is would these areas be currently state owned or municipally owned or are they privately held?

TIM MACK: Half of the York Hill/Rocky Top is privately owned now by the Hamden Land Conservation Trust. There are some multiple private owners as well as Quinnipiac University owning a section of it.

SENATOR MINER (30TH): And so the land trust, I suspect, probably has some specific protections that might be listed on a land record somewhere?

TIM MACK: Yeah, so the land is protected, you know, in perpetuity and you know, no development can take place, you know, at all.

SENATOR MINER (30TH): And so if that's the case, through you, Mr. Chairman, what is it that we're attempting to do by adding this level of protection? I mean it seems to me the court would have to decide whether to permit the land trust to liquidate that protection so that couldn't happen on its own.

TIM MACK: No, it couldn't.

SENATOR MINER (30TH): So what is it that we're -- what is it we're trying to get at here that isn't currently protected?
TIM MACK: Okay, to answer your question, half of the ridge is now unprotected by Hamden Land Conservation Trust, the other half is owned by private owners and so it's like another maybe three-quarter mile section of Traprock Ridge which is just a quarter mile away from Sleeping Giant which is listed and protected as a protected traprock ridge.

SENATOR MINER (30TH): Right, so -- so in the case where a private property owner negotiates the value of that asset and either liquidates it to a land trust or gives it to the state or sells it to the state, that I can understand.

What I'm having a hard time understanding is that unless Connecticut Forest and Parks has a specific right on that ridge, why they would be advocating to extinguish someone else's right when it hasn't been offered or someone's not made a potential purchase agreement.

TIM MACK: Well, I'm not speaking for Connecticut Forest and Parks.

SENATOR MINER (30TH): Oh, I misunderstood.

TIM MACK: No, I am just -- I'm just -- I just gave that as when I was a Trail Manager for CFPA which that trail goes through. It's just an historical aspect of that area which also needs protection but I do not speak for the CFPA nor do I speak for Inland Wetlands, for that matter. I'm a private citizen who just would like to see this added extra layer of protection to this ridge.

And as the -- by designating it as a protected traprock ridge, it just means that you cannot develop within 100 feet of the ridge. You can
develop around it but not 100 feet off the top of the ridge.

SENATOR MINER (30TH): Thank you and I thank you for the clarification.

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

REP. MICHEL (146TH): Thank you, Mr. Chair. Thank you for your testifying. Just curious, what other hunting laws in that area? I'm not familiar with the hunting, I'm new here but would that help with preventing hunting in that area?

TIM MACK: No, the -- the actual protection of traprock ridge is to protect it from being developed. From taking the -- from the ridge 100 feet to either side of the top of the ridge from being developed.

Hunting is not allowed on the Connecticut Land Trust Property, I don't know about the other -- other private owners.

REP. MICHEL (146TH): Thank you very much.

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

TIM MACK: Okay, thank you.

REP. DEMICCO (21ST): I appreciate that. Actually, I was a little bit distracted so I will ask you my question.

TIM MACK: Sure.
REP. DEMICCO (21ST): And just to follow up on Representative Michel. So this designation has nothing to do with hunting, it just -- it just allows restrictions on development, is that what I heard you say?

TIM MACK: Yes, correct.

REP. DEMICCO (21ST): Okay. I just wanted to be sure. Okay, thank you.

TIM MACK: Sure.

REP. DEMICCO (21ST): So the next bill that we have, the people who have signed up is SB-233, AN ACT CONCERNING COTTAGE FOOD PRODUCTS AND THE PRODUCTION OF HONEY AND MAPLE SYRUP. And John Hall is the first one on the list. Is Mr. Hall here? There he is.

JOHN HALL: Good afternoon. Thank you for the opportunity to testify. I have submitted written testimony, I'm not sure if you have it or you will get it, it was submitted earlier.

My name is John Hall, I live in Westbrook, Connecticut. My family has been farming on the same farm in Westbrook since 1635. We've been producing maple syrup continuously at the farm since 1635. The name of the farm is Maple Breeze Farm. So we have a bit of experience with maple syrup. [Laughter]

I'm not gonna read my testimony, it would be redundant to do that and waste your time. We absolutely support this bill and honey and maple syrup fall under the Department of Agriculture if it falls anywhere.
I've been involved with the Farm Bureau leadership both county and state level for over 30 years and when this cottage food bill, known as the pickle bill when some people behind me worked on it, purposely didn't include honey and maple. I don't see that in there.

And why consumer protection just grabbed a hold of that, I don't know but we feel it belongs in the Department of Agriculture if it belongs anywhere. People that make maple syrup, the way it's produced and the temperature that it's boiled at, it will not breed bacteria, it's not a health problem, it's -- I've never heard of a maple syrup epidemic in 400 or 500 years since the Native Americans started making it.

It's just a common sense thing. I think this should be fully supported and put into the Department of Agriculture if it's put anywhere.

REP. DEMICCO (21ST): Thank you sir. Thank you sir. Anyone have any questions? Wow, okay. I saw you, Representative Slap and then we'll get to Representative Piscopo.

REP. SLAP (19TH): Thank you. Thank you, Mr. Chairman. What would the benefits be to have it in the Department of Agriculture, as you said? What do you think those would be?

JOHN HALL: The Department of Agriculture deals with agricultural products and if you look up section 1-1Q which defines the Department of Agriculture, way back as early as that section one was created, maple syrup is in there. It's part of agriculture. It's not -- you know, it doesn't belong anywhere else.
It's never been regulated, actually. Ever. And I really don't think it should be but if it's gotta go somewhere, it should be in the Department of Agriculture.

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

REP. PISCOPO (76TH): Thank you, Mr. Chairman. Thank you for your testimony. One of my maple syrup producers in my district was having problems with labeling, with the actual labeling. Have you had any problems with production and labeling of your product?

JOHN HALL: No, I mean we put our label on it, we put a nutrition label on it which is required, I believe. We put a grade label on it which is the quality of the syrup and we also put a label on that's required that says, "Not produced in a government inspected kitchen".

So when we sell it, the consumer knows that it's made in the sugar shack and not in a commercial kitchen.

If we were to do maple syrup in a commercial kitchen, it's virtually impossible with the volume of sap -- we have about, almost a thousand taps out right now. Today's the first actual day the sap is running because winter weather is over and we're into the thaw. So I'll go home today and collect a few hundred gallons, hopefully a few thousand gallons as the week goes on and start to boil.

Where you're gonna have a commercial kitchen to take thousands of gallons of sap and boil off steam, we boil off 60 to 80 gallons an hour in steam -- wood
fired -- you just can't do that stuff in a commercial kitchen, it's impossible.

REP. DEMICCO (21ST): Thank you, Representative. Hold on one second, Representative, I believe Representative Dillon, do you have a question?

REP. DILLON (92ND): Yes, it's sort of a question. The -- we have a lot of history of you know, kind of figuring out how to deal with different products. I think there was a deal years ago on jams and jellies that were being held out, you know, and it got tied up for years because there were safety concerns, if I recall.

And that -- and there was another bill that I don't remember what it did but it ended up bringing into its net, I think pancake breakfast for -- for different church groups and I think that the whole state rose up and I don't -- it wasn't my bill.

But I guess I would -- I would have to ask a question about safety. I know the sap is running, in fact they're gonna be -- they're going to be, I hope, tapping in my own neighborhood in Edgewood Park pretty soon.

But if you're -- if you're holding it out for commercial -- for sale, isn't there some kind of -- is there a safety issue?

JOHN HALL: No, whoever makes maple syrup, whether you're doing it on a one gallon per season or thousands of gallons per season, the process of making it, when you boil it and evaporate the water out of it, it has to reach 219 degrees. Bacteria doesn't live in that environment. And it's bottled hot. And sealed.
So safety is pretty much included in the process. I mean there's 219 degrees. If you put your finger in there, it's gonna disappear.

REP. DILLON (92ND): So I don't plan to, no. The -- but there was a reason why it was in another department and --

JOHN HALL: I don't think it was in another department.

REP. DILLON (92ND): It wasn't?

REP. DEMICCO (21ST): If I may jump in here, Representative, I'm looking at testimony from the Department of Consumer Protection and they indicate that -- that prior to the passage of the Cottage Food Law, it was the Department of Consumer Protection that regulated the production of honey and maple syrup. That's what they say, so take it away, Representative Dillon.

REP. DILLON (92ND): I just wanted to raise the question, I wouldn't hold myself out as an expert in maple syrup production.

JOHN HALL: Prior to the Cottage Food Law, right? And excluded in the Cottage Law.

REP. DEMICCO (21ST): I'm not going to say yes or no, I'm just reporting what I'm looking at in testimony. So I don't -- I don't wanna, you know, hazard an answer to that, sir.

JOHN HALL: Sure.

REP. DEMICCO (21ST): Representative Dillon, are we -- are we good?
REP. DILLON (92ND): I just wanted to raise the point and thank you so much for coming out here.

JOHN HALL: Sure.


REP. MACLACHLAN (35TH): Thank you, Mr. Chairman. Mr. Hall, thank you so much for joining us and taking the time to offer your testimony. Being my constituent, I appreciate the time visiting the farm and learning about, you know, the rich history in Connecticut of sugar making.

In the previous session, a sugar maker from Killingworth reached out about -- and requesting that we -- we delegate March as Maple Month to kind of celebrate our rich history of sugar making and it sort of opened my eyes to how important that issue is in our neck of the woods and I wonder what your opinion would be on the impact to small businesses in our -- in our district and our area if sugar makers were forced to -- to, you know, conduct business in commercial kitchens with some of the septic requirements that you've expressed some concern about. How would that impact the industry and small, you know, farming operations in our area?

JOHN HALL: I think you'd see most of it cease. Most of the producers in Middlesex County that I'm aware of are small operations including ours. Ours is what I would call a medium size operation. You just can't do it in a commercial kitchen. It would just be impossible.

REP. MACLACHLAN (35TH): Thank you and thank you for your testimony.
JOHN HALL: Thank you, Jesse.

REP. DEMICCO (21ST): Thank you, Representative and before I go to Representative Wilson, I just wanted to say, Mr. Hall -- again, I'm looking at testimony from the Department of Consumer Protection and they say that honey and maple syrup fall within the current definition of cottage food products.

And they go on to say that in order to achieve the intention of this particular proposal -- my word, particular -- additional statutory change would be necessary in title 21-A and title 22 of the Connecticut General Statutes.

So it looks like we've got a little bit of work ahead of us here.

JOHN HALL: I would encourage you to look into that, having been involved when we initiated that legislation.

REP. DEMICCO (21ST): Okay, we will absolutely look into it but now everyone knows about it so we'll have to look into it.

Representative Wilson.

REP. WILSON (66TH): Thank you, Mr. Chairman, thank you Mr. Hall for coming out. I, too, like my colleague, Representative Piscopo, have had conversation with some of the producers in northwest Connecticut and they're very concerned about this bill and are certainly opposed to it.

And too, Representative Piscopo's question about the labeling. Am I correct that some of this issue was driven by proposal for labeling and having to show the ingredients of maple syrup and could you speak
to what the ingredients are that need to be disclosed that are in maple syrup?

JOHN HALL: Two things. On our label it says pure maple syrup. It's sap from the tree evaporated and bottled at the proper consistency and temperature. That's it. That's the ingredient. Maple syrup. [Coughing] Excuse me.

Other states do allow sugar added. Other farms will add different taste to it. There's other syrups out there, hickory syrup, for instance, that can be infused with several different flavors. So you can buy flavored syrup and so on.

I know the Federal government, there was something floating around about labeling and content at the Federal level that's been addressed. I'm not gonna speak to that, I'm not up to speed on what the Federal law is. But our label, it says pure maple syrup. That's all there is in it.

REP. WILSON (66TH): Thank you for that clarification, thank you Mr. Chair.

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

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you for coming out. I know there are quite a number of honey producers and syrup producers have talked to me from my district about this and as -- as someone who was involved in the cottage food bill when it passed, I can tell you the intention was never to restrict those two products and farmers who produce them but it was -- the original goal was to try to give producers more options.
You called it the pickle bill, you know, we want to give people the opportunity to make pickles and, you know, things like that. And you know, if you could just tell us a little bit about why the -- the maple syrup producers and, you know, if you know the honey producers would prefer to be regulated under the Department of Agriculture as opposed to the Department of Consumer Protection.

JOHN HALL: Because I think the Department of Agriculture understands how those products are made and how they're done in a sugar shack or a sugar shed, if you will.

Consumer Protection, in my opinion, wants to regulate everything into a commercial kitchen. That's the big obstacle as I see it. And to do a commercial kitchen, you need obviously, sinks running, water septic systems -- those sorts of things which we don't have in sugar shack. Sugar shacks, like I said, you reach a temperature, the product stays at that temperature and then you bottle it.

The biggest obstacle is if someone tries to push it into a commercial kitchen venue.

REP. DUBITSKY (47TH): Well, I'll be honest with you. When I first heard that people wanted syrup makers to make it in -- in a commercial kitchen or inside, I cracked up because I just can't imagine how that would happen with the thousands of gallons that are produced.

JOHN HALL: Right.

REP. DUBITSKY (47TH): And have you been in touch with the -- well, I see you're wearing a Farm Bureau
lapel pin. Do you know what the position of the Farm Bureau is on this issue?

JOHN HALL: I believe you'll get testimony but it's very similar. Like I said, I've been involved for 30 years as the County President and on the State Board of Directors of Connecticut Farm Bureau. Currently I'm County President of Middlesex County.

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

REP. DEMICCO (21ST): Thank you, Representative. Are there any other questions? I guess not. Thank you, Mr. Hall.

JOHN HALL: Thank it: Of course, of course. Conveniently enough, Representative Dubitsky, we have as our next person testifying, Bryan Hurlburt from the Connecticut Farm Bureau. And we will now hear what he has to say.

BRYAN HURLBURT: Thank you, Representative Demicco and members of the Environment Committee. I did submit my testimony earlier this morning for those testifying here today on two proposals. Just for the record, I'm Bryan Hurlburt, I'm the Executive Director of the Connecticut Farm Bureau.

Testimony in support of SB-233, AN ACT CONCERNING COTTAGE FOOD PRODUCTS AND THE PRODUCTION OF HONEY AND MAPLE SYRUP. And also in support of HB-5254, AN ACT ESTABLISHING A PILOT PROGRAM AUTHORIZING MUNICIPALITIES TO IMPOSE A BUYERS CONVEYANCY ON REAL PROPERTY TO FUND THE PURCHASE AND STEWARDSHIP OF OPEN SPACE.
I won't read my testimony because it is submitted in advance and I know you all have plenty of bills to hear testimony on after but I do wanna just state that we -- we are strongly in support of this bill as we went through our annual meeting process around all the counties. We heard from a number of different counties, their membership, that this was a significant problem.

There's a lot of concern due to lack of clarity and understanding what the requirements would be on honey and maple producers moving forward as DCP has looked at cottage law to include honey and maple syrup.

We strongly believe, as John Hall mentioned earlier, that section 1-1Q specifically puts the production or harvesting of maple syrup or maple sugar under the definition of agriculture, that is rightly suited to be regulated and overseen by agriculture.

We look forward to working with the Department of Consumer Protection on their statutory changes that they recommended in their testimony and will be -- will have that conversation.

To Representative Dillon, your question about safety. The FDA considers maple syrup a low risk food because as was mentioned earlier, the high boiling point and also the low water content. So there's a low risk that people will -- that a contaminated product will get out. There are ways in order if you did develop mold or something that you can reprocess the maple syrup.

There are a lot of other resources available through the university and the Maple Sugar Producers
Association to help producers who wanna be in compliance understand how to make sure that the product that they're offering to the consumer is safe.

And then on 5254, we appreciate this proposal. It is an opportunity for municipalities to create a bank or a fund reserve to purchase farmland and preserve the farmland development rights. There's a lot of interest in this, clearly, around the state in different communities and this would give towns the opportunity to make sure that they have funds available when a farm owner is ready to sell or is interested in selling their development rights. And so this might help continue our efforts to preserve 130,000 acres. That's our designated state goal.

And I'd be happy to answer questions from members of the Committee.

REP. DEMICCO (21ST): Nicely timed, Mr. Hurlburt. Thank you for your testimony and I believe Representative Dillon has a question for you.

REP. DILLON (92ND): Thank you for having that out, I would bring up the safety issue but I'm aware that it's usually in the case of honey need was used as a preservative so that -- so that for years, hundreds or years -- so that it's not necessarily an issue. But the SPA statute which was originally adopted, you know, under FDR, was -- was not really a safety statute, we didn't have the ability to measure at that time, it was -- it was an attempt to in some ways to protect honest merchants from dishonest one so that if you're selling flour and you're contaminating it with sawdust, you don't wanna have an advantage on your -- if you're
labeling it as 100 percent flour over -- over someone who's using 100 percent flour.

And the -- the same holds true for maple syrup then and therefore that -- I didn't ask the label question because it had already been asked. But -- but yes, I mean if I'm watering down my maple syrup and then obviously I have an advantage over someone who's selling something that says 100 percent label. I don't know how to solve all this but that is part of the original way back in common law in England pointed some of those laws which was not necessarily consumer driven, it was disputes between merchants. I know you probably know this but I don't know if you think about it.

But so I would worry about the label, too. That doesn't necessarily mean I'm opposed to the bill. And that I just think it's worth mentioning and thank you very much. Good talk.

BRYAN HURLBURT: Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Any other questions for Mr. Hurlburt? Senator Miner.

SENATOR MINER (30TH): Thank you, Mr. Chairman. So some of my constituents have communicated with me about this issue and one of the things that they've raised with me is that if you go to the State of Vermont where you buy Vermont maple syrup here, in some cases they're afraid that we're gonna require things on the label that they don't require and that puts us at a competitive disadvantage.
I think that's kind of the crux of what we're getting at here by not embedding cost and regulation in these two products at the level of Department of Consumer Protection when there doesn't really seem to be a reason to do it.

Do you have any knowledge about that labeling issue as it pertains to other states and the market place of these folks you're trying to sell into.

BRYAN HURLBURT: So my understanding was at one point at the Federal level, there was a push to include sugar added in both honey and maple syrup. And our position is at the Farm Bureau that if there's no sugar added there should be no labeling requirement. I believe that they may have the farm bill, the 2018 farm bill that recently passed or just through Federal regulations.

Discussion of that requirement has been put aside so there's no need for anybody to put a no sugar added label on their honey or maple syrup and we certainly wouldn't be pursuing that.

SENATOR MINOR (30TH): Or anything else?

BRYAN HURLBURT: I believe the Federal piece was limited to the sugar added but I don't know about any other components.

SENATOR MINOR (30TH): Thank you.

REP. DEMICCO (21ST): Thank you, Senator. Any other questions for Mr. Hurlburt? No. I guess you are free to go, sir.

BRYAN HURLBURT: All right.

REP. DEMICCO (21ST): Thank you, sir.
BRYAN HURLBURT: Thank you all for your time.

REP. DEMICCO (21ST): Okay. Thank you. So the next person on the list is Alan Holmberg.

ALAN HOLMBERG: Good afternoon, Madam Chair, Mr. Chairman and members of the Environment Committee. My name is Alan Holmberg and I'm a fulltime honey farmer from North Franklin, Connecticut.

Today I will be speaking in support of SB-233, AN ACT CONCERNING COTTAGE FOOD PRODUCTS AND THE PRODUCTION OF HONEY AND MAPLE SYRUP.

However, I feel the bill needs to be amended to include on-farm production of honey and maple syrup as well as cottage food production of these agricultural products.

On-farm production would cover honey produced in a separate honey house on the beekeeper's farm or maple syrup produced in a separate sugar house, whereas cottage food production only covers products produced in the — in the home kitchen.

Lately there has been concern about overreach on behalf of the Department of Consumer Protection to regulate and inspect on-farm production of honey and maple syrup. One of the main issues with DCF is their lack of knowledge of basic farming practices. Most maple producers tap trees on someone else's property and transport the sap back to their sugar house for boiling or share evaporator equipment.

Likewise for honey producers. Most hives are kept in out-yards on someone else's property. Myself, I have 32 out-yards where I keep bees throughout eastern Connecticut. I harvest the boxes of honey
from the hives and bring them back to my own farm for extracting in my honey house.

Ninety percent of agriculture in the State of Connecticut is done on lease land or using leased equipment. DCP has taken issues with these common practices, demonstrating their lack of knowledge of how agriculture works.

Furthermore, the Department of Consumer Protection doesn’t have set regulations to follow yet for on-farm production and currently wants to leave it up to the discretion of the inspector.

To me this seems like a recipe for disaster for the farmer. We need to know what is expected of us before the inspector pays us a visit.

Honey farming and maple syrup production are recognized farming activities by the FDA and should be exempt from the Department of Consumer Protection. They're considered low-risk foods and honey actually inhibits bacterial growth because of its low moisture environment.

The Department of Agriculture is currently handling the new food safety and modernization act rules and regulations set forth for fruit and vegetable growers and should follow that the Department of Ag handles honey and maple syrup as well for on-farm production.

I'm certainly not advocating for more regulation for honey and maple syrup producers. It's hard enough keeping my hives strong and healthy on an annual basis to produce a honey crop but if regulation and inspection are going to happen, then it needs to be done by an agency that understand agriculture, not
the Department of Consumer Protection or the Department of Public Health.

In conclusion, I am in support of SB-233 but I feel that it needs to be amended to specifically include on-farm production of honey and maple syrup in order to support farmers like myself who have chosen beekeeping or maple syrup production as their livelihoods.

Thank you. Does anybody have any questions?

REP. DEMICCO (21ST): Any questions for Mr. Holmberg? Representative Dubitsky.

REP. DUBITSKY (47TH): Thanks for coming in, appreciate it. I know you and I have talked about this bill before and I just wanna make sure I understand what you are asking for.

This bill would essentially exempt or exclude maple syrup and honey from the cottage food statute. So what is it -- what else is it that you're trying to do here?

ALAN HOLMBERG: Well, the cottage food statute is only -- it only covers honey -- currently honey and maple syrup that are produced in a home kitchen. So I wanted to specifically state, you know, that it covers -- this bill will cover honey that's produced, you know, in a honey house. Or you know, maple syrup produced in someone's sugar shack.

REP. DUBITSKY (47TH): Okay, this bill would just exempt them completely from the cottage food -- from the definition of cottage food products. So it wouldn't apply in either respect, would it?
ALAN HOLMBERG: Well, I'm just -- you know, as a fulltime honey farmer that doesn't produce under the current cottage food bill that I don't feel applies to me, I just want to have my bases covered.

REP. DUBITSKY (47TH): Okay, so you just want to make sure that honey is not considered a cottage food product.

ALAN HOLMBERG: Yes. Whether it's --

REP. DUBITSKY (47TH): Regardless of where it's produced.

ALAN HOLMBERG: Correct. Yes.

REP. DUBITSKY (47TH): Okay and if this bill does that, you are supportive of it and if it doesn't do that, you would like it to do that.

ALAN HOLMBERG: Exactly, yes.

REP. DUBITSKY (47TH): Okay, now I understand. Thank you very much, I appreciate your coming in and I certainly support those that produce our maple syrup and honey. And you know, few people understand that those two products are made by farmers and that that fits under the definition of farming and I appreciate you coming in. Thanks, Alan.

ALAN HOLMBERG: Thank you. Thank you, Mr. Chairman.

REP. DEMICCO (21ST): Thank you, Representative. Are we all set? Does anyone have any further questions for Mr. Holmberg? Okay, I think you are all set, Mr. Holmberg, thanks for coming up and thank you for your patience. It's a process. That's the way it works, thank you.
ALAN HOLMBERG: Thank you.

SENATOR COHEN (12TH): Okay, next on the agenda is actually HB-5318 and seeing no one signed up, we will -- to provide testimony -- we will move on to HB-5254 and it looks like Jim Perras from Connecticut Home Builders. Okay, we'll move -- oh, hello.

JIM PERRAS: Chairwoman Cohen, Chairman Demicco, members of the Environment Committee, my name is Jim Perras and I am the new CEO of the Home Builders and Remodelers Association of Connecticut and I'm here in opposition to HB-5254.

You have my testimony -- or you may have my testimony and if not, regardless, I'll hit the highlights so we stay on time.

The Home Builders and Remodelers Association of Connecticut is a professional trade association with over 800 business members statewide employing tens of thousands of Connecticut residents.

Our association with small businesses is comprised of residential, commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry.

We build between 70 and 80 percent of all new homes and apartments in Connecticut each year and engage in countless home remodeling projects.

The mission of the Home Builders and Remodelers Association of Connecticut is to provide greater access to the American dream of affordable home
ownership to all. We believe, if enacted, HB-5254 would act as a barrier to many who aspire to home ownership.

What do we know? We know for every $1,000 dollars you raise the price of a home, you make that home unattainable to 1,007 Connecticut families.

We also know that more development land you take out of the market, the more expensive land and home -- excuse me -- and homes will become in a state that is already one of the most expensive to call home, further exacerbating the trend of outward migration.

We know the more developmental land you take off the table, the more difficult it'll be for towns to reach affordable housing and workforce housing goals which ultimately serve to perpetuate Connecticut's high rates of racial subjugation.

We know that the residential construction industry has been producing housing units at recessual levels since 2009 and we're not building at the levels needed to maintain our current housing stock numbers.

This bill, if enacted into law would exacerbate that problem by driving up development costs of new construction on top of taxing buyers of those homes.

For these reasons, we ask the Environment Committee to reject HB-5254. Thank you for your consideration, I'm happy to answer any questions you might have.

SENATOR COHEN (12TH): Okay, thank you.
Representative Demicco.
REP. DEMICCO (21ST): I was trying to be polite and wait for others but I will jump in here. So thank you for coming and testifying, I appreciate it.

So I just -- I have to ask, does not the Homebuilders Association have a concern about the -- I'm not sure how to phrase this -- the desirability of a community. The whole idea of this bill, from what I understand is to preserve open space within various communities. Those who choose to participate, you know, this is optional, not mandatory.

I would think that the Homebuilders would be interested in increasing the beauty, desirability of a particular town. So I'm curious to hear your reaction to that.

JIM PERRAS: Thank you for your question, Representative. Certainly, preservation -- open space preservation is a laudable goal and one that the Homebuilders Association is certainly in favor of. However, the means by which we achieve those goals, we think that in essence that open space preservation is a benefit to everybody in that municipality and therefore the cost of said benefit should be spread amongst everybody in that municipality.

REP. DEMICCO (21ST): So in other words, if the municipality wants open space that they should provide -- the municipality rather than the buyer of the particular home should be the one to provide that.

JIM PERRAS: Yes, short answer. Long answer, I've a hard time understanding the correlation between a
new home purchase and why these individuals are doing ones that would be paying for open space preservation when again all the town benefits from it.

REP. DEMICCO (21ST): And just one final question, not to belabor this, but the fact that this is -- the way this bill is written, currently is it would be made available to towns who choose to do so yet it's optional, not mandatory and the legislative body of the town would have to do that.

That doesn't make you feel any better?

JIM PERRAS: It doesn't. And that was a short answer. The long answer, I suppose, would be I guess if you were to ask a member of homeowners who had their houses up for sale or home buyers who intend to buy a house in that particular community, ask them to vote on whether or not they want to contribute to open space preservation based on the sale or purchase of said home.

My guess is that you'd find a much different outcome of the vote as a -- in comparison to having the whole town say, "Yes, we like ice cream and we would like those individuals to pay for it."

REP. DEMICCO (21ST): I'm not so sure I agree with the ice cream analogy but I get the point. I get the point, so thank you, I appreciate it. Thank you.

SENATOR COHEN (12TH): Okay, thank you, Mr. Perras.

JIM PERRAS: Thank you.

SENATOR COHEN (12TH): Next on the list is Shelly Harms, Norfolk Conservation Committee.
SHELLY HARMS: Hello, Committee. Thank you so much for this opportunity, it's been a really educating day for me. I've never done this before and I'm really impressed by your attention to all these issues.

I am Shelly Harms, I'm representing the Norfolk Conservation Commission today. As our First Selectman, Matt Riska said in his written testimony, Norfolk would like to be part of the pilot program -- to participate in the program.

We have a lot of protected land in Norfolk. We have over 20 miles of trails for people to enjoy. These are for people from all over the state. Anybody can come in the public and can, you know, enjoy our beautiful, beautiful town. It's a beautiful town, it's in the beautiful northwest corner of the state.

And you know, even though it's important to protect and care for these properties, you know, these important functions can take the back burner when you have to clear the roads and educate your children.

So what happens sometimes, I mean town properties can be overrun by invasive species it seems like in a blink of an eye. If you turn your back, all of a sudden it's, you know, it can be a mess if you -- if you ignore it for just a little while.

For example, Norway maples have taken over one of our pretty little town parks. It's right on Route 44, it showcases Buttermilk Falls and for a long time you couldn't see Buttermilk Falls because literally hundreds of Norway maples had grown up and obscured the view.
We didn't really have an in-town budget to take care of this problem so I'm on the Norfolk Tax Conservation Commission. For the last three years, we've been using most of our tiny little budget to do tree work.

After three years of this, we can now see Buttermilk Falls. It's gonna take two more years for all the Norway maples on that very small property to be gone but there are other properties that need attention. We need to be doing this for all of our town properties. We have a brand new beautiful park in the center of town called City Meadow. We've created a boardwalk for people to walk on, it's got a pond, it's very attractive.

Again, a lot of invasive species needed to be removed and still need to be removed. We wanna put native plantings in now, attractive native plantings and all that, you know, all that takes money and then this ongoing maintenance to do as well.

So you know, the budget is tight for our town. It would be very, very nice to have a source of funds to help us protect and take care of our properties. This HR-5254 will help Norfolk and other towns like it to solve a problem.

It will help take pressure off of our taxpayers and the town budget and at the same time, it's gonna encourage towns to protect and take care of their land for the benefit of the public.

So in conclusion, I hope you will pass this bill.

SENATOR COHEN (12TH): Thank you. Okay, Representative Horn.
REP. HORN (64TH): Thank you, Madam Chair. I wanna thank my constituent, Shelly Harms, for being here today and for speaking up on behalf of conservation. I know you do a lot of work for several conservation groups and land trusts in the region and it's very valuable.

Several Board of Selectmen members have spoken to me about participating in this program and I wondered whether you in your work or for Selectman Riska has had any conversation with other Boards of Selectmen in terms of whether regional participation in a program like this.

SHELLY HARMS: I have had a couple conversations and I think this Committee's going to be getting a letter or testimony from another northwest corner town maybe tomorrow.

REP. HORN (64TH): Thank you.

SENATOR COHEN (12TH): Okay, thank you, Ms. Harms. Next on the list is Patrice Carson from the town of Bolton. Welcome.

PATRICE CARSON: All right, good morning Co-chairs Cohen and Demicco and the rest of the members of the Environment Committee. Thank you very much for allowing testimony on this bill, HB-5254.

I want to echo the statements that were said earlier by John Elsser, Town Manager in Coventry and he's a neighboring town of ours. As the Bolton's Director of Community Development, I'm here on behalf of the Town of Bolton, its First Selectman and its administrative officer.
And I'm here to express the town's full support for HB-5254. If the bill is enacted, the legislation would allow but would not require, as you've pointed out, a certain number of towns, the town of Bolton being one, who've requested to establish a fund to acquire, preserve and steward open space and farmland at the municipal level by including a conveyance fee of up to the one percent.

In testimony that was delivered to you before Friday, we actually included a table of what this might look like at the different percentages up to one percent and it's really not overbearing as some might think.

The town of Bolton actually supported a similar bill, SB-181 last year which I believe made it through this committee and we're hoping that this bill will pass as well.

Connecticut municipalities are feeling severely constrained by the state budget cuts and we're looking for more creative ways to fund land use projects that enhance our economy and the quality of life for our residents.

We submitted written testimony, as I said, on January 31st and it outlines the reasons that we support the bill and the table of included estimates so you can review that.

The table shows fees are minimal in the scheme of a closing and all the costs that are associated with that. But if approved through the municipal legislative process, would provide participating communities with a sustainable source of funding for local conservation and stewardship efforts that
wouldn't otherwise impact municipality mill rates or their bonding rates.

In addition, the town of Bolton has requested to be listed as one of the pilot program towns because we think such fund would enable participating towns to fulfill matching requirements for communities for things when we go out for other grants, state funds, federal funds, community foundations funds and it would cover things like maybe an appraisal or a survey or an environmental assessment that are usually in addition to the other things that we have.

Connecticut's natural resources are what make the state a wonderful place to live and work and recreate. By providing a small community like Bolton with tools such as this to take a more active role in our conservation and stewardship of our local lands, we think it will help to keep it that way for generations.

We do take the state's request of trying to preserve up to 20 percent of the state as open space seriously, it's in our plan of conservation and development and we feel this is one of the ways that can help us do that.

Not absolutely everything needs to be built out and open space, as was asked earlier, does enhance a community and reasons to live there.

I just wanna make a point that open space benefits all, not just people of a certain status or a certain wealth. Open space is free to people who wanna use it and it's not just for one town. So if the town has open space in its town, it's not
limited to those towns' people. Anybody can come and use open space.

As a side note, I also happen to be the President of the Northern Connecticut Land Trust. Only one or two of my towns are participating -- have asked to participate in this project and we believe that because of the following -- one of the following purposes is to allow for the cooperation of state and federal governments with private organizations such as land trust and that this kind of captures the cooperation between public and private partnerships and it makes for good neighbors and good friends and good cooperation.

That's my testimony, I'm happy to answer any questions.

SENATOR COHEN (12TH): Representative Demicco.

REP. DEMICCO (21ST): Thank you for coming and testifying, I appreciate it. Not to belabor this but I'm struggling with the idea that open space benefits everyone and I certainly am a big believer in open space but to give credence to the other side, if open space truly benefits the whole town, why doesn't the whole town pay for it? Why are we proposing to have just the buyer who comes into the town for the first time, perhaps, bear the burden?

PATRICE CARSON: I think it's because the people that are already there have already paid into that. They've paid into it with tax funds, they've paid into bonding that has been taken earlier on that maybe the new people coming in would not have paid into because they weren't living in the town at the time.
They've paid into other efforts that have gone into preserving open space in that town and open space is one of the reasons a lot of times that people tend to move into a town. It does benefit and there are many examples of towns that have, you know, affordable housing and open spaces, not you get one or the other.

Also, I just want to make a -- just to maybe help with that a little bit, the cost of the house has to be over $150,000 dollars so in many cases, this would not affect an affordable house project but it may affect somebody else who might be able to better pay for it.

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

PATRICE CARSON: You're welcome.

REP. DEMICCO (21ST): Thank you.

SENATOR COHEN (12TH): Representative Gucker.

REP. GUCKER (138TH): Sorry, I feel like I need flags or something over here in the next aisle. A quick question, I actually got a call from some constituents on the way up to the capitol this morning since I have a short drive from Danbury to Hartford and then the traffic in Southbury is great.

There was some concerns about new home buyers wanting to buy a house that these conveyance taxes may put a house out of their reach. Many times when somebody's buying a house they're scratching and pawing to get every nickel they can to actually purchase it and there's a concern that this little bit -- though I am a huge advocate of open space,
I've saved over a couple hundred acres just in Danbury alone.

How would this burden them and how do I answer their concerns?

PATRICE CARSON: I think you could take a look at the table that was presented as part of the written testimony that we did. And I agree that sometimes, as having purchased a house on my own, sometimes that last $500 dollars might be just what might push you out.

But I also think there are some creative ways to find those monies and I think when you set yourself on a certain community for certain purposes that that $500 might just be worth it.

REP. GUCKER (138TH): Thank you.

PATRICE CARSON: You're welcome.

SENATOR COHEN (12TH): Okay, thank you for your testimony.

PATRICE CARSON: Thank you very much, have a good day.

SENATOR COHEN (12TH): Next on the list is Eric Hammerling from the Connecticut Forest and Park Association. Welcome.

ERIC HAMMERLING: Thank you. Good afternoon, Environment Committee. My name's Eric Hammerling, I'm the Executive Director of the Connecticut Forest and Park Association. CFPA is the first nonprofit conservation organization established in the state in 1895. And we testified on forest, park, trail, open space and other conservation issues every year.
As you know, in Connecticut, the most critical actions taken to protect open space and unique natural resources are made at the local level. But to be successful, the municipalities need access to a full set of tools that only you can enable.

That is why we ask you to support both HB-5254 and SB-237. HB-5254 would allow but not require towns to generate funds locally to protect local open space, forest and farm land, remediate contaminated brown fields or conduct other environmental priorities such as removal of invasives, trail maintenance or protecting water resources.

Without 5254, the only local tools are increase the mill rate or authorize municipal bonds. Increasing mill rates incur political backlash and authorizing municipal bonds can limit the ability to respond quickly when lands are available.

HB-5254 would give towns another tool to raise funds locally, a one-time fee for buyers of real estate. With that fee, a new home buyer would both invest in their property and in the local quality of life that attracted them there in the first place.

And using 5254 should avoid the need to raise the mill rate or authorize bonds to protect open space and care for the town's lands and water resources.

HB-5254 is also flexible enough for each town to utilize it in a way that works best locally. This fee could be set at a lower rate than one percent. The floor of $150,000 exempted from the fee could be raised to a higher level based upon the local real estate market and funding could be used to acquire land, remediate it, maintain or improve existing
resources or perhaps even pay down previous municipal bonds sold for these purposes.

In fact, the town doesn't have to use this mechanism at all but considering the successes of this local fee in several other states, I hope towns would and I hope you'll vote to give them the chance.

Thank you.

SENATOR COHEN (12TH): All right, thank you, Mr. Hammerling. Representative Demicco.

REP. DEMICCO (21ST): I always have a question. So I'm just curious, since we've talked about this, I don't wanna, you know, go over ground that's already been trod. Other states, have they done this?

ERIC HAMMERLING: Yes.

REP. DEMICCO (21ST): And how successful has it been?

ERIC HAMMERLING: Very successful and you'll be hearing from additional folks testifying on that but the states that I'm aware of in this region are Massachusetts, Rhode Island, New York, Pennsylvania, Virginia and there are several others. And but you'll hear the case studies from David Bingham and Amy Patterson.

SENATOR COHEN (12TH): In those other states or other areas that have done something like this, has there been any consideration for urban areas and use of the funds?

ERIC HAMMERLING: I'm not sure. I'm not sure but I was really encouraged to see and in HB-5254, communities as diverse as Coventry to Hartford and
that, I think, speaks to the fact that it is something with broad appeal and we'd love to see it as an option for those towns to take advantage of to protect local resources and I think the same arguments that work for protecting resources in the most rural communities work in the importance of protecting areas in our urban communities as well.

So obviously we strongly support the bill.

SENATOR COHEN (12TH): Thank you. I don't see any other questions so thank you for coming out today.

ERIC HAMMERLING: Thank you.

SENATOR COHEN (12TH): Okay, next is Joanne Breen from Connecticut Realtors.

JOANNE BREEN: Good afternoon, I want to thank the committee for allowing me to speak this afternoon. My name is Joanne Breen, I'm a realtor and the 2016 President of Greater Hartford Association of Realtors and I'm currently the First Vice President of the Connecticut Association.

And I'm here today as a representative of more than 17,000 members of the Connecticut Realtors in opposition of HB-5254, AN ACT ESTABLISHING A PILOT PROGRAM AUTHORIZING MUNICIPALITIES TO IMPOSE A BUYER'S CONVEYANCE FEE ON REAL PROPERTY TO FUND THE PURCHASE AND STEWARDSHIP OF OPEN SPACE.

HB-5254 would allow municipalities to impose a buyer's fee on the conveyance of real property at the rate of not more than one percent of the consideration paid by the buyer in excess of $150,000 dollars.
These tax dollars would be placed in an account for a municipality to use to purchase open space. CTR believes that this bill will only lead to more taxation on current and future residents of Connecticut.

Pilot programs are frequently just a first step towards a permanent adoption. Additional taxation of homes will only hurt Connecticut's very fragile housing market.

Many buyers struggle to save closing costs. Any additional financial burden may make the dream of home ownership difficult, if not impossible, for many potential buyers. Currently data from the National Association of Realtors shows that on an average, it takes a person an additional seven years to purchase a home due to issues such as student loan debt. Adding an additional cost such as this proposed in the bill will only harm the housing market.

CTR feels this bill is not only harmful but unnecessary. If open space funding is a goal in any municipality, there are other funding mechanisms which should spread the financial burden across everyone in the community, not just those in real estate purchase transactions.

Real estate buyers should not be required to shoulder the cost of a benefit that is presumed to be for an entire community. A buyer's conveyance tax of any type has rippling effects that can be very damaging to buyers and sellers.

At the present time, when a home sells for $200,000 dollars with a $190,000 dollar mortgage, which is
typical. People usually put five percent down, buyers closing costs range between $6500 and $7000 dollars. These closing costs are comprised of items such as bank and attorney fees, title insurance, prepaid interest and homeowners insurance and property tax adjustments and escrows.

If this bill is enacted, an additional potential $2,000 dollars could be added to the cash needed at a closing.

In addition, it's very common for buyers to incorporate their closing costs into the offers on homes as a seller credit back to the buyer. If there is a buyer's conveyance tax on this same $200,000 dollar home, those closing cost credits that are now built in could go from $6,000 or $7,000 dollars to $8,000 or $9,000 dollars.

When closing costs are built in to a transaction, the house has to appraise for the contract price and that includes those additional built-in costs. Not only will this increase the buyer's mortgage amount because they're building in the closing costs but it could artificially increase the purchase price which may very likely create a problem when the buyer's lender sends the bank appraiser out.

SENATOR COHEN (12TH): Ms. Breen, I have to ask that you wrap it up.

JOANNE BREEN: I will.

SENATOR COHEN (12TH): Thank you.

JOANNE BREEN: In a market that's beginning to recover just now, there are already issues with
properties appraising because there aren't enough historical sales to justify the increase in value.

Because of the potential harms that this bill could cause, CTR opposes any new legislation which creates or expands taxes on real estate. In conclusion, we strongly urge you to reject HB-5254.

SENATOR COHEN (12TH): Thank you for that. As we heard in some of the testimony prior to you coming up as well as some that we received online, there has been some statements that this would actually increase property values. I just wonder what your thoughts are on that.

JOANNE BREEN: I don't think at the present time, with the current market conditions in Connecticut -- I've been doing this for 40 years and this has been the longest deepest recession and Connecticut has not pulled out of it the way our surrounding New England states have.

And I think at this present time, most particularly it would be very damaging. I don't think that your typical buyer -- in all honestly, I love open space. I would, as a small business owner, be more than happy to fund open space on a voluntary basis and help raise money for it but to target home buyers with this additional burden at this present time, I don't think is going to increase the value of real estate in Connecticut.

SENATOR COHEN (12TH): And just to clarify, the additional open space in the towns would be what would be increasing property values. Anybody else have any questions? Okay, thank you so much, Ms. Breen.
JOANNE BREENE: Thank you.

SENATOR COHEN (12TH): Next is Joe Scozzafava from Connecticut Realtors. Welcome.

JOE SCOZZAFAVA: Hi. Good afternoon, Senator Cohen, Representative Demicco, ranking members Miner and Harding, members of the Committee.

My name is Joe Scozzafava and I am a realtor and currently Vice President of the Connecticut Association of Realtors. I'm past president of the New Canaan Board of Realtors and I'm currently a committee member for the National Association of Realtors.

I'm here today to testify on behalf of CTR's over 17,000 members in opposition to HB-5254. The association believes this proposal would create additional impediments to Connecticut's fragile and still recovering housing market. The bill is very comparable to other proposals our association has opposed. Over the years, CTR has consistently opposed any new or expanded taxes or fees on real property at the time of transfer whether on the seller or the buyer.

We ask that you do not make our jobs any more difficult in selling Connecticut than they already are today. Millennial buyers are just beginning to enter the real estate market. This demographic represents the largest pool of home buyers this country has ever seen. But they're a very unique set of people. They're very cautious and unlike previous generations, they're not entirely convinced of the importance of home ownership.
They do see value in raising their children in the suburbs but they do not want to make financial sacrifices to buy a home. Every dollar is important in the acquisition process. And while this millennial group has good cash flow to buy a house, they often do not have significant savings.

The upfront costs are critical in their purchase decisions and their ability to qualify for financing. This new tax will only put more and more obstacle in their way and could be the tipping point for a decision not to buy.

Attracting these millennials out of Manhattan and into Fairfield County is critical to our success in the real estate market and our recovery. As a recent OPM report has outlined, Connecticut is one of the lowest states in the country for recover of home prices and value.

As a matter of fact, from the previous session peak, Connecticut home sales are still down 42.9 percent from where they were.

CTR believes that if a municipality wants to purchase or preserve open space, then the entire population who’s purported to benefit should share in these costs. Singling out those who are moving into the community is an unfair way to fund the program. Because of the lack of any significant appreciation in home value over the last several years, many of our sellers are barely covering the cost of selling and in some cases, have to bring money to the closing in order to complete the transaction.
In my markets in lower Fairfield County, it's not uncommon for sellers who purchase their home prior to 2009 are selling that house today for 20 to 30 percent less than what they paid for it. The imposition of a buyer's conveyance tax will likely impact what a buyer is willing to pay for a house and either exacerbate the loss for the seller or undercut what little appreciation the sellers may have been relying on.

In my work as a realtor, I see buyers struggle to save for closing costs every day. The extra cost to the buyer at closing will add to their financial burden and could affect the sale of the property. Time of transfer of property taxation is bad public policy.

And in conclusion, I urge you to oppose HB-5254. Thank you very much.

SENATOR COHEN (12TH): Thank you. Okay, seeing no questions we will move on. Thank you, Mr. Scozzafava.

JOE SCOZZAFAVA: Thank you.

SENATOR COHEN (12TH): Mr. David Bingham from the Salem Land Trust. Welcome.

DAVID BINGHAM: Thank you, Madam Chairman, Representative Demicco, members of the Commission. First of all, let me -- my name is David Bingham, I come from Salem, raised on a farm and 35 years on the Planning and Zoning Commission. Know about plans made by communities that they can't afford.

Have worked on conservation to provide a better future for the thousands of babies that I delivered
at Backus Hospital in Norwich. Ran an ice cream store business among other family businesses as well as a large office which I founded.

We have just heard from some realtors and realtors' representatives. What I can say from what I've heard is that we all agree on several things. We all agree that it's not okay if the last farm in your region is subdivided. It's not okay if our wildflowers, birds, wildlife that depend on meadows, large forested areas and [Inaudible 03:49:28], it's not okay if they're displaced by development.

It's not okay if invasive species are displacing Connecticut's native plants and animals, and forcing our lakes to be overcome with weeds which depress real estate values.

It's not okay that we continue development patterns that contribute to climate change -- removing trees that clean our air and water. Patterns that adversely affect our health and the economy.

So we agree on a lot of things. The question is, what to do about it when it costs a lot of money. And right now they are proposing the towns do what they have been trying to do but often do not have the ability to do which is what you permitted them to do to raise money which is to raise the property taxes higher.

Property taxes on people with fixed incomes. Property taxes they want you to raise to do these good things on people who have just lost their job but they still have to pay property tax.

And they've been paying those taxes all along for the good things that they have in their communities.
But when you try to add these costs and the last farm is going or the large -- last large forest block, last major mixed meadow just begins to disappear -- they need that money.

Or if the town needs money to clean up a lake, it can cost hundreds of thousands of dollars if Hydrilla moves in.

So we agree on a lot of things but we don't agree on the process. Our solution, which other states have tried, you asked about that. On the website of the Connecticut Land Conservation Council, I serve as an advisor on that council, you will see and I put in my testimony as well but it didn't get on the website because there's been a glitch over the weekend. I hope that you will be able to read it there but if not, go to the Connecticut Land Conservation Council website and you can see the testimony of case studies that were taken in the last couple of years that actually spread over what happened in communities that had a conveyance fee to pay for conservation.

During the height of the recession, many of them put these in because they were having rapid growth just before. So I had heard from other land trust people, we're a big --

SENATOR COHEN (12TH): Mr. Bingham, I'm sorry to interrupt but your time is up so we'll just --

DAVID BINGHAM: Maybe you have some questions that you want asked.

SENATOR COHEN (12TH): We probably do and I know we have received your testimony online and some of what
you're referring to so rest assured that we have that to review as well.

DAVID BINGHAM: But if you have questions about -- about those studies or about its effect on affordable housing and on difference between a fee and a tax, that's something that I'd be happy to answer.

SENATOR COHEN (12TH): Thank you, I appreciate that.

REP. DEMICCO (21ST): Okay, Dr. Bingham, I'll bite. If you could briefly tell us -- and I'll read the study later -- but you know, just briefly, if you could, enlighten me, enlighten us about the studies.

DAVID BINGHAM: Yes, first of all I just wanna say some of my best friends are realtors and builders. And in fact, they're working today, they can't sit for eight hours not knowing when they're gonna testify but some have agreed to testify because they disagree with that.

Because the effect on local communities is to improve the economy there. What happens is that (a) all of this money goes into real estate. It goes back to the realtors and builders who know that the thing it decides whether or not there's a good housing market in their community is location, location, location.

I just sold a house and it was next to a preserve and you can bet that my realtor who loves this bill as her friends do in other states, used it in her advertising for that house, that it was next to a place where they could go and fish in Eightmile River right behind their house. And I can tell you
it added about $10,000 dollars to the value of the house that they could get.

But this fee does not dog to the poor, against the poor who are trying for affordable housing if it, in our town the affordable housing is in the $150,000 dollar range, it wouldn't affect them. I would say if I were in Greenwich, I would probably want to, for that town, raise it. So it does not affect them and in fact builders, if they're doing a multi-family housing might want to make many of their apartments and their condominiums in the $150,000 dollar range so that their buyers -- they'd be more likely to get buyers with that extra value.

Because -- and then the last question that you asked them all was does it -- why should just home builders and developers pay? And why not everybody? Everybody's property changes hands. Over time, everybody investing in your town will help pay the tax, not people who have been paying taxes all their lives to make the town what it is but the newcomers, they wanna give them a free ride? Just a tiny increase in their property tax? Property tax put on people who really shouldn't be taxed any further.

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

SENATOR COHEN (12TH): Okay, next on the list is Leslie Maclise-Kane from Connecticut Audubon.

LESLEY MACLISE-KANE: Good afternoon.

SENATOR COHEN (12TH): Hi.

LESLEY MACLISE-KANE: Co-chairs Cohen and Demicco, Vice Chair Gresko, ranking members and members of
the Environment Committee. Thank you very much for the opportunity to testify on behalf of the National Audubon Society through its affiliate state office, Audubon Connecticut.

My name is Leslie Maclise-Kane and I am a Managing Director for Audubon Connecticut so I'm testifying on behalf of the National Audubon Society and our members across the state.

Audubon Connecticut strongly supports HB-3254 (sic), it's an act to this legislation as everyone has said, would enable towns and cities who wish to do so to establish a separate dedicated fund to acquire, preserve and steward open space land, forest land, farmland or waterfront property. It also authorizes other actions.

So HB-5254 essentially provides that local option that we've been talking about for towns and a reminder it is the up to one percent on the purchase of residential real estate in excess of $150,000 dollars, maintaining a bottom for that.

It's to create that local fund that supports open space acquisition. We actually, in our testimony that was submitted on Friday and is available for review, are suggesting as a committee, strengthen the language of the committee bill to leave no doubt about any of the revenue collected by municipalities to be extended for steward purposes as well. For existing and newly acquired open space.

Cities and towns across Connecticut need a sustainable source of funding for local conservation and stewardship efforts that will not impact that municipal mill rate or require bonding.
The flexibility that's created by the wording in HB-5154 also promotes public private partnerships with local land trust and will strengthen a community commitment to the lands that gives the community its character and place in the landscape.

I also would like to very briefly speak in support of HB-5314, AN ACT PROHIBITING THE RELEASE OF HELIUM BALLOONS INTO THE ATMOSPHERE. We do not yet have testimony on file for that and in general, just broadly, that is because of the negative impact of balloons in the landscape. This act is for knowingly releasing, organizing or intentionally releasing.

I'd be happy to answer any questions that I'm able to answer. Thank you.

SENATOR COHEN (12TH): Okay, thank you so much.

LESLIE MACLISE-KANE: Thank you.


AMY PATERSON: Thank you, Co-chairs Cohen and Demicco and members of the Committee. For the record my name is Amy Blaymore Paterson and I'm the Executive Director of the Connecticut Land Conservation Council, CLCC. We're the umbrella organization for Connecticut's Land Conservation Community working most predominately with our 137-plus land trusts and the towns with which they partner.

I wanna thank Representative Gresko for introducing this bill and also the Environment Committee for raising the bill. This would provide
municipalities, including the 11 listed in the statement of purpose, with the option to establish a local source of funding for the acquisitions to which have open space and other purposes delineated in the bill.

We have submitted written testimony, I'm not going to read that testimony and I'll only cover a few points. As many of you know, this enabling legislation which allows towns, doesn't require to establish this program, is not a new effort. But for all the years that I have been in his building, I have never felt a greater sense of urgency than doing this now. With the budget crisis that continues to affect our state and our towns, we are needing more than ever creative alternative solutions for funding sources. I think on that we can all agree.

The public/private partnership that is expressly provided for in this is one of those aspects of the bill that makes it very, very good. Enabling towns to work with local land trust is another way to make those dollars go even farther.

Why do we need it? You don't need to hear that from me, you've heard testimony from towns and land trusts. There is so much testimony in the record expressing why these municipalities are asking for this option.

It covers costs for expenses that otherwise we do not have funding sources for in the state. There are not grants for stewardship, for example, the way they are for acquisition.
So I wanna use the balance of my time -- again, my testimony covers all of the issues why we should do this but what I'd like to do is address some of the concerns that you have heard. I'll probably speak fast so bear with me.

Generally, the concerns are speculative at best and they are contrary to the research and case studies from states that have implemented this program. Most of the concerns that you've heard were prefaced with, "I don't think", or "My guess", "If I had to talk to", or "Maybe".

That is pure speculation. All towns are asking for is the opportunity to bring those types of questions to their community so that they can decide and not guess whether or not this is going to work.

Secondly, they're premature. There's a concept called ripeness. These concerns are not ripe for discussion. The time to raise them are at the local level. That's when a town can decide whether or not to establish the program.

I happen to rattle them off and then please ask me questions. The concern about it being a slippery slope, this is a pilot project, it's voluntary and if it's a slippery slope in the sense that more towns are asking for it, it means it's working.

The concern that the fees will disproportionately hurt lower income first-time buyers -- the first $150,000 dollars is exempt. Towns can raise that if they want. Let the towns decide. Please, the numbers that were given for the $200,000 dollars was completely off. I have a chart here for $195,000 dollars. If the fee was point one, then the charge
would be $45 dollars. If you go all the way up to one percent, it's $450 dollars.

And again, nobody's -- nobody is claiming that we want extra fees. When you're talking about somebody coming into a community -- and this goes to the concern of why shouldn't everybody pay for it -- everybody has been paying for it and if we don't do this, they will continue to pay for it through higher real estate taxes, increased mill rates and maybe the cost associated with bonding.

We're all paying for this. This is a user fee for a buyer that has chosen a community for the features that it offers. This program will enable that community to take better care of the resources that have attracted those buyers in the first place.

I have others but I'll stop there out of respect for your time. Thank you.

SENATOR COHEN (12TH): Thank you. Representative Gresko.

REP. GRESKO (121ST): Amy, you need to work on your passion. [Laughter] I have one question. Where are we as far as the state concerning our goal for open space?

AMY PATERSON: So last, when they made the announcement this past winter, I guess it was at the end of the year on the last grant round, the Open Space and Watershed Land Acquisition Grant rounds, they put us at about 75 percent. And if you ask me the question of where were we two years ago, we were just under 75 percent. We are moving at a snail's pace when it comes to conserving the resources that make the state so special.
SENATOR COHEN (12TH): Thank you. Okay, seeing no other questions -- oh, Representative Palm.

REP. PALM (36TH): Hi, Amy. Thank you for reaching out to me earlier about this. I'm wondering if anybody has proposed the idea that this kind of conveyance would also apply to commercial property sales.

AMY PATERSON: The way the bill is drafted now and if you look at states across the country, it's applied differently. It leaves it open so that if a community would like to apply the fee to commercial -- to real estate property beyond residential -- it can do that the way the bill is currently drafted.

SENATOR COHEN (12TH): Okay, thank you so much.

AMY PATERSON: Thank you so much for your time.

SENATOR COHEN (12TH): Okay, next on the list is Catherine Rawson.

CATHERINE RAWSON: Thank you Co-chairs Cohen and Demicco and members of the Environment Committee. As Executive Director of Weantinoge Heritage Land Trust, Connecticut's largest land trust protecting more than 10,000 acres in Litchfield and northern Fairfield County, I thank you for this opportunity to express support for HB-5254, legislation that enables a local option for land conservation and stewardship funding.

If enacted, as you know, this legislation would allow but not require participating towns and cities to establish a dedicated fund to purchase, protect and steward natural lands and farmland at the
municipal level including the conveyance fee of up to one percent paid by buyers of real property.

Significantly, the first $150,000 dollars of the purchase price would be exempt from the fee but this at the discretion of the municipality and could be raised.

Weantinoge protects 10,000 acres in 17 towns in Litchfield and northern Fairfield County. We maintain 12 nature preserves open to the public, we protect 42 miles of streams and rivers, 28 working farms and over a million trees. Through this great breadth of conversation work spanning now more than 50 years, it has become unequivocally clear that land and water protection provides essential economic, public health and natural resource benefits for all Connecticut residents.

If approved, HB-5254 would enable participating communities to establish a sustainable source of funding for local conservation and stewardship. Such a fund would also enable participating towns to fulfill match requirements as was mentioned earlier for foundations stating federal funding were to cover the expenses associated with acquiring and stewarding land and easements.

It would help communities improve maintenance of their public parks, community gardens and urban green spaces. Perhaps most significantly, because HB-5254 provides participating communities with the option of raising these funds but does not require it, it keeps community choice and identity in tact while providing a creative and customizable source of conservation funding.
An investment in conservation now is guaranteed to provide positive returns forever. A healthy natural environment, locally grown foods and public recreation lands are essential to the wellbeing of the state and its people. Providing communities with the tools to conserve and steward their most important local lands will benefit generations to come.

Thank you for this opportunity to share support for HB-5254 and your consideration of this important piece of legislation.

SENATOR COHEN (12TH): Thank you, Ms. Rawson. Questions? No? Okay, thank you so much.

CATHERINE RAWSON: Thank you.

SENATOR COHEN (12TH): Next on the list is Patrick Comins from the Connecticut Audubon Society. Welcome.

PATRICK COMINS: Thank you. Thank you for the opportunity to come and speak on this important issue today.

The Connecticut Audubon Society strongly supports HB-5354. You've heard a lot about the reasons why a municipality may want to enact this and I just wanted to reiterate that this is an enabling legislation, not requiring the towns to enact these fees.

One of the things I'd like to emphasize in my testimony is that a critical aspect of this bill is that it can fund things beyond acquisition. And a lot of people think that once open space is protected, the job is done but as an organization
that owns more than 3,000 acres around the state, 
realize that owning land has certain 
responsibilities and costs.

You need to monitor your boundaries. You need to 
monitor for invasive species and react to them. 
There -- you may need to restore or improve habitat 
on the sites. You may need to manage succession. 
There's -- some of the suite of wildlife that are 
most declining in Connecticut are those that rely on 
grasslands, shrub lands in our only forests. So you 
may need -- want to knock back succession to 
maintain the habitats for the species that are most 
at risk.

And you may need specific actions for certain 
properties. For example, on the coast you may need 
to do string fencing and polar exclosures for 
nesting piping plovers and put up specific signage 
for nesting long leg wading birds and terns and the 
like.

So very -- it's very hard to come up with these -- 
these funds for stewardship and a lot of land trusts 
and organizations won't accept land these days 
without an endowment because of those recurring 
costs of owning land. Even if you're protect 
managing in an open space and municipalities are 
often in the same boat.

I'd also like to briefly support SB-237, AN ACT 
DESIGNATING ROCKY TOP AND YORK HILL AS TRAPROCK 
RIDGES. Mainly allowing them to be considered 
within the existing traprock original protection 
act.
And also we strongly support HB-5314. We work with Audubon Connecticut on the Audubon lines for coastal water birds and our staff frequently encounters helium balloons that wash upon the beaches and marshes along our coast and not only do these balloons themselves sometimes cause a choking hazard for marine mammals, fish and birds, it can also serve as an entanglement hazard for osprey and sea birds and other fish-eating birds.

And also, we also wanna support HB-5318, AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE SITING COUNCIL. The siting council is gonna have a lot of important decisions to make and having some local expertise represented will be very useful.

SENATOR COHEN (12TH): Thank you, Mr. Comins. Okay, thank you so much for your time.

PATRICK COMINS: Thank you.

SENATOR COHEN (12TH): Okay, next is David Sutherland of the Nature Conservancy. Welcome.

DAVID SUTHERLAND: Thank you. I am David Sutherland from the Nature Conservancy's Connecticut chapter and I'm here to express our support for this bill.

And I did submit written testimony but I just want to address a few points that have come up. A previous speaker, in answer to a question regarding this -- the fact that this is optional for towns -- and I think the suggestion by the speaker was that's the town leaders who are deciding but if average citizens got the chance to vote, they might not like this idea.
And I would just, in response to that point, out in Long Island there are several communities that have a program like this, they've had it since 1999 and in 2016 they had a referendum in these towns to reauthorize the program and the lowest level of support in any of those -- I think it was five communities that voted -- the lowest level of support was 69 percent of the voters who approved this. And sometimes it was in the 70's.

You had also asked earlier about -- what about urban areas. Would this address their needs? And I would just point out that the bill does allow for these funds to be spent on brown fuel remediation and on other environmental projects which could include as the previous speaker was saying, a stewardship of parks and management of parks which is badly needed in some of our communities.

And to the argument that this is going to prevent people from buying a house, this is gonna be a critical factor in preventing them from buying a house. I would stress again that that exemption which can be raised and we'd recommend the towns raise it to that level where in their town, you're not gonna be able to get a house unless you spend -- let's say in some communities, it might be $200,000 dollars. Other communities it might be $300,000 dollars or more.

Above that level, if I’m looking for a house, my wife and I, when we looked for a house in Middletown, we had certain things in mind. Guess what, that put the house out of our reach considering everything that we knew we were gonna have to spend.
We ended up buying a house that didn't have all of those features so that we could pay closing costs, so that we knew we'd be able to pay the taxes that we support paying in Middletown. We want services to be very good.

And so if you set that level, that exemption level above which people are gonna have a choice in terms of which house they buy, they just have to factor it in and we don't think this would be a critical factor in preventing people from buying a house.

Thank you very much.

SENATOR COHEN (12TH): Thank you, Mr. Sutherland. Any questions? Representative Demicco, do you have a question? No? Okay, thank you so much. Thanks for your time.

DAVID SUTHERLAND: Thank you.

SENATOR COHEN (12TH): Okay, next is Susan Masino. Welcome.

SUSAN MASINO: Thank you. Hi, good afternoon to the Committee, thank you for having this hearing. I'm here as an individual but I'm also on the Connecticut State Grange Legislative Committee. I don't know if you all got your pink book. And the town of Simsbury Open Space Committee. I am also the spokesperson for Keep the Woods which is forest and water advocacy group that originally formed to protect the Ethel Walker Woods in Simsbury and I'm a Neuroscience Professor at Trinity College in my real life and I'm currently doing a project on forests and brain health at Harvard.
So I'm speaking as an individual but on behalf of all of those things I just mentioned, I'd like to support this bill and also support the Traprock Ridge Bill, SB-237.

In your pink book, I'll just read a couple of excerpts. Please recognize the unique geology of the traprock landscapes. They're listed as an imperiled habitat in Connecticut.

In terms of public forests, the grange urges state policies regarding public forests prioritize and maximize public health and safety, quiet reflection, enjoyment of nature and a sense of wildness. Ecosystem integrity and economic services. Natural old forests and old growth ecological characteristics and periodic long-term monitoring by a team of suitable professionals.

There's also a section on invasive species that's been there for the last couple of years. I believe that this bill will leverage the value of state land and also of state -- statewide community groups to be able to try and take care of our land.

So if the towns aren't taking care of their land and their invasive species, that allows it to spread into adjacent state land creating problems for the state. We know the state has a stretched DEEP and I feel like this will be kind of a distributed processing system. So if we get out good information about stewardship across the state as well as the option to use this tool of HB-5254, we're best kind of using this parallel processing system, particularly how can we reduce our costs, prevent problems and maximize no-cost nature-based
services for climate resilience, biodiversity and public health.

Related to that, there's also a bill, 6644 that addresses those directly and I would encourage this committee to take that up as well.

Thank you.

SENATOR COHEN (12TH): Thank you for that testimony. Okay, have a great day.

SUSAN MASINO: Thank you.

SENATOR COHEN (12TH): And last on this list for Bill 5354 is Rodrigo Pinto of the Madagasic Audubon Society. Rodrigo Pinto? Okay, we will move on to HB-5315, which is an act requiring kayak, canoe and paddleboard operators to wear life vests. And first on the list is Mike Smith. Mr. Smith? Welcome.

MIKE SMITH: Thank you, Chairman of the committee, Environment Committee, thank you for having me here today. Apologies, my written testimony is forthcoming. I just saw this today and threw this together so it'll be with the clerk later today.

I'm here before you to oppose HB-5315, an act requiring kayak, canoe and paddleboard outriggers to wear a life vest. My name is Mike Smith, I'm from Milford, Connecticut, I'm part of the past president and current member of the Manu'iwa Outrigger Canoe Club which is based in Milford. And I just finished serving six years as the Vice President of the East Coast Outrigger Racing Association which is the governing body of outrigger races on the east coast from Canada down to Florida as sanctioned by the IBF, the International Baha Association.
The races in which we participate, there are one-man, two-man and six-man boats. And the races usually range from five to 12, 20 miles. Race all up and down the east coast, 20 miles in open water in Massachusetts, in New York Harbor, Hudson Bay, East River and down in Virginia Beach, racing next to the Navy Seals and it's -- it's a great community that brings people together from all different walks of life.

The reason that I'm opposing this specific bill is we currently have the same regulations and standards and adhere to the same standards as any vessel operator. So you have to have a PFD on the vessel, easily accessible. In cold water months, it must be on your person but expanding that requirement to year around would certainly be detrimental to individuals such as myself who are racing and as well as other -- other disciplines, I guess, is another way to say it.

Because in cold water -- cold water months -- it's nice to have another layer of insulation but in warm water months, it's not exactly an easy thing to be battling 20 miles in 100 degree humidity in August on Long Island Sound and having that life vest on your person would certainly be detrimental to race organizers in promoting the event which we try and do and bring people from all other parts of the country to race in Connecticut which we host during different parts of the summer months.

I do recognize that the canoe, outrigger, sand paddle boarding has seen influx of new individuals over the last few years and there are certainly more people on the water that don't necessarily have the
skills and training and expertise to handle some of the conditions. And I think that is an issue that needs to be addressed but I think it needs to be addressed with education and enforcement and looking to also what other states do.

So looking at Hawaii and California, you have races that go 20 miles in open water island to island. They don't have to wear PFDs but they've been able to cultivate a culture where folks understand the risks associated with going on the water.

Certainly will wrap up by saying that on behalf of my club, the ECORA association would love to work with you to find a solution that hopefully focuses more on education and maybe enforcement and then also encourage all you guys to come down and check out the club at Gulf Beach in Milford, it's beautiful and you can see why we adhere and certainly are safe and practice safe water recreation but having us wear PFDs all year around would certainly be detrimental to our sports' enjoyment and the promotion of events we have.

So, happy to take any questions.

SENATOR COHEN (12TH): Representative McGorty.

REP. MCGORTY (122ND): Hi, how are you. I don't have any questions for you but I do -- I do wanna tell you this is the bill I proposed that the committee put out. And I do understand, I have my niece that does CREW and my brother-in-law did CREW and all that.

This bill was not geared towards the CREW because you normally have a boat out in the water should the boat go over, there is somebody there for rescue and
that. It's kind of for the one and two people that just go out on their own in the river that idle and that's how this was based and it wasn't any reflection on any team sport or anything like that.

MIKE SMITH: Yeah, completely. And I did, I actually found my way to outrigger canoes via CREW. So I did CREW in college and understand the launches and all that. What we do is mostly self-supported. During races, we have safety boats and other stuff but during practices we're mostly by ourselves in the water.

REP. MCGORTY (122ND): Yeah, perfect, yeah you're with somebody. It's the person that goes out by themselves, inexperienced or they're out there and something happens, there's nobody around to rescue them.

MIKE SMITH: Exactly.

REP. MCGORTY (122ND): And I know you guys do have a team of boats that go out and volunteer in the water. I went down to New Rochelle and Larchmont this summer just to see one of the CREWS down there, Iona, so.

MIKE SMITH: Thank you.

REP. MCGORTY (122ND): All right, thank you for coming up.

SENATOR COHEN (12TH): Thank you.

MIKE SMITH: Thank you.

REP. GUCKER (138TH): One more thing. That's all right.
SENATOR COHEN (12TH): You sure? No, a question, Representative Gucker, by all means.

REP. GUCKER (138TH): I'm gonna get some neon or something, or some flares over here. [Laughing] Real quick, I do understand your point and I also understand the Representative's point as well. I used to be a canoeing instructor for the Red Cross and used to do a lot of 50-milers. I also used to be a sailing instructor and one of the things that we were always concerned about living where we do is if the canoe flips over and the gunwale clunks you on the back of the head, no one's picking you up, you're just kind of going down with the boat.

So I have kind of mixed feelings about it. I understand the inexperience part and we used to train our students at the time that it was a necessity. I, myself, am an avid canoer and I'm not a big fan of having to sit there and get a funky sunburn because I don't tan, obviously, when I'm wearing my life jacket.

So I look forward to more information on it and I do think maybe we looked a little more maybe novices or -- that point. I just wanted to make that statement.

MIKE SMITH: Thank you.

SENATOR COHEN (12TH): Thank you. Okay, Thomas McCormick. Mr. McCormick? Okay, I'm just going to check one more time, is Rodrigo Pinto here? Mr. Pinto? Okay, moving on to Senate Bill 232 which is AN ACT CONCERNING THE ALLOWABLE PERCENTAGE OF LEAKAGE FROM GAS PIPELINES.
First on the list is Ellen Weinenger, Grass Roots Environmental Education. Welcome.

ELLEN WEINENGER: Good afternoon and thank you to the Chairman and to the Committee for this opportunity to address you this afternoon.

My name is Ellen Weinenger, I'm the Director of Educational Outreach at Grass Roots Environmental Education, a science-based environmental health nonprofit serving local and state governments, school systems, health and environmental organizations nationwide.

We support SB-232 to limit gas pipeline leakage to one percent and remove rate payers cost for gas loss. I also wanted to express our support for SB-5134 to prohibit release of helium balloons and I just wanted to focus some additional remarks. You have our full testimony on SB-753 which has to do with AN ACT CONCERNING THE STATE-WIDE BAN ON FRACKING WASTE.

So first, we appreciate this raising this bill by the Committee and our belief is that we need the most protective and comprehensive fracking waste ban in Connecticut.

Oil and gas extraction is -- I'm sorry -- oil and gas operations have come to the fore as an issue in that they -- that's where much of it, this waste, is coming from. From the extraction and storage facilities and operations.

And that's why this -- this ban needs to be more comprehensive to reflect all of that. And information that was released that came through foil documents showed that a lot of the fracking brine
that has been used on roads comes from storage facilities as well as extraction and production facilities.

Industry is interested in repurposing this waste. For example, dewatering the waste and using salts for ice melt. This is a deep concern because of the radioactive contaminants in the waste. Detection and monitoring devices grossly -- are grossly inadequate and they fail to ensure detection and accurate measurement of radioactivity. They also failed to identify radioactive decay products.

We just wanted to add in closing that in addition to the 55 towns -- more than 55 towns that have passed this ban, 15 counties in New York and New York City have also passed it and that includes Westchester County with full bipartisan support including from the county executive, Rob Asterino who is a strong proponent of fracking in New York State.

So I thought that these remarks would be of particular importance and I point you in the direction of the white paper that's also part of this testimony today. Thank you very much.


REP. GUCKER (138TH): Real quick, what is the point of the fracking industry of using this as a brine. What are they pushing as this is a great product for the rising.

ELLEN WEINENGER: Well, there's a lot of waste. There's vast quantities of this waste being produced and there is a problem with disposal. So either selling the brine or even giving it away to
municipalities to use. It's a salty -- it's referred to produced water or brine, it has high salt content so it -- there's -- there's some thought that there's potentially good use for the icing, dust control, that kind of thing for roads. And there are areas in upstate New York that do use it and it is on record they do.

REP. GUCKER (138TH): I have one more question, these areas in upstate New York, are they showing any ill effects? I mean I find it tough to believe that something that could be possibly radioactive or had other issues would be great to sprinkle all over the roads.

It's eventually gonna wind up in our water courses.

ELLEN WEINENGER: Exactly.

REP. GUCKER (138TH): I'm just curious what the industry is saying as far as why it's a good use. I'm just not seeing that upside so I was just curious if you [crosstalk].

ELLEN WEINENGER: I'm not seeing any upside either for its use.

REP. GUCKER (138TH): All right, thank you.

ELLEN WEINENGER: Thank you.

SENATOR COHEN (12TH): Okay, thanks so much.

ELLEN WEINENGER: Thank you very much.

SENATOR COHEN (12TH): Next on the list is Jennifer Siskind on the Food and Water Watch. Thanks for joining us.
JENNIFER SISKIND: Thank you very much, Chairs Cohen, Demicco and distinguished members of the Committee. I'm here to support SB-232 but mostly to speak about SB-753 which I'll put most of my time towards.

I made the rather unorthodox decision when I submitted testimony today to also include slides that I've been using to educate towns around Connecticut. The first slide that you see that's a picture shows different types of waste that are produced.

And the biggest problem is people don't have a clear understanding that hydraulic fracturing is the only problem. Hydraulic fracturing is just one process that produces waste when you're trying to get oil and gas out of the ground.

So when we established a moratorium in 2014, we banned some of the waste but not all of the waste and we didn't ban any waste coming out of oil wells. We didn't ban any waste coming from gas wells that are not fracked. We didn't ban any waste that collects in the bottom of very large underground storage wells where gas is stored in very large wells that liquid petroleum gas is stored and we didn't ban any waste that leeches out of landfills that has been accepting this drilling waste for about a decade now. More than that.

And landfill in New York, the Hakes Landfill in New York, the Hakes Landfill is showing severe radioactivity right now. And other landfills are also showing this as well.
So because we didn't ban all of the waste, we also didn't ban all of the byproducts that this waste could be turned into. And in addition to the brine that's being given away, the drill cuttings, which can also be very heavily contaminated and maybe radioactive as well, that can be mixed into brownfield remediation capping material, into construction fill and again, it just becomes a system of spreading this radioactive and chemically contaminated waste as we've already seen in many places in Connecticut that we're now spending millions of dollars to try to remediate.

So that's why I'm trying to stop this from coming into Connecticut. Because we didn't recognize all the waste when the moratorium was first passed, I've been talking to towns and they've been overwhelmingly interested in passing local ordinances and there's now 55 towns that have really comprehensive language and I -- and I'm hoping that with SB-753 we could get that language and kind of upgrade the really good start that was made in 2014.

And I've included other slides which answer some scientific questions that people might have -- where these contaminants are coming from.

I'd be happy to answer questions for you.

SENATOR COHEN (12TH): I know one of the concerns is making sure that this legislation doesn't weaken existing -- you mentioned the 56 other towns. Do you have any thoughts on that?

JENNIFER SISKIND: Yes, I had heard from a legislator last week, "Oh good news, the people that were opposed to this passing last year are for it
this year and we can get a comprehensive ban state-wide and then we don't need any of these local ordinances anymore."

That preemption will weaken towns' ability to protect themselves. There is no reason if you pass this bill why you need to preempt because there is no language that interferes with what towns have already passed.

And we run the risk that environmental laws are constantly under attack up here at the capitol. You see rollbacks, you see rats put in budget bills. Various things happen and if you tell all the towns that your ordinances are no longer valid and then a rollback or a rat occurs and passes in the future, then those towns aren't able to protect themselves any longer. They can't just retroactive restart their ordinances.

And we have seen overwhelming support to get these ordinances passed from Republicans, from Democrats, from Ultraconservative voters to Ultraliberal voters to Centrists. People understand that PCBs and arsenic have heavily contaminated our state. And now they don't want radioactive radium and all the other contaminants that area in this fracking waste to contaminate our state.

But it appears that there are certain persons who still believe what the petroleum industry has told us in that, "Oh, you can take this waste from us, you won't have any problems, it's a great product."

That's not what we're seeing in other states. And what I've included in some of the testimony is the research that has come out most recently since we
passed our moratorium in 2014. In Pennsylvania in particular we're seeing waterways that are already contaminated, we're seeing freshwater mussels that are now radioactive with strontium.

We're seeing waterways that are newly becoming radioactive because of waste that's coming out of conventional wells, not the high volume horizontal wells.

Just recently a brine that was found on the shelf of a hardware store in Ohio and was also available to buy online from Lowe's was highly radioactive with radium.

We found, I think Penn State did a study of 14 different townships that were just spreading this stuff wholesale in their towns and that material was highly radioactive so PADEP has already rescinded all permits to be able to use this waste in construction fill.

Part of that problem was because permit holders were bringing in tens of thousands of tons of material and then realizing that they cannot build that factory on that brownfield that they were remediating because this material would not support the weight of that building.

The drill cuttings are very silt-laden. They're subject to being unstable and causing slippage. So you know, we'll have huge financial issues if we're seeing premature slippage on our roadways if we're using this as base material for a road.

Or if we're using it to remediate a brownfield and then we wanna build on that site later on. That's why PADEP has already rescinded their permits.
They've also rescinded permits to use the brine for dust control because they found it's highly radioactive, contaminated with lead and it contaminates both the roads and runs off.

So if you're interacting on that road surface or any of the areas where the runoff goes, you're exposed to that dust, you're inhaling it, you're possibly ingesting it, possibly getting through layers of your skin if you have open sores or cuts or a blister or whatever.

And so we're finding that other states are finding the problems but they -- but we still have a moratorium that moves to go for future regulations and we still have a moratorium that only bans a portion of the waste.

And just to correct something that Representative Steinberg said earlier this morning, there was a lull in the drilling because of the cost of oil coming down so rapidly that it was very hard to drill for gas.

But we have seen a huge increase in the amount of waste that's being produced. In 2014 in a single year, Pennsylvania was producing just over a billion gallons of waste. I saw a report that came out last week that said in 2017 they've doubled the amount of waste in one state alone -- 2.4 billion gallons, I think it was. I'll amend my testimony and add it in.

So there was a lull but we're still producing all this waste and wells that were drilled previously and that might not have been fracked, they're still producing all this waste and we just -- we need to
keep it out of Connecticut so that we don't have the financial burden on our communities, we're not gonna be remediating it, we're not contaminating the waters of our state and we're not impacting public health.

SENATOR COHEN (12TH): Thank you. Representative Demicco.

REP. DEMICCO (21ST): Thanks, Jen and thanks for coming in to testify and all the good information. I have to ask. We went through several iterations of this bill over the last couple of years so the bill that's in front of our committee now, 753, is that "the" bill or do we need to make further modifications, in your view?

JENNIFER SISKIND: I think the language is fully protective. My concern is when section 561 passed in the budget in 2017, that was the 90-day issue with all the 45 different permits. There was one line in there that referred to disposal of special waste. I don't think anybody understood that special waste is the EPA's classification of fracking waste.

So we currently have a law on the books that says, "DEEP will make best action" -- or "make best effort to review permits for fracking waste for disposal of it."

And there were some corrections that were made with HB-5454 last year. What they tacked on was reference to statutes that refer to radioactive material. Those statutes only restrict radioactive material if that material is banned through -- or regulated through the Atomic Energy Act or if that
material has had a report done on it, some sort of action taken by the National Council on Radiation Protection.

That has not occurred with the radioactive material coming out of oil and gas wells. So that fix did not fully fix. So in order -- in order to clarify that, the one thing you could do is tack on a line at the beginning saying, "Not withstanding whatever's in any other statute in the state."

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

SENATOR COHEN (12TH): Representative Palm.

REP. PALM (36TH): Thank you, Madam Chair. So in a word, I think what I'm hearing you say is you are in favor of SP-753 as long as it doesn't supersede any local ordinances and as long as it doesn't have an exemption for the so-called special waste. Is that -- is that right?

JENNIFER SISKIND: Well, fracking waste is special waste. What I -- what's correct about that is yes, I like all the language in 753, yes I don't wanna see any town preempted. And we have this other issue in state statute that has a little bit of conflict so if you add notwithstanding what's written in other state statute onto this bill, you're 100 percent perfect, it's good to go.

SENATOR COHEN (12TH): Excuse me, okay. Thank you so much, Ms. Siskind.

JENNIFER SISKIND: Thank you very much for your time.

LOUIS BURCH: Thank you, Senator Cohen, Representative Demicco, Senator Miner, distinguished Vice Chairs and ranking members as well as distinguished ranking file of the Environment Committee. Thank you for the opportunity to submit testimony today.

My name is Louis Burch, I'm the Connecticut Program Director at Citizens Campaign for the Environment. I am here to offer testimony in support of SB-232, SB-753 and HB-5314.

Starting out with 232, we support SB-232, it's been mentioned a number of times here today that there's a significant amount of leaky natural gas infrastructure in our state. The 2016 Sierra Club report revealed that methane gas leaks in the city of Hartford alone leaked as much as 43,000 cubic feet per day. That's approximately 313 metric tons of methane a year.

We also know that methane is up to 30 times more potent at trapping heat in our atmosphere than CO2. This bill would establish stricter standards -- stricter requirements for utilities to repair leaking gas lines and to limit those leaks to one percent of the total load instead of the three percent leakage currently limited -- currently permitted under state law. Additionally would prohibit gas utilities from charging rate payers for gas that has escaped the system due to leaky infrastructure.

So both from an environmental standpoint and from a consumer protection standpoint, we support that legislation and urge its passage.
SB-753, AN ACT CONCERNING HYDRAULIC FRACTURING WASTE IN CONNECTICUT, we support this legislation and would like to reiterate that hazardous oil and gas waste come in many different forms.

Everything from contaminated flowback fluids in production brines as well as drill cuttings which my colleague Jen Siskind described in great specificity. Perhaps the greatest challenge in addressing oil and gas waste stems from the inability to accurately detect and mitigate radioactivity from fracturing waste products in real time.

The radioactivity of production brines from vertical wells drilled in New York's Marcellus shale was found to exceed safe drinking water act standards by up to 320,000 times -- percent, rather.

Due to high the salinity and ionic strength of those chemical compounds, radioactivity materials are notoriously difficult to accurately detect outside of a laboratory setting and that is a reality that DEEP is still grappling with to this day and have indicated that they are ill equipped to deal with this waste. And so we do support a full ban on fracking waste.

We also support a full ban on allowing helium balloons to escape into the atmosphere. We all know that what goes up must come down and that once those balloons get into our environment, they are a significant source of micro plastic pollution that's devastating our oceans and threatening our aquatic wildlife.
So I'll conclude my testimony, I thank you for the opportunity and welcome any questions that you may have.

SENATOR COHEN (12TH): Thank you, Mr. Burch. Okay, next on the list is Martha Klein from the Sierra Club. Welcome.

MARTHA KLEIN: Now is it on? Okay. Good afternoon, Environment Committee, I'm Martha Klein, I'm a volunteer with the Sierra Club Connecticut and I wanted to say welcome to all the returning members and also welcome to the new members.

So Sierra Club Connecticut is supporting SB-232 and also SB-753 and we submitted testimony on the former and we will be submitting testimony on the latter.

I'm not gonna talk about my testimony at all, I was very interested to hear what the PURA gentleman said and I think some important questions were raised that I might be able to address.

So he talked about finding gas leaks. He said gas leaks are "difficult to measure". He said about gas leaks, "if we find them", and what I wanna say is gas leaks are impossible to measure. If you don't measure them. But if you measure them, they're very easy to measure. But there's a difference between -- he used language that I'm sorry, I don't really understand but researched [phonetic], estimates approach -- so I don't know what that means but it's not an objective measurement of methane that's leaking from the streets of Hartford.

So in 2016, Sierra Club Connecticut did an objective study where we hired scientists to drive all 220
miles of Hartford city streets because pipeline generally underlies streets and we objectively measured any leaks that were found. And like I said, this was done by PhDs, not by me. This was an objective hard study.

And what we found was as been referenced, 3.2 leaks per road mile. I can't speak to the volume of the actual methane, I can only speak to the number of leaks because that's what our detector did. It's a Picarro spectrometer and what it does is measure leaks but it doesn't tell you it's class one or two or three. Okay, it just says that there's leaks there.

But just the measurement of leaks alone in a one-month period was 700 and something. PURA, we obtained all the data from PURA which they so generously shared with us and we are so grateful, we never could've done this analysis if PURA weren't totally open. We never even did a FOYA, we said, "Can I have it?" And they said, "Yes." Thank you PURA.

It turned out for that identical period, they had 139 leaks of all types. So that's a five-fold difference. There's clearly -- and it's been replicated in many other studies -- a difference between objective measurement and researchized estimate. If we want to know how much gas leaks are actually out there, we can very readily do it. We could ask the utility companies to do it by attaching the spectrometer, the equipment I talked about which is fairly inexpensive, could be attached to garbage trucks or whatever, there's many ways that we could be measuring gas leaks but they are
objectively out there and I just wanna remind you all real quick, Connecticut is still involved in our frackest expansion plan.

So everybody should be aware that we are continuing to expand intrastate use of shale gas. We expanded the interstate pipelines already three times in Connecticut, okay, so in the last five years we've expanded interstate pipelines repeatedly, we've expanded compressor stations, we've added new power plants that, by the way, weren't needed because EIA shows that we're an energy exporter.

And now we've got new power plants coming on, you know, that are trying to apply that we're having to fight.

Overall, the Connecticut shale gas expansion plan has failed. It never reduced energy cost, it did raise them and also it's destroying our climate.

I'm gonna end on this point -- it's been said that methane is much worse for the environment than carbon dioxide and we've all heard that but I wanna make it really clear. The lifecycle emissions of methane are so terrible, they're much more than 25 times worse than carbon dioxide.

In the ten years that a methane molecule exists, they're 100 times worse than carbon dioxide. And this is all scientifc evidence, some of which I put into the testimony. Our frack-ess expansion plan is causing our climate to be destroyed and it hasn't saved us a penny and it's gonna require a legislative solution because DEEP and PURA, in the past, have been committed to the shale gas expansion plan.
Thank you so much.

SENATOR COHEN (12TH): Thank you. Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for your testifying and for your advocacy on the subject as well as your version [Inaudible 04:48:40] thank you very much for your work.

You did mention methane 25 times. I have read, just as a point that methane is 25 to 80 times the global warming power of CO2. And it is quite often missing in the subject of climate change. I did the proposal that was to tax methane but that's another discussion.

Now you said that the number of leaks that you found -- how extended was your research in terms of the leaks. What geography did you cover?

MARTHA KLEIN: So the people who did the gas leak study have done numerous gas leak study in other cities. You can see that their work has been replicated and they found very similar things in Boston, also in California. They mapped the Aliso Canyon leaks. So virtually everywhere you look, when you objectively measure the methane, you find significantly more than what regulators reported. Of course all that stuff is done by self-report.

So all I can say is that these studies, they're done by research from Bhumi, this guy Nathan Phillips has done these studies all around the country. We hired a company that all he does is objectively measure gas leaks. He worked for the gas industry for like his whole career and the second he retired, he got into monitoring gas leaks because when he worked in
the gas industry, he found that leaks are often not repaired and that gets into the class one and two and three issue. So because sometimes we don't repair class threes but they're still leaking methane.

The point about the methane climate change disruption factor is that if you measure the chemical over 100 years you find this very low number that is 25 times worse than carbon dioxide.

We don't have 100 years to save the climate and methane doesn't persist in the atmosphere for 100 years. So that measurement is more or less meaningful and I'm sorry I didn't really answer your question.

REP. MICHEL (146TH): No, no, that's okay. Actually I appreciate all your comments. I think they're very pertinent and important.

The question was more where were the 700 leaks found generally [crosstalk].

MARTHA KLEIN: Sorry, and so in Hartford, they did appear to be largely -- a majority of the leaks were along Main Street. And we have mapped this and graphed this and I may have included some of that in my testimony but we'll be putting out more stuff on our gas leak study because it's still so incredibly relevant, especially with this bill.

But they were distributed all throughout the city of Hartford but there were a majority found along Main Street.

REP. MICHEL (146TH): That's quite bad news, that's terrible.
MARTHA KLEIN: Yes.

REP. MICHEL (146TH): And the study that the DEEP gave you results for --

MARTHA KLEIN: PURA.

REP. MICHEL (146TH): PURA, sorry, yes. The hundred and something leaks were found where --

MARTHA KLEIN: So what PURA does --

REP. MICHEL (146TH): Was it the same area that was --

MARTHA KLEIN: That was, we only had for the city of Hartford, the data that we got. I mean I was gonna bring it with me today, it's like this thick. I'd love to share but it was just in the city of Hartford.

And the way PURA keeps those records is that either somebody calls you, Iberdrola or Eversource and says, "I'm smelling gas" or sometimes they do call DEEP or they might call their local police or whatever. So this report eventually gets to the gas company who then, you know, which is in our state we have a monopoly so it's only Eversource or UI who are gas distributors. They own Yankee and Connecticut Southern Gas and Southern Connecticut Gas.

So -- sorry, I forgot what I was saying. [Laughter] By the way, did I mention I have a cold? I've been sitting here all day.

REP. MICHEL (146TH): No, no, we were comparing the areas -- the areas of study of all the leaks but -- but so basically what you're saying is PURA is --
MARTHA KLEIN: It's all by self-report.

REP. MICHEL (146TH): Right --

MARTHA KLEIN: Nothing is objective. There's nothing that's been objectively measured. They get a phone call the leak is out there. At that point the gas company will go and look at the leak and they'll determine class one, class two, class three. Class one will get repaired. Class two will wait to be repaired and class three will virtually never be repaired and that methane continues to leak causing climate disruption as well as public health impacts and other like tree killing impacts.

REP. MICHEL (146TH): And three, sorry. So okay. So basically we could -- we could imagine that there is a lot more leaks because that means PURA is not really looking for the leaks.

MARTHA KLEIN: Well, exactly and I thought it was really fascinating when the PURA, the commissioner of PURA, which I so appreciated that he said, "Let's have one percent." I mean that obviously makes sense, nobody wants methane leaks because they're horrible for humans, climate and environment.

But he said leaks are difficult to measure. But that's not true. So when you measure leaks, of course, you have to invest in a spectrometer which might cost like $50 or $100 dollars. But you have to actually do the research to know that.

So I think that DEEP is -- excuse me, PURA is recording these numbers because they have to because they're authorized to do that by the National Pipeline and Hazardous Material Safety Administration. So they are doing their job as they
have been instructed to do it but they have never been required -- and this is why I'm asking for there to be a legislative solution to actually measure methane leaks in our state.

And -- and I just wanna remind you because a lot of you have not been here all that long, that you know, it only started in 2013 that Connecticut made this commitment to expand the use of shale gas significantly both intrastate using rate payer dollars to convert customers to use methane versus using some other form of heat like renewable thermal technologies which we could readily incentivize now and DEEP doesn't want to incentivize according to e Conservation Load Management, renewable thermal technology which Sierra Club supports, they want to continue to incentivize people to convert to methane. And all you have to do is look at the Energize CT website and it says Connecticut is converting 300,000 to methane for home use. That's horrible for the climate.

But you know what, I'm gonna end on this point -- money. Why are we all really here? Our state needs to save some money, doesn't it? So what would be like the simplest least painful way for us to save money? Ask them, legislate them to solve their leaks because PA-14152, that bill has failed. We said you're allowed to leak at three percent. Charge everybody what you need to charge and use it to fix the pipelines. They did not fix the pipelines.

And the points last year that PURA made and I said this in my testimony repeatedly, they said, "We
can't do pipeline -- old pipeline replacement and do repair simultaneously." Tell me why.

REP. MICHEL (146TH): Well, it sounds like the expansion of gas in our state was kind of weirdly lined up with the merger of the Department of Environmental Protection and the Department of Energy.

But that's, you know, just a comment on my side.

MARTHA KLEIN: Did you have any questions about DEEP permits on frack as an expansion? Did you have a question like about the DEEP killing Lee Power Plant or [Inaudible 04:55:34]. [Crosstalk]

REP. MICHEL (146TH): Thank you and just as a point after -- after this great -- thank you very much for your information.

I just wanted to say that I think -- just wanted to say this is really important. We are working on climate change, on fixing our greenhouse gas emissions and we are also forgetting about methane. And methane is very bad. It's very, very bad for the environment and for people. For public gas. So I really appreciate, once again, Ms. Klein, Mrs. Klein and Mr. Burch for coming to testify today. Thank you. And thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. Representative Reyes, did you have a question for our testifier who is not there anymore? Or how could we do this?

REP. REYES (75TH): No, thank you, Mr. Chair, just it's incredible information that you shared, you're a good pickup in the afternoon here. So let me --
so just out of curiosity, how did Hartford get involved? Who paid PURA to do this objective study?

MARTHA KLEIN: Sierra Club Connecticut who are very poor and a nonprofit but we recognized this particularly because of the 2013 comprehensive energy strategy how much methane was gonna be expanded in our state for transport and use.

That troubled us. Also we're advanced readers of science and there was already reports by 2012 from Robert Howarth out of Cornell and you know, a lot of other people. And these reports were starting to come out so we're environmentalists, we're reading the reports and basically by 2014 and 2015 we were scared.

Again, by the way, Sierra Club initially did support shale gas expansion and totally reversed their position like a lot of the other environmentalists.

But we decided that it was -- clearly there wasn't enough hard science. You know, the whole shale gas expansion plan happened and everyone said, "It's gonna be helping our climate, it's gonna make energy costs go down, it's gonna be great. How could anyone be against this?" And there was clearly a lack of objective data.

So because I happen to have met some of the people who were doing this research through going to national environmental conferences hosted by Sierra Club, I met people who were doing some of this research in California, New York, Massachusetts.

And I said, "We need to", you know, "Connecticut has got a plan that no one else is doing". They're using more methane in a lot of parts of our country
but no one had a legislative rate payer funded plan to expand the use of methane in the state.

So we were nervous, we said we have to do a study, the scientists said they would give us a good price otherwise we couldn't have afforded it. We had nothing to do with them for the month that it went on, it was hard science and they went and did it, they supplied us with all of their data and their report and then subsequently working with local PhD, the statistician, someone who works for the state, other super smart people that know how to do statistics and tau formulas.

I don't even know what these formulas mean but they did the science on it and I got the data from PURA after talking to the head of the pipeline safety department at PURA and he was very happy to share the data. He thought our study might not be totally accurate so he -- he was -- I thought that he was invested in learning about it, too.

We got all the data from PURA and then these people who are the PhDs and the statisticians compared the data. And so what we did was we took the PURA data for that period and found that they had reported, you know, like the 130 weeks approximately and what -- that was by report. All entirely by self-report.

But that they do go out and look at, too. And then versus our at least 700 leaks found over that same period, actually even a shorter period. We expanded how long we were looking at the PURA data compared to our one-month period in February to March of 2016. It had to be winter. And it had to be over enough period of time to capture enough of the leaks.
And so that was how that study came to be.

REP. REYES (75TH): That's incredible. Thank you very much for your testimony.

MARTHA KLEIN: Thank you.

REP. REYES (75TH): Madam Chair, thank you.

SENATOR COHEN (12TH): Thank you, Ms. Klein and next on the list is Steve Rosentel from Leahy Fuel.

STEVE ROSENTEL: Yep.

SENATOR COHEN (12TH): Did I pronounce that correctly? Welcome.

STEVE ROSENTEL: Thank you. I'm Steve Rosentel from Leahy's Fuels in Danbury, Connecticut. We've been in the fuel oil and propane gas business for 102 years. My testimony has been submitted but I'm not gonna read it, I just wanna touch on a couple of things.

In a prior life before -- 35 years I've been in this business but for the prior five years to that I was a CPA working for a national accounting firm so the accountant in me, you know, a propane business is very interested in reconciling the inventories.

So just to give you a little insight as to how we do that, we look at the number of gallons of propane that we buy during the course of the year and then we compare that against inventories and we compare that against what was sold.

And our loss rate is one half of one percent. So it's not an exact science, you're not gonna account for every individual molecule of gas that you run through a system, I would agree with that.
But three percent is a ridiculous number. If I delivered a thousand gallons to a home for heating, three percent is 30 gallons. It's just outrageous that this is the system that we operate under that they don't even have to create a document to explain what happened to the gas.

Now one of the things that can happen -- you know, they talk about temperature variations. Gas is sold at a temperature compensated value or volume. It's measured at 60 degrees Fahrenheit. When you buy it at 60 degrees Fahrenheit and you sell it at 60 degrees Fahrenheit, the temperature factor is not a factor. The inventories are adjusted based on pressure and temperature to get your volumes.

REP. Gresko (121ST): Did you say six?

STEVE ROSENTEL: Sixty -- 60 degrees Fahrenheit. So what happens is there's a very, very systematic way to go about trying to figure out exactly where your losses are. So while some of it, the other alternative in the natural gas system is that the meters may be giving away gas.

Now that's very possible because meter systems as they get older oftentimes are wearing out and they're giving away gas. So that would create a shortage in your reconciliation. But to the consumer that has the older meter, many cases the lower income people in the older housing units are really -- end up in a situation where they're getting billed for less gas while everybody else in the system gets billed for more gas.

So that should not be an acceptable solution either. The meter should be accurate and the system should
be able to be reconciled within some reasonable level and mapped on a year-to-year basis. We seriously have leaking natural gas lines in every major city in this state.

And the fact that anybody thinks otherwise is just — boggles my mind.

SENATOR COHEN (12TH): Thank you. Representative Michel.

REP. MICHEL (146TH): Thanks, Madam Chair. Thank you for your testifying today. What is the exact volume represented or the approximate volume represented by the .5 of a percent?

STEVE ROSENTEL: In my business? We sell a little over 4 million gallons a year.

REP. MICHEL (146TH): Thank you.

STEVE ROSENTEL: We're a company of 49 employees. We're not Eversource.

SENATOR COHEN (12TH): Thank you. Thanks so much. Oops Representative Demicco.

REP. DEMICCO (21ST): I need to -- I need to wrap my head around this and perhaps you can help me do that. So how and when will we ever be able to determine the amount of gas that has actually leaked from the system? I appreciate what you had to say, I appreciate what the other commissioner from PURA had to say that leaked and unaccounted for gas, metric is sometimes misinterpreted as the actual quantity of gas leaked into the atmosphere.

So what do we do? How do we -- how do we nail this thing down ultimately?
STEVE ROSENTEL: If it hasn't been done already, and I suspect somebody in the natural gas industry has already done this, then it's probably just like a useful life of a car. There's a wear and tear useful life of the gears in a gas meter.

So there's gonna be a probably -- let's say, I don't know what the numbers would be but let's say it gives away one percent or two percent every five years. If that meter is 25 years old, then you can begin to do the math to work back to figure out roughly how much gas is attributable to meters that are wearing out? Because unaccountable gas and gas leaks, I would agree with him, are -- are different.

But the gas leak factor is not nonexistent or minimal because there are other factors. And we need a way to separate those out to really get a scientific way to try and get a handle on these leaks. And I think given the fact that there's been an increased number of customers hooking up in the natural gas system, they're increasing the pressure.

If you have a leaking pipe at pressure X and you make it X-plus, do you have more of a leak or less of a leak? So metering is a big part of the problem, obviously. I'd be very curious to see if they -- what their reconciliation would tell over the last three years.

And also, I would agree with the Sierra Club's position of identifying where these leaks are. But if you'll look at -- this is not just a Connecticut problem, this is a nationwide problem and it's -- the most significant problems appear to be in the most oldest industrialized cities. And Connecticut's got quite a few of them.
SENATOR COHEN (12TH): Representative Gucker.

REP. GUCKER (138TH): Real quick, thank you for coming up, I'm also from Danbury. In fact we were at the courthouse this morning looking down on your facility, rail yard.

Obviously as more people come on line with this and they boost the pressure, what is the rate of possible failure with these meters or what is the potential danger that could be going forward?

I mean could seals, could seals come out? Could --

STEVE ROSENTEL: There was information, there was an issue that happened in Andover, Massachusetts a couple months ago. Lot of press coverage on that. That was a failure of the system. I don't present myself here as an expert on natural gas systems but I do know enough about gas piping that if you wanna increase the BTU load capacity, you have to increase the diameter of the pipe or you have to increase the pressure.

Because if that system is maxed out and Con Ed, last week it was in the Wall Street Journal Friday. Con Ed in Westchester County has put a moratorium on hooking people up to their natural gas system because they don't have any additional capacity.

SENATOR COHEN (12TH): Thank you. Representative Gresko, did you have something?

REP. GRESKO (121ST): If the pressure is increased to accommodate more users and your inference is that when the pressure increases, the leaks will -- will be more.

STEVE ROSENTEL: Increase.
REP. GRESKO (121ST): But you also have a new house that will be an outlet for the additional pressure. But you're saying that the leaks are gonna still be -- you know what I'm saying, it's not like you're increasing the pressure of delivery and not have additional locations for the delivery to go to to offset that pressure, what I'm saying.

STEVE ROSENTEL: But is that new house furnace running all the time?

REP. GRESKO (121ST): Bingo.

STEVE ROSENTEL: There's a variation. They need the capacity because of the load variation.

SENATOR COHEN (12TH): Okay, thank you so much, Mr. Rosentel.

STEVE ROSENTEL: Thank you.

SENATOR COHEN (12TH): Mr. Steve Sack from Sack Energy.

STEVE SACK: Thank you for your time, my name is Steve Sack. I am the owner of Sack Energy, a petroleum wholesaler here in Connecticut. I am here voting -- or asking for your support in favor of SB-232 on leaking gas lines.

I just -- I was here last year testifying on a similar bill that you approved and we would hope that you would approve it again. Last year's issue was financial on Eversource and AvantGuard. They said they didn't have enough money for it.

Well, if we look at their financials, what they made last year, it was an okay year for them, they made
about $987 million dollars. Up from the year before.

AvantGuard made $887 million dollars. They said they can't support financially fixing the leaks.

It's crazy how they can't fix the leaks. It's like saying it's okay to have a three percent leak. All right, so I can drive my own truck down the road, how big of a hole can I have out the back of it driving down the road is acceptable to you?

It's nothing. Leaks are zero. Why are we talking about what percentage of leaks? They find a leak, you fix the leak. Plain, simple, done. There shouldn't be any discussion about how much is okay, how much isn't. They're talking about they don't wanna spend the money.

Eversource shelled out $600 million to the stockholders last year. So they don't shell out dividends for two years, so be it. Is that worth not spewing methane gas in the air? How much is it worth to us? I don't know, maybe you guys can put a number on it, what it's worth.

You know, I've got a report here we'll submit from Yale Environmental 360. They did a very comprehensive report. Basically it summarized their report at the end. They did a -- basically they did a leak study in Massachusetts. Says, "Natural gas escaping from pipelines in Massachusetts accounts for up to ten percent of the state's greenhouse gas emissions."

This is an easy fix for Connecticut. I'm sure Connecticut is very similar to Massachusetts, you have a, you know, ten maybe ten, 15, 20 percent
greenhouse gas emissions reduction by just stopping the gas leaks.

I mean what business is okay to keep pouring out? Why are we figuring, "Well, this one's not that bad" or "This one's worse than the others", and then we'll come back to it in a month, year, two or three years later. It should be fixed instantly.

What scares me, some of the talk from PURA says okay they're now in agreement. They weren't last year, they are this year. They wanna refigure how they calculate it with all two or three companies that do this. A standardized method for only a couple companies. What, two plus two doesn't equal four anymore? They wanna recalculate so the one percent is now larger than it was the other way? If it's leaking, it's leaking. Fix it, that's it, plain and simple.

That's all I have to go. Anybody have any questions?

SENATOR COHEN (12TH): Thank you, Mr. Sack. Representative Palm.

REP. PALM (36TH): Thank you, I have -- want to ask you the same question I asked someone else earlier in the day about setting aside the very, very important environmental concerns about these leakages.

Do you feel that the essential monopoly or all but monopoly that Eversource has creates an unfair advantage on their part to smaller purveyors of energy, whether it be green energy or oil or gas? I mean do you see this as a business model that's unsustainable?
So you understand what I'm asking? The fact that they are allowed a certain percentage of error that other purveyors of other kinds of energy are not allowed. Do you believe that puts other smaller companies at a disadvantage?

STEVE SACK: Tremendously it does. They have the full support in the comprehensive energy strategy plan. You know, I have not and neither have anybody else in the independent energy business had the state say, "Hey, we're gonna convert 300,000 in the state to you." Nobody's out there doing it for us. It gives them huge advantage. An enormous advantage and aid for their leaks.

Stop letting them charge the customers for their leaks. If I got paid for the leaks in my oil, I'd be out there busting holes in my tanks everywhere. If I got guaranteed payment. You know, why fix something if I'm getting paid for it anyways, what's my incentive, I have none.

You know, even if you go down, you say okay, go to one percent. At least take out the compensation for it. What's my incentive? I have none. They're a private business, they're making a -- almost a billion dollars. They could break a billion dollars in '18 and '19 and they're still getting compensated because they say they can't afford it.

REP. PALM (36TH): So the reason I bring it up is I just wanted to say to my colleagues, I think that when we talk about kick starting the economy and incentivizing the small businesses or medium size businesses, this seems to be a real case of inequity that we should look at in addition to the very important fundamental environmental aspects but also
as a disincentive to small and medium sized businesses or to put it more positively, an opportunity to be more equitable to them.

STEVE SACK: Yeah, I mean it could -- it could boost the economy by making them fix these pipes. You know how many people they're gonna have to hire to dig up the roads and replace the pipes? It's a huge win for the economy making them clean up their messes. They're allowed to keep growing but not fix any bad problems they have.

SENATOR COHEN (12TH): Thank you. Okay, thanks so much.

STEVE SACK: Thank you.

SENATOR COHEN (12TH): Okay, next is Chuck Goodwin from United Illuminating. Welcome.

CHARLES GOODWIN: Thank you. Good afternoon Senators Cohen, Miner, Representatives Demicco and Harding and members of the Environment Committee.

My name is Charles Goodwin and I'm the Director of Regulatory Terrace for UIL Holdings Corporation who's the parent for Connecticut Natural Gas Company and Southern Connecticut Gas.

I appreciate the opportunity to testify on raised bill 232. You have my full testimony submitted so I'll try to hit some of the more salient points.

UIL Holdings appreciates and is committed to the goals of the proposed bill to reduce methane emissions and protect our customers' interests. I heard earlier the exchange with Commissioner Betkowski and some of the discussion here this afternoon and hopefully I can help with a better
understanding of what lost and unaccounted for calculation is and is not.

There's been references to three percent leakage because the LAUF is three percent and those concepts are not aligned.

UIL respectfully suggests that a reduction in the annual tolerance to the LAUF percentage is not the appropriate measure of reductions in methane emissions nor is it the focus on the most effective measures that can be taken to reduce emissions.

It is more appropriate to address these issues via aggressive programs to reduce and replace aging gas infrastructure which we undertake daily.

For these reasons, UIL does not support raised bill 232 as written. In light of the earlier discussion with Commissioner Betkowski, we look forward to working with the Committee and per on revisions of the bill that would be more in line with the data and facts.

He was asked earlier -- and there's been some discussion, too, about customers having to pay for this unaccounted for gas. And he mentioned that it exists in a similar fashion in the water industry. It also exists in exactly a similar fashion in the electric industry. There are losses from when generation hits the electric distribution system to when it comes to the customer's meter. Those losses are equally paid for by electric customers.

That concept is uniform, not just in gas and electric and water and not just in Connecticut but throughout the energy industries all throughout the country so there's nothing unique about that here.
It's widely recognized that LAUF is largely an accounting and rate-making issue, not an operational issue. For this reason, I view LAUF as more of an algebraic exercise than it is a physics exercise. In fact, true gas leakage is generally the minimalist portion of the overall LAUF. And these points are acknowledged by both PURA and the US EPA.

The LAUF is mathematical, it undertakes a number of variations in terms of measurements. The timing difference is critically important. Under the measurement that we have today, we're measuring it daily as it comes into the system.

So think about this. As it comes into the system, we're measuring it daily. When it comes out of the system, we're measuring it on our customer's cycle bills. Nothing is aligned. We're measuring something over the course of a calendar year and something else over a different period of time.

That in and of itself creates some significant values in the LAUF calculation itself. So it's worth noting that PURA understood this and they had previously tried to have the existing legislation modified so that the calculation can be done in the summertime rather than at the end of the calendar winter. And that was -- will avoid a lot of the discrepancy in the LAUF itself because of the timing and it has to do with weather variations and those kinds of things.

So I know I'm over my time and I apologize for that but there's a lot of misinformation and I think misunderstanding around what the LAUF calculation is and is not and a three percent result in the
calculation in no way, shape or form results in three percent losses on your system.

The most effective way for the utilities in Connecticut to address losses in methane emissions is through an aggressive replacement program that Commissioner Betkowski spoke to earlier. It's an effort that was established initially by the Federal government and the states have adopted that through what's called the Distribution Integrity Management Program or DIMP.

And that's an accelerated investment in the replacement of old and aging infrastructure and Connecticut is among the most aggressive regionally and if not nationally as it relates to allowing the companies to accelerate their expenditures in these programs.

And that's the direction that we believe we should continue on. But again, we'd be very interested in working with a committee and PURA on a revised bill that best aligns the interests of all of our customers. And with that I'll --

SENATOR COHEN (12TH): Thank you.

CHARLES GOODWIN: -- be happy to answer any questions.

SENATOR COHEN (12TH): Thank you, Mr. Goodwin, can I just ask, you mentioned a couple of things, you mentioned a true leak. So if you could just clarify how the UI determines what a true leak is. Is there a certain percentage or --

CHARLES GOODWIN: It's difficult and somebody was, you know, kinda taking light of Commissioner
Betkowski's comments earlier when they said it was difficult to measure.

I'm not familiar with the methane study that was done in Hartford, I don't know, I'm not a scientist, I'm an economist. But I would imagine that there are other things that contribute to methane other than natural gas.

What I can tell you is that we measure two things. We measure the gas that comes into our system every day. And that's measured with the -- the pipeline delivers it to our system. And then we measure the gas that comes out of our system at the customer's meter. Those are the only two absolute known certain measurements. Everything beyond that can, by its nature, only be an estimate.

We have things like theft out of our system. You can't -- you know, we don't know theft or else we'd be identifying. We do some things to try to identify that but we have theft, the companies operate the pipes and they have to purge the systems occasionally when they do maintenance. That's in the three percent.

We do have variations in metering that has been identified and if you read my testimony, you'll see the sites from the EPA itself that speaks to some of the difficulties in measuring true leakage. And again, my testimony goes through a variety of factors that all go into this LAUF calculation. All of that makes up the three percent, not just leakage.

SENATOR COHEN (12TH): So is it fair to say that there needs to be a pretty large discrepancy between
your input and the customer's meter in order for it to be considered a true leak or is that --

CHARLES GOODWIN: It would only be reasonable to expect to have a number like two or three percent when you look at those two points, the in and the out.

It would only be reasonable because of the things that I talked about -- metering accuracy, theft, purging of the system, contractor damage to the system where gas may leak. There are so many other factors other than true leakage, it would only be reasonable to have a number like two and three percent.

And I've been in this industry for virtually all my life and I can tell you that in Connecticut, these numbers are not getting worse, they're getting better. And they're getting better because of the accelerated investment through these aging infrastructure programs.

I can also tell you with absolute certainty that Connecticut is definitely in the upper -- I can't say definitely because I don't have the facts in front of me -- we are better than average when you look nationally at some of these statistics.

So there is not a problem in Connecticut that is unique to Connecticut and certainly a three percent LAUF does not translate to three percent of leakage in our gas systems. That would just be beyond any reasonable concept if you understand that the engineering and the physics of the system and the mathematics that go behind this calculation.
SENATOR COHEN (12TH): So just one follow-up question to that because you're talking about the -- this aggressive replacement and you know, that these true gas leaks are de minimis. Do you have some numbers around the replacement rate or --

CHARLES GOODWIN: I don't and I tried to get those this morning but what I can tell you is that we've had a program in place for about five years at Connecticut Natural Gas Company. Under the -- under the leadership and direction of PURA Gas Pipeline Safety Unit. So we're not off on our own doing these programs. We have a number of reports.

We present to PURA a proposal as to how quickly we're gonna address this aging infrastructure and they approve a program. Their Pipeline Safety Unit would like to be faster rather than slower, so there's -- so there's a mechanism there in the regulatory environment that is pushing on more aggressive rather than less aggressive.

But at Connecticut Natural Gas, we've been at it for about five years. At Southern Connecticut, a little bit less time, probably two or three years. And as we've undertaken these efforts, we've worked with PURA and the Gas Pipeline Safety Unit to prioritize the investments. So we're trying to hit the greatest and most oldest infrastructure first.

So -- so the timeline is not necessarily proportional to the amount of work that's done because the highest priority projects are being dealt with in the earlier part of the program.
SENATOR COHEN (12TH): I do think if you are able to pull any numbers regarding that, I'd love to see them.

CHARLES GOODWIN: Yep, I can follow up, sure.

SENATOR COHEN (12TH): Representative Gresko.

REP. GRESKO (121ST): Thank you, Madam Chair. Am I correct in hearing you saying that there's no definitive way for you to measure where your leaks are? You know what comes out of your supply and what is definitely used at the -- at the customers' end but nothing in between you're able to accurately surmise where the leak is.

CHARLES GOODWIN: Well, you asked, I think, two questions there -- where and how much. So where, I can't speak to. I mean our field folks have technologies and means of identifying leaks throughout the system, where they occur, whether it be through, you know, a walking systems or you know, they have people that have, you know, the tubes that -- so that's the where.

But if you're asking can we definitively measure how much is leaking in our system, no. And nobody can. So when we have the submissions with PURA and why it's important that they have the oversight of our analysis with the Gas Pipeline Safety Unit, is it's done through a series of estimations.

But nobody can definitively measure how much gas is leaking in our system. Nobody can definitely measure how much is being stolen or how much gas is being used to purge the system or how much gas is being lost when a contractor hits a pipe or how much
gas is associated with meter error. None of those things can be absolutely measured.

In an aggregate, you add all of that up, you get three percent. And you get three percent when you compare a January to a December period versus a billing period that is off by about 15 days. There's weather variations in there.

If the existing legislation could be modified as PURA had been suggesting last year and I think previously, to make this calculation in the summertime, we would take -- we would take a significant weather -- winter weather impact out of the algebra.

Again, you're measuring a period of 365 days coming in and a different 365 days coming out. The difference in those two is weeks of winter weather and that contributes to this error.

If we can adjust the calculation back to the summertime where winter weather is not a variable, you'll see (a) the three percent is a smaller number and you'll get something that is closer to a representation of true losses because you're bringing that timing difference out of the equation.

REPRESENTATIVE GRESKO (121ST): So if you don't know definitely where the leaks are but you're telling me that the number of leaks over the last five years since this program has been -- your program has gone into effect, that the number of leaks are down, how do you know where to do the repairs if you don't know where to look and you're telling me that the number of leaks and what we're losing is actually decreasing.
CHARLES GOODWIN: Okay, what I'm -- what I'm saying is that when you do the loss and uniport calculation the numbers are no bigger now than they have been in the past and in fact they're probably smaller. When you do the overall lost and unaccounted for calculation.

So you -- so are we talking about where the leaks are located because that's a different question than a one percent LAUF tolerance or a three percent LAUF tolerance which is a system-wide calculation.

But if you're talking about 22 Main Street and how do you know that there's a leak at 22 Main Street, you could never measure that. How could you possibly measure that, we've got 200,000 customers, you can't identify in real time exactly where a leak is. You rely on customers calling in, you rely on our mechanics who are out in the street doing meter repairs, appliance repairs, installing new mains and services to see, smell, identify those.

But there's no system that you could put in place that could say 22 Main Street has a small leak today. It's impossible. Just think of it from a practical perspective.

[Unintelligible background conversation]

REP. GRESKO (121ST): How do you know, are you just doing it indiscriminately or wherever you decide to put the backhoe in? Hopefully you called before you dug and I just don't follow the logic with -- if you're telling me I can't figure out where the leaks are but you have an aggressive system of repairing the pipes and you're reducing the number of leaks, then how do you know where to do that work?
CHARLES GOODWIN: Okay. Okay, I'm sorry, I better understand your question now. I wasn't getting it, I apologize.

So within our system we have records as to the type of inventory that we have in our system -- how much -- and we call it aging infrastructure. And we define aging infrastructure as older because we have the -- we have the installed dates of every piece of equipment in our system.

We depreciate that, we replace it when it gets old. So we have aging infrastructure defined as bare steel surfaces or cast iron main and then we also have modern plastic pipe that has been installed since the 70's and newer technologies that have been installed since then.

So we have an inventory of that aging infrastructure. We know where it -- exactly where in our system it is. So I can tell you if this 22 Main Street have an old bare steel service or not. So I guess I can tell you -- I can't tell you that that bare steel service is leaking today, it very well could be not leaking but we do know where the oldest infrastructure in the system is and when I talk about the replacement program, what we're doing is identifying that infrastructure which I believe is about 15 percent of our infrastructure at Connecticut Natural Gas. I don't have the number in front of me for Southern.

So we know that 15 percent is defined as this aging infrastructure. When we undertake the program, we're targeting that 15 percent. And when I say we're doing it in a prioritized way, we also know
the density within city areas, the miles of main, what is contiguous and not contiguous.

So when we're prioritizing, we're putting our first effort forward, we're trying to get the biggest bang for the buck earlier in the program. So does that answer your question? Thank you.

SENATOR COHEN (12TH): Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair, thank you for testifying today. A couple of things. I'll try and keep it brief. You said that we're paying for losses for other energies as well. I think the urgency in this matter is that we're paying for loss of electricity, we're not necessarily paying for human health issues and climate issues considering with methane does.

That was just a comment. Have you made an objective measurement across your system?

CHARLES GOODWIN: I'm an economist so I have never done that and I can't speak on behalf of our engineering or operations people so I don't know the answer to that.

REP. MICHEL (146TH): It brings a question of how do they know what to charge us?

CHARLES GOODWIN: Which what charge us?

REP. MICHEL (146TH): Well, what to charge us for gas.

CHARLES GOODWIN: Yeah, okay, well let me try to help with that. So when we talk about this three percent figure, whichever it might be, within that is theft of gas. Within that is lost gas when a
contractor hits a pipe. Within that is meter error. So what we do is we take all of the invoices that we get from our suppliers, so all of the gas that comes in. Say that's $1,000 dollars.

We have a mechanism that's called the purchase gas adjustment mechanism that PURA regulates and if we pay $1,000 dollars, we charge our customers $1,000 dollars. So the two percent or the three percent or the one percent or whatever that variance is implicitly built in to the recovery. It's a one-for-one recovery in and out.

REP. MICHEL (146TH): Right and then when you're talking about replacing pipes, doesn't it seem obvious that we should be focusing on first finding leaks and fixing the leaks rather than going through the aging infrastructure that you have in your system -- in their system, sorry.

It seems like it would be priority to find out where they are. It doesn't seem like there's a system in place to actually figure out where those leaks and just hearing what we heard from Ms. Klein earlier, there's over 700 leaks in Hartford compared to the PURA study that said 150 -- I'm just being approximate with the numbers.

I think that's -- that seems like an emergency to me considering the potential hazard in public health and environment and environmental, in certain, in --

CHARLES GOODWIN: Could I -- could I comment to that?

REP. MICHEL (146TH): Sure. Yes, please.
CHARLES GOODWIN: I'm sorry, I don't know the technology that was used or the merits of that but what I can tell you is that hopefully we can put some trust in PURA and their Gas Pipeline Safety Unit, GPSU.

They don't only work within the PURA organization, they also have Federal responsibilities through the Federal Pipeline Hazardous Association. So they are responsible for administering and overseeing both Federal safety regulations and state regulations. Those people are out in the field every single day with our operating crews.

They are constantly over their shoulder, they're constantly looking at our procedures. In fact, they fairly often will issue some small penalties to us if we're not following exactly every step of the safety manuals that are there.

So I think that both the Committee and the general public and our customers should take a great deal of comfort in the fact that we've got a very, very serious-minded pipeline safety unit that works with us on regulations regarding leak repair.

Class one leaks are that are identified are repaired immediately. Class two leaks are repaired essentially real time. Class three leaks, less so. Class three leaks obviously have much less leakage and impact to the environment than class one and two, not just from an environmental perspective but a safety perspective.

And I think we have to put some trust in the gas pipeline safety unit that oversees our business.
REP. MICHEL (146TH): But if you're focusing on where we're getting calls from consumers about leaks or whoever is notifying PURA on the leak and we still have five times the amount of leaks in Hartford seen by another study, and we're not even talking volume, we're just talking number of leaks. I -- just questioning that we're not -- that even the FPHA or the GPS here, I'm sorry, I'm letting my acronyms -- I'm just very worried. And then should we really accept any leakage at all?

CHARLES GOODWIN: You have to, it's engineering, it's physics, there's not a system on earth. The propane folks were up here or the oil dealers or propane folks. Their systems have leaks. Every system has leakage, it's physics.

REP. MICHEL (146TH): Mm-hmm, it's truly acceptable in terms of numbers according to physics and math and other stuff -- and environment.

CHARLES GOODWIN: I don't know the answer to that and you all would have better views on that, perhaps, than I would. All I can tell you is that if you look at industry standards around the gas industry nationally and you look at comparable statistics from Connecticut versus other states, you will find that we are better than average. Clearly better than average when it comes to these types of LAUF calculations.

I don't know what is a reasonable standard. I would ask you to look at the references I made in my testimony from the EPA that identifies some of the pitfalls and kind of measures this through LAUF though.
REP. MICHEL (146TH): I appreciate it. I'm still very worried because of having a private study showing a lot more than what PURA seems to be aware of.

CHARLES GOODWIN: And please don’t take my comments the wrong way. We are equally as concerned. We're not downplaying the importance of emissions and methane emissions in safety for sure.

REP. MICHEL (146TH): Right.

CHARLES GOODWIN: Primarily my comments are directed at misinterpretation of the LAUF and we would again welcome working with the committee and PURA.

And when Commissioner Betkowski spoke this morning about his one percent, he was not talking about taking the existing three percent down to one percent, you know, as is. But he would agree that one percent, if we can estimate that as the PURA leakage, would be the right tolerance.

So I don't know but that's an answer. You asked what's the right number, I think Commissioner Betkowski was saying maybe one percent might be the right number.

REP. MICHEL (146TH): And I'm sorry, can you just, for the sake of information, can you tell me what LAUF stands for [crosstalk].

CHARLES GOODWIN: Yes, I can. Loss And Unaccounted For. So unaccounted for is one word but for some reason they put U and A in there. Lost And Unaccounted For. And it's an industry term that the gas industry nationwide is familiar with.
REP. MICHEL (146TH): I appreciate you testifying, thank you for answering the questions. It just seems that this was prioritized over protocol and all kind of oversight and things. That's how it seems to me. Thank you.

CHARLES GOODWIN: I will say the utility business is complicated and you're the Environment Committee and they think if we went to speak to your friends at the Energy and Technology Committee who may be relatively new members there, they quickly realize that the business is -- especially the regulated utility business -- is somewhat more complicated than it may appear on the outside looking in. We've got some very kind of odd rules in our business.

REP. MICHEL (146TH): And I appreciate those complications we'll learn to put in.

CHARLES GOODWIN: Thank you.

SENATOR COHEN (12TH): Representative Palm.

REP. PALM (36TH): Hi, thank you. This is very brief. And I'm sorry if Representative Michel asked a variant of this question. Can you help me understand, in sort of simple layman's terms, why it is that if you can ascertain the exact flow of gas in order to charge a specific customer, to use your example at 220 Main Street, how can you not ascertain any potential leakage at that same site?

How can one measurement be so exact as to meter the cost but if there's a leak you don't have any way of measuring it. I don't understand how that can be. Thank you.
CHARLES GOODWIN: Yeah, I don't know how to answer that other than if you think of how gas gets to the customer's house at 20 Main Street. It gets delivered by an intrastate pipeline system, comes from the Gulf of Mexico, Western Canada. It hits our system at what we call a gate station.

The pressure drops into our distribution system. We measure it at the gate station where it comes in. The pressure drops, it goes through our local pipes and then it will take a turn and go into a neighborhood and then 20 Main Street will have a tap -- what we call a service. It will get tapped off and go into the service.

We haven't measured anything in between there. The gas just flows. And it hits a riser and it comes up into a meter. And then from the meter it goes to the customer's equipment.

So we measure it when it comes into the system from a pipeline and then we measure it for each of the individual customers -- 200,000 customers. So we measure 15 points where it comes in and 200 points where it comes out.

So I don't know how in that gross equation where you start from a system-wide level at 15 interconnection points at the pipelines to 200 individual customer points, how you could ever measure or identify leakage that happened from where the pipeline fed us to where 20 Main Street ends up. I mean it's just physically not a concept that works.

And I know that's not helping your curiosity but it's -- you can't do it.

SENATOR COHEN (12TH): Representative Reyes.
REP. REYES (75TH): Thank you, Madam Chair. This is -- thank you, sir, for your testimony. This is quite complicated to say the least. I mean many of us here are still trying to wrap our heads around this and you're not alone, Representative Demicco.

Does PURA have a protocol to measure these leaks?

CHARLES GOODWIN: No, as I've spoken to, the only true way of measuring is the LAUF calculation that we've been discussing. And within that calculation are a number of those variables that I've described and my testimony details and the EPA's quotations in my testimony support the concept of.

But no, it's impossible to measure leaks with a degree of accuracy. If we could measure leaks, we would measure leaks but you measure gas in and you measure gas out. Things that happen in between there, again, a contractor is doing work and hits a main and gas goes to the environment, up to the atmosphere. You can't measure that.

Customers tamper with meters or may be stealing gas. You can't measure that. In the same way that you can't measure if some of this aging infrastructure that I spoke to may be 50 or 60 or 70 year old infrastructure that has some slow leaks in it. You can't measure that.

And so I'm reminded that what we do have are tiers of leaks. We have what's called class one leaks and those are more severe leaks, they're emergency-type leaks. Those we have, I believe a 30-minute window to respond to and they're repaired immediately.

Then we have class two leaks which are not immediate emergencies but are severe enough and PURA and their
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Gas Pipeline Safety Unit have metrics that we have to respond to in terms of class two leaks.

So the higher priority leaks are identified and repaired within to order.

REP. REYES (75TH): Sir, I'd be interested in knowing how many of the 30-minute leaks have been fixed in the last several years. Well, back a few years. Say 15 to 2018, if those numbers are available, I think it would be data that would be useful to this committee. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you. Representative Michel.

REP. MICHEL (146TH): I'm sorry about that. You said there were several tiers or several classes of leaks. How do you classify them if you can't measure the leaks?

[Pounding sounds in the background]

CHARLES GOODWIN: So we have professional operators of the system. Every single gas leak that is identified, whether it's from a customer that calls in or whether it's from one of our own people identifying it when they're on the job. Every single gas leak is responded to as an emergency. Every single one.

Once our professionals get onsite they evaluate the situation and if the leak is such that it is a safety or emergency situation, repaired immediately. If it's evaluated as a lesser, a non-dangerous immediate leak, it'll be a class two and it'll be dealt with accordingly.
REP. MICHEL (146TH): And just to be precise, you mean the leaks that were called in. Not the existing leaks.

CHARLES GOODWIN: The leaks that were what?

REP. MICHEL (146TH): That were called in, that you were notified about.

CHARLES GOODWIN: Right. We don't know about leaks that we don't know about, that's right.

REP. MICHEL (146TH): Thank you.

SENATOR COHEN (12TH): Okay, thank you so much.

CHARLES GOODWIN: Thank you.

SENATOR COHEN (12TH): Next is Nathan Markee from Winter Climate Action.

NATHAN MARKEE: Hello.

SENATOR COHEN (12TH): Welcome.

NATHAN MARKEE: I do understand physics. I agree with most of what my Sierra Club friend said over there but I'm basically -- I have my own opinion and then I have kind of I'm a voice for the Windsor Climate Action which is kind of the subcommittee at Windsor that reports to the environmental committee over there.

Now I've never done any of this testifying stuff or any of that but I can tell you what I do know and what I'm working on right now is the emerald ash borer. The emerald ash borer, science is just observation, you just look around and you see what's changed, what hasn't changed. I like to talk to arborists, tree huggers, people that hang out in the
woods, hunters. You know, people that know what the differences are.

And it's obvious the ash trees are just falling over and so are the hemlocks actually. But the sycamores are doing great for some reason.

Now what emerald ash borer larvae does is they get -- the ash borer hits the tree and lays larvae and then the larvae eats out the nutrient core for the tree. Therefore, as soon as the larvae hits, it's already done and the ash tree will fall over and die.

Now with some invention --

SENATOR COHEN (12TH): Mr. Markee, can I just interrupt for one minute? What -- we're talking right now about SB-232.

NATHAN MARKEE: Oh yeah, I support the -- I support that and the other one. Sorry, I get carried away.

SENATOR COHEN (12TH): We don't have anything on the agenda today related to emerald ash borer.

NATHAN MARKEE: That's fine. I understand that. I do support both -- what are the bills I support? I've gotta find it.

SENATOR COHEN (12TH): SB-232 with respect to the --

NATHAN MARKEE: The second to the last, the other one that other people have been --

SENATOR COHEN (12TH): I see, 753 written in here, the fracking waste ban?

NATHAN MARKEE: We support both of them.
SENATOR COHEN (12TH): Okay, so I'll just respectfully ask you if you have something specific to the emerald ash borer if you want to email the committee members, that's fine.

NATHAN MARKEE: I can do that. I'm really new at this but I'm -- I'm working with a lot of other scientist-type people.

SENATOR COHEN (12TH): That's great and you know, perhaps it'll come to public hearing --

NATHAN MARKEE: I hope so because I don't know --

SENATOR COHEN (12TH): -- but at this point it is not on the agenda today.

NATHAN MARKEE: I understand, I just -- this is my first time.

SENATOR COHEN (12TH): Thank you. Well, thanks so much for your testimony.

NATHAN MARKEE: Yeah, thank you.


BRIAN GURARCO: My name is Brian Gurarco, I'm here in support of raised SB-232. I'm the owner of State Line Oil and State Line Propane in Granby, Connecticut. We employ 60 employees from the state of Connecticut.

My companies are obligated to fix and repair any and all gas leaks that we encounter including documented gas pressure tests. Monometer tests or gas check. And also in the HVAC industry, heating, ventilating and air condition, we're obligated to reclaim any
and all refrigerants that we encounter in the air conditioning service arena.

The point is that we want a level playing field. We feel that the natural gas companies should use their profits to fix their existing gas lines that are underground.

And we also feel that the state of Connecticut residents and taxpayers should not have to pay for the new underground natural gas lines.

Short and sweet.

SENATOR COHEN (12TH): Thank you, appreciate that.

BRIAN GURARCO: Any questions?


REP. MICHEL (146TH): Thank you, Madam Chair. You said your company -- are you specialized -- sorry, my French brain was kicking up -- gas leak repairs. To your knowledge, is there any way of measuring a leak? A gas leak?

BRIAN GURARCO: Yes.

REP. MICHEL (146TH): Okay, thank you.

SENATOR COHEN (12TH): Thank you. Okay, Mr. John Daniels from Daniels Energy.

JOHN DANIELS: Hello, I'm John Daniels, my family owns Daniels Oil and Daniels Propane. We've been in business since 1924 and I'm actually the fourth generation in my family to be in this industry.

Now one of the big things that -- being the younger person, I'm taking into account is the environment
here in Connecticut. SB-232, A VOTE TO REDUCE THE AMOUNT OF METHANE THAT'S ALLOWED TO LEAK FROM OLD GAS MAINS.

Many of the existing mains are leaking because there's no economic incentive to replace them. The utilities just pass the cost of lost gas onto the consumer.

If this favors the shareholders over both the consumers and our environment, we need all the utilities to be held to high standards to ensure that every measure possible is being done to stop the existing leaks and to replace the old leaking gas mains is done before miles of new mains are installed.

In the petroleum industry, we are responsible for cleaning up any leak or spill we create at our own cost and cannot pass these costs onto our customers. How is it fair to Connecticut consumers if the natural gas companies can pass on the costs of their mistakes to the consumers all while continuing to post positive earnings?

Now this poses a competitive disadvantage for small businesses to operate in the same market as the natural gas companies as we have to front the bill ourselves where they get to pass on the bill to their consumers.

Thank you.

SENATOR COHEN (12TH): Thank you.

JOHN DANIELS: Any questions?

SENATOR COHEN (12TH): All right, thank you for your time.
JOHN DANIELS: Thank you.

SENATOR COHEN (12TH): Okay, next is Chris Herb from FIMA.

CHRIS HERB: Good afternoon, my name is Chris Herb. I'm the President of the Connecticut Energy Marketers Association. We represent 600 family owned home heating oil dealers that sell bio-diesel-blended ultralow sulfur heating oil that is cleaner than natural gas.

I just want to put it in perspective that the current state under view policy that was created a few years ago and through the comprehensive energy strategy basically says let's convert 300,000 of our customers to a fuel, natural gas, for all the reasons you heard today from folks that have a better understanding of the environmental impact from folks who've done economic analysis of this.

The current energy policy's encouraging this. We ask that the time when the CES was put into place that utilities be required to fix their leaking natural gas infrastructure before any -- anything could be built out.

So right now we have a policy that converts 300,000 people to a dirtier fuel. It expands by 900 miles. So 300,000 conversions 900 miles. So I wanna kind of clear -- we submitted written testimony, lots of information there -- so I just wanted to address some of the -- some of the testimony that was given by the gentleman from United Illuminating.

The bottom line is and I think it was just touched on, is that when you can pass along all of your costs to your rate payers, and you do that, there is...
no incentive whatsoever to find the system. The Sierra Club, with very little funds, found a way to go find where the leaks were. They were able to find a way where those leaks were, how much was leaking.

Just to give you an idea, their study -- their study amounts, in just Hartford in one year's time -- it amounts to 117,000 gallons of home heating oil spilling down Capitol Avenue.

What legislator in this building, what regulator in this state, what citizen would allow 117,000 gallons of heating oil to leak in Hartford alone.

So we don't have a study for the whole state but the Sierra Club did the one in Hartford knowing what. And then you wouldn't let us send a bill to everybody on Capitol Avenue as that 117,000 went down. And then you wouldn't let us show up at a public hearing and tell you we can't figure out how it leaked, we don't wanna pay for it but we have classes. Class one, class two and class three. We get to some of them immediately.

Well, through their own testimony, just given, this bill is three years old. We've found different ways to come at it. When we told them -- when the last bill came out and we said, "Just tell them to fix all their leaks and have their shareholders pay for it", they said it was too, or their rate payers, the rate payers pay for it, they said it was too expensive.

Now we're saying let their shareholders pay for it and they're saying, "No, we meet industry standards." Well, that's a poor example. The
industry standard that local family-owned businesses had to live up to in the state of Connecticut is a no-leak tolerance. One drop is reported, it's remediated and we take it on a -- if we can't afford it, we take out a mortgage on our home against our business to clean it up.

That standard doesn't apply to billion dollar corporations. It is unfair and the reason why they're getting away with it and the reason why the leaks are so significant is because we've never made them do it. And as long as you guys -- we continue to not get this bill put into law, those leaks are gonna remain because there's no incentives to clean them up.

There's a lot more information in my testimony. We've met with a lot of you individually about this. We hope this -- the fair thing is done this year -- the fair thing for the environment, the fair thing from a competitive standpoint, the fair thing for your constituents.

SENATOR COHEN (12TH): Thank you, Mr. Herb. Any questions? Mr., Sen -- Representative Demicco.

REP. DEMICCO (21ST): Thank you. Thanks for the promotion. So Chris, welcome, thank you for being here. I take it -- well, I won't put words in your mouth. What do you think about this assertion that it's difficult to measure and -- well, I'll leave it at that. It's too difficult to measure. I think that's basically what's being said here.

CHRIS HERB: That's -- I heard that loud and clear today and like I said, I think that if the standard for a family-owned business with one or two
employees is that we have to -- if we had a leak, if our inventory doesn't resolve that we have to find where it went wrong, where that product went. We have to clean it up. Then they should be able to do it.

Again, like -- that's why I started off my testimony that I thought it was extremely compelling when the Sierra Club said they could find a couple scientists from Boston University to come -- or Boston College to come down here. Found where the leaks were, found out how much was leaking. If the Sierra Club can do that, instead of us allowing through the comprehensive energy strategy to put a 30 percent surcharge on a customer who decides to convert and use that money to help build up this additional infrastructure, let's use that surcharge or the shareholder dividends to go and implement systems.

If the little Sierra Club chapter in Connecticut found -- I mean this isn't impossible, it's we're -- if we have a will, this can get done but there's no will to get it done and it seems like every year we, you know, last couple years we've got it out of committee and then it goes nowhere.

And I think that that's because there's sufficient confusion when they come up here and say the energy committee understands this a lot better than the environment committee so let -- we'll go explain it to the people who spent time thinking about this.

I think we should take a closer look and I think that they should bring their engineers to explain this instead of an economist. That's really, you know, it's bait and switch. Look over here. We
know how much gas comes in, we know how much gas we charge off but we don't know where it's leaking?

Well, that's because you're not looking for it because you don't have to. Once your shareholders start paying for it, you'll go look it, find it, you'll fix it so that you don't have to -- you can continue to pay good dividends.

Eversource, in their testimony that I provided attached to ours says that it's gonna take 15 years to replace the leaking infrastructure. United Illuminating, which is the parent company to Southern Connecticut Gas, in their testimony just a couple years ago says they don't have a mandated replacement program.

No one would. If you weren't being told that you have to control your lost and unaccounted for gas, you would allow it to be lost and unaccounted for. The level three leaks that they talked about, there is no requirement whatsoever to ever fix them. The level two, he said, "We do it in good time". According to their testimony, it's 12 months before they get to those.

The level ones they do get to because you know, immediate help and the property could be in jeopardy. That is unacceptable on any level.

If my son came to me and said, "Everybody in school is doing drugs, I get to do it". That's what you're hearing. We get to do this because it's the industry where everyone else does it, we're better than average. I heard that three times. "We're better than average."
It's not good enough. It's not good enough for the local family businesses that I represent.

SENATOR COHEN (12TH): Thank you, Mr. Herb. Oh, Representative Palm.

REP. PALM (36TH): Hi, Chris. You and I had -- I had the pleasure of talking with you last fall with one of my constituents about this very issue. And I wanted to ask you two quick questions, one of which may be out of your wheelhouse but again, the impact on small and medium-sized business from an economic standpoint, is there any way to quantify that at all?

And my second question is do you have any idea whether or not a comparable problem of leakage, let's say, or unaccounted for energy dissipation exists in truly green forms of energy?

Is there such a thing as lost solar or wind or any comparable worry that we need to track any of those truly green energies? Which I realize is not entirely your industry but do you have an opinion about either of those two things?

CHRIS HERB: Well, it is. We sell 100 percent renewable biodiesel. And that biodiesel has a zero leak tolerance policy. I guess liquid fuels are just seen differently whether they're renewable or not.

So the biodiesel that's produced right in Connecticut, if any of it whatsoever is leaked, we have to report that. We have to remediate it immediately even though it comes from hamburger grease and French fry grease and recyclable greases like that turned into a heating fuel.
REP. PALM (36TH): And I'm sorry to interrupt you but those -- those costs are not passed on to the customer, right?

CHRIS HERB: Absolutely not, we -- there was no mechanism whatsoever to do it. If I spill fuel oil, biodiesel, the products that my members sell -- if I spill it and then I pass those costs along to my customers, then the guy across the street takes that customer because I had to increase the price to cover the loss. I have to find a way to be better to not leak.

And that's what we've strived to do for generations now. So that's to answer your first question and then frankly, by the way, not only is that requirement for us to report it, we've never challenged it. I've been working for this -- for these people for 19 years. I've never been sent to Hartford and I've spent a lot of time here. I've never been sent to Hartford to repeal that, to roll it back. If anything, we've participated in crafting really good legislation to prevent leaks.

Sack Distributors who testified earlier had spent millions of dollars on spill prevention plans that are required by the state. We've never fought that.

On the flip side, again the United Illuminating owns Connecticut Natural Gas. It wasn't even a year ago that they were fined the largest fine in history was 1.5 million dollars for safety violations of pumping too much gas into their lines and not reporting it -- knowingly not reporting it.

Now people lost their jobs over that but you know, that's not happening on this side. So you know,
when we talk about -- when we hear testimony that says we need to explain to you exactly how all of this works, well then let's look at the whole -- the whole picture of this and I think that your question is a good one.

This has been no, we're at a competitive disadvantage because we are held to a higher standard even though we are not given, we are not a monopoly regulated by the state, given a guarantee rate of return. No matter how bad they perform, you guarantee their profits. That doesn't happen in our world.

SENATOR COHEN (12TH): Thank you, Mr. Herb. Okay, next is Mr. Swan. I do not see Tom in the room so moving on is Nisha Swinton from Food & Water Watch.

NISHA SWINTON: Hello.

SENATOR COHEN (12TH): Morning, or good afternoon.

NISHA SWINTON: What he said. Okay, bye. I'll say a little bit more. My name is Nisha Swinton, the Northeast Senior Organizer for Food & Water Watch. On behalf of Food & Water Watch and their over 20,000 supporters and members in the state of Connecticut, we strongly urge you to support SB-232 to repair the infrastructure and again, what he said.

And then I would also like to speak about SB-753, AN ACT CONCERNING THE STATEWIDE BAN ON FRACKING WASTE. Working with community groups and grassroots organizations throughout the state, we have been campaigning to an act of permanent statewide ban on the input and disposal of fracking waste for over six years and like John stated, we have passed over
55 city and town fracking waste bans throughout Connecticut.

The state has already passed a bill that held a three-year temporary moratorium on fracking waste and this session we can make it permanent and more robust by following the lead of these 55 communities across the state who have already banned fracking waste on the local level.

These communities are counting on the state's continued leadership on clean water protection. SB-753 is the permanent solution for a problem that Connecticut should not take on. The waste generated by fracking in nearby states is highly toxic and radioactive posing a grave risk to human and health safety.

New York and New Jersey are among other states that are considering statewide bans. The dangers of fracking have been well established to the point that New York State has banned the practice outright. New Yorkers are working at to achieve a full ban on fracking and fracking waste related to activities in the Delaware River basin including wastewater treatment, storage and disposal.

Passing SB-753 would demonstrate Connecticut's strong environmental leadership protecting millions of people from toxic wastewater and preserving the region's freshwater supplies for generations to come.

So I hope that you all send a clear message that Connecticut is not a dumping ground for the fossil fuel industry and please support both of these beautiful bills.
Thank you for your time.

SENATOR COHEN (12TH): Thank you. Any questions for Ms. Swinton? Okay, thanks so much. And next is -- okay, Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair, once again. Ms. Swinton, was there a petition going on?

NISHA SWINTON: Oh yeah, did you get a couple emails?

REP. MICHEL (146TH): Oh yeah.

NISHA SWINTON: Good.

REP. MICHEL (146TH): And I forwarded the petition but I just wanted to know what was the result or --

NISHA SWINTON: So we started getting petition signatures to support this bill on Friday and since Friday to today we have about 500 signatures from Connecticut.

REP. MICHEL (146TH): Wow, and just from the weekend.

NISHA SWINTON: Yeah. So we just started so you'll probably get some phone calls and some emails from our members in Connecticut who are very in support of this bill.

REP. MICHEL (146TH): Thank you for doing good work and advocacy.

NISHA SWINTON: Yeah, thank you very much.

SENATOR COHEN (12TH): Okay, next is Elizabeth Dempsey from the Conservation Coalition.

ELIZABETH DEMPSEY: I'll pass until the next bill.
ENVIRONMENTAL COMMITTEE
PUBLIC HEARING

SENATOR COHEN (12TH): Okay. Allison Walsh?

ALLISON WALSH: [Inaudible speaking without microphone]

SENATOR COHEN (12TH): Okay, Ann Helic.

UNKNOWN: She just stepped out.

SENATOR COHEN (12TH): Okay, let me -- sure and I will just in the meantime see if some of these others who were not here at the time -- is Mr. Thomas McCormack here regarding HB-5315?

No? What about Mr. Rodrigo Pinto, HB-5254?

[Inaudible background speaking]

Okay, I will make note. Next on the agenda is House Bill 5314 which is AN ACT PROHIBITING THE RELEASE OF HELIUM BALLOONS INTO THE ATMOSPHERE and I am going to do my best at pronouncing this name. Maria Mikolajczak.

MARIA MIKOLAJCZAK: Yep, could I speak 7:53 instead?

SENATOR COHEN (12TH): Okay.

MARIA MIKOLAJCZAK: Thank you.

SENATOR COHEN (12TH): And Laura Cahn. No? Okay. Okay, we will come back to that then. Okay, next, nothing for HB-6643 which is AN ACT CONCERNING REGIONAL ANIMAL CONTROL SHELTERS. And now we are on HB-753 so I will go back to Ms. Dempsey. HB-753, just for the record, is AN ACT CONCERNING THE STATEWIDE BAN ON FRACKING WASTE.

ELIZABETH DEMPSEY: Honorable Chairs of the Environmental Committee, Representative Demicco, Senator Cohen, ranking member Harding, members of
the Environment Committee, thanks so much for sticking around and listening to us and may I summon the energy of some of the previous bills.

My name is Elizabeth Dempsey and I'm a founding member of Conservation Coalition, an environmental group which reaches a community of about 5,000 action-oriented voters around Connecticut.

We work on conservation issues and advocate for legislation that positively impacts our environment.

I grew up in western Pennsylvania which is now home to hundreds of gas and oil wells and many wastewater treatment plants. My family lives on the north -- in north of Pittsburgh along the Allegheny River.

As we mentioned before, extensive studies have shown that despite regulation and intervention, extraction waste in Pennsylvania continued to impact the Allegheny which is my parents' water source.

My family has watched the impact of inadequate oversight, safety standards and regulation in their own backyard. They've seen well owners and wastewater treatment companies try and fail to adequate clean these wastes. They have read the news stories of contamination and radiation statistics. They've crisscrossed the Marcellus shale region.

You should know, one of the more recent statistics I've found was two billion gallons of waste is generated by US oil and gas wells every day.

This waste problem is real. It is well documented and it isn't going away any time soon. And with low
volume fracking and conventional wells in New York State, is right next door.

This morning, was your car covered in salt from the recent snowstorms? Unless your town has passed a ban, certain road treatments from conventional wells could come in legally today to be spread on your roads because we don't have the comprehensive state bill like 753 or a permanent moratorium.

This has happened in New York. To save costs, 41 municipalities in New York State put radioactive conventional well and storage brine on hundreds of miles of local roads. If this happened in Connecticut, it could devastate our water wells.

In the attachment that I attached to my testimony, you'll see a graphic that shows the wastes that are not covered by a moratorium.

We all know that Connecticut's geology does not support oil and gas fracking. Unlike Pennsylvania, Connecticut has no profits, jobs, taxes or fees from the extraction industry.

So for me it's really hard to understand why Connecticut would potentially subsidize the worst part of this industry by providing a toxic loophole for toxic waste streams. Are we looking to get into the extraction waste management business and do we have the expertise? Is it worth it to allow toxic and radioactive road deicers or construction fill into our state just to save a buck?

I really don't get this. With Pennsylvania's enormous growth in fracking jobs and revenues, the trade-offs they have made with their environment is clear. What doesn't add up to me and I would ask
you, is allowing their industry to ship the externality of their waste problems to our state and others.

They have subsidized the profits but socialized the cost to an unwitting public. If we are going to subsidize an industry, we should instead support those that are bringing jobs and revenues to Connecticut, not problems.

In business, you take a risk and you get a return. With the current moratorium and no comprehensive state bill, our risks are high and there's little to no reward. Where is the value proposition to you and your constituents. SB-753 makes smart environmental, business and fiduciary sense.

As stewards of Connecticut's future, please ensure that SB-753 passes into law this session. This is the right year, this is the right time. I really think we should do this.

Thank you and I will say I also support the previous bill, 232 as well.

SENATOR COHEN (12TH): Thank you, Ms. Dempsey. Okay, next is Sister Ruth Rostenbaum. Welcome.

SISTER ROSTENBAUM: Thank you. I have to say I'm amazed at your endurance through listening to all of these things. All right, I'm here today to speak in support of SB-753. My name is Sister Ruth Rostenbaum. For years I was a biology and chemistry teacher and then -- in the high school level -- and then a social economist on the university level.

I have a very eclectic background. I have a bachelors and masters in biology and chemistry, I
have a masters in theology which focused on the
dignity of each and all human beings. And my
doctorate is in social economics so it takes all of
the things we've been talking about and says who
benefits from any of this.

All right, at present I'm the Executive Director of
CREA, the Center for Reflection Education and
Action, a research and education center right here
in Hartford.

We've been engaged in trying to get comprehensive
extraction waste legislation passed for several
years now. We see this as part of our work on
sustainable communities. You know, there's a lot of
yada yada yada about sustainability and we keep
saying instead of all of these indicators that you
can have, how about we talk about sustainable
communities. What helps our communities to be
sustainable and what gets in the way.

So building on that background and years -- really
decades of experience -- I'm today asking you to
establish a statewide standard prohibiting the
transport of fracking waste any place within the
state.

Lead by Jen Siskind, of Food and Water Watch, we
have been working for several years doing this town-
by-town, city-after-city in Connecticut to create
these bans and to protect Connecticut communities.
Now we're asking you, our state legislators, to step
up and do the right thing and establish a statewide
ban on the treatment, disposal and use of any and
all extraction wastes, especially fracking waste.
We need to remember this is a very basic thing when you teach biology. Also when you teach economics. There's only one world. There's only one earth. There's only one set of water that we all use and need to protect. And when we allow the pollution of that earth, that water, with waste such as fracking waste that is toxic and radioactive, there's no getting rid of the pollution and there's no getting rid of the damage that it's caused.

The treatment to fracking waste is inadequate leaving discharge, the damages, our water supply and the earth which comes in contact with it.

Please remember this is the same ground that our children and our grandchildren play in and on and ride their bikes. The same earth where we drive our cars and go for walks and even have our gardens. If fracking waste was beneficial, do you really think that the states where it's produced would be urging other states to take it as a waste -- as a product?

I mean if this was a financially beneficial product, trust me, Pennsylvania would wanna hold onto it and other states where fracking is taking place. But every single one of them, every single one of the states where fracking takes place wants the waste to go someplace else.

While it's true that we could find some uses for some of the components of the waste, please remember we already have safer products to use to keep our roads deiced and to use as landfill. But every single load of waste that we transport would have to be tested to see whether it is safe and we would bear the cost of that testing, all right? And then the question is, whether DEEP has the capacity or
the ability to even do that testing in a timely fashion.

So why does anyone want to bring this harmful and damage-producing, disease-causing product into our state? That's the question. Ask yourself this simple question. It's one that we use in prayer all the time. Two words in Latin. Cui bono. Who benefits?

SENATOR COHEN (12TH): Sister, can I just ask if you could just summarize, we're out of time.

SISTER RUTH ROSTENBAUM: Okay, I'll go fast. I'll talk like a New Yorker which is really what I am.

All right, who benefits if we allow this transport? Yes, some few will benefit, will make some money but the financial costs to our communities will be long term. They're already long term in any of the communities that have been impacted by it.

And at the same time our state's most vulnerable, most especially our children, will grow up surrounded by air and water and land affected by this poison. Do we want more children with cancers, with breathing problems and other health issues? I really don't think so.

So I ask you to do the right thing, to choose a healthier life for all the people of our state. For each person in our state including each of us.

Please do the right thing not only for now but for those who come after us and ban and forbid the transport of fracking waste within Connecticut. Stop for a minute and think of your children and your grandchildren. Think of those you love the
most. Would you really want them exposed to this garbage? I don't think so.

Choose life for all of them. Choose life for all who come after us. Choose life that we may live as healthily as possible. Thank you and I'm sorry for going over my time.

SENATOR COHEN (12TH): Thank you, Sister.

SISTER RUTH ROSTENBAUM: Any questions? Great.

SENATOR COHEN (12TH): Okay, thanks so much.

SISTER RUTH ROSTENBAUM: Thank you.

SENATOR COHEN (12TH): Okay, Maria from Greenwich Conservation.

MARIA MIKOLAJCZAK: Hi, thank you so much. My name is Maria Mikolajczak, I'm a small business owner and a start-up farmer in Greenwich. I'm here today representing Greenwich Conservation Advocates, a grassroots nonpartisan group focused on water conservation. Our leadership team and supporters cross the political spectrum.

Our group led a successful effort to pass a town ordinance to ban oil and gas extraction waste and we urge you to pass a comprehensive and permanent ban on the same via SB-753.

Over 18 months we worked to cast our ordinance to our representative town meeting which has 230 voting members. We held meetings in people's living rooms, we stayed up all night editing documents, we researched, we faced our fears of public speaking, we debated with opposition. We made presentations
to commissions, boards, town departments, attorneys and other community groups.

We spent countless hours engaging with individual residents explaining repeatedly what the wastes were and how they were a real threat to our community.

We collected 900 signatures in parking lots, soccer games, community events and school functions. We got sunburns, we got rained on, we did all of that without complaint because we believed it was worth it. Everyone volunteered because they cared about protecting our property values, our drinking water supply, wildlife and much more.

A small group of opposition claims many things that were untrue about the language being poorly written, absurdly claimed to the town's [Inaudible 06:20:17] couldn't get roads paved. All kinds of statements for easily disproof but in quantity they created confusion and prolonged our process.

During a standing room only public hearing on the ordinance, the opposition was laughing at a local oysterman with seven million oysters in the water. It almost came to blows. It was heartbreaking to see that lack of compassion for our local businessman who is already struggling with water quality issues.

Despite the opposition, this effort brought our community together. Nearly a thousand Greenwich residents acted in favor of the stand, many engaging in a political effort for the first time. People came out in large numbers to committee meetings and the Our Town meetings. On the night of the final vote, many came to support, including high school
students and stayed past midnight to participate in the democratic process.

Our ordinance finally passed at about 1:00 in the morning on September 18th by a three-to-one margin. You can imagine how thrilled we were in the culmination of 18 months of work. My understanding is that a comprehensive amendment is being sought by an opposition lobbying group who have failed in multiple towns to substitute their own watered down version of the ban.

What I hope I have conveyed today is how hard we worked as a community on our ordinance in Greenwich and how upset people would be if this state legislature which would essentially dismiss our entire democratic process by agreeing to such amendments.

Fifty-five other towns have passed the same language we passed in Greenwich and I support SB-753 because it provides an opportunity for this protection to be expanded to the entire state. Thank you so much.

SENATOR COHEN (12TH): Thank you. Yes, Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. I didn’t lose my voice yet. Maria, I thank you for coming. I think you're bringing up a point, I think, that's very important and that we legislators should really consider and think about that also normally some of the towns' bills very comprehensive. But as the state, I think we should lead also with the most comprehensive bill also.

It is for the environment, it is for public health, it's for the soil, the water, the air. So I wanted
to thank you for that and I'm a neighbor, I'm in Stamford and we do -- we did also pass a comprehensive bill.

MARIJA MIKOLAJCZAK: Yes, I know. Thank you.

REP. MICHEL (146TH): Thank you. Thank you.

SENATOR COHEN (12TH): Thank you so much.

MARIJA MIKOLAJCZAK: Thank you so much for your time.

SENATOR COHEN (12TH): Okay, Ms. Allison Walsh from HRTM.

ALLISON WALSH: Hi, thank you for the opportunity to talk. I'm a member of the Greenwich Representative Town Meeting and a member of the legislative Enrolls committee of our town meeting. And as Marija told you, we passed a very -- a bill that's very similar to this in the town of Greenwich.

After about 16 months of hard work, many hundreds of hours of independent research that we did, I was appointed on the subcommittee to research this issue and report back to the larger body to make sure that the merits of it were justified and we did a lot of independent research then generated two reports totaling 26 pages.

We reached out to the scientists who are leading in this area including Dr. Bill Burgos of Penn State whose research reports concluded that radium leaches from the oil and gas wastewater is spread on roads in Pennsylvania.

And it's -- it releases four times more radium into the environment than oil and gas wastewater
treatment facilities and 200 times more radium than spill events. So the wastewater itself is being spread on the roads as brine as we may have in certain towns in Connecticut, they are as of yet not protected, is highly radioactive in many cases and dangerous.

And that's why the industry wants to get rid of it and has strong incentives to get rid of it surreptitiously. So what I wanna say -- speak to -- is really the industry incentive to get rid of the stuff surreptitiously.

What -- during my extensive reading on this subject, I found out about a landfill in Estill County, Kentucky which -- I'm sorry, I'm out of breath. Which -- where radioactive waste from oil and gas fracking -- gas fracking from Pennsylvania was disposed of without permits. Surreptitiously by a broker who went bankrupt.

And Estill County, Kentucky and the state of Kentucky and the town where this landfill is located have no remediation plan. They have no money to remediate. And so our town ordinance has a provision. It's very similar to this bill which we support. Which I support, personally, rather. I won't speak for the entire RTM.

Has a -- has a provision that we think is very important which will allow our town to go after people who illegally spread this waste that has been prohibited in a lawsuit and establish -- if we can establish liability.

And it's because of places like Estill County, Kentucky where there's a radioactive landfill that
they have no solution for and they have no ability to go after the dump -- the illegal dumper.

And I just wanna say that the industry, the reason that this stuff is likely to be spread surreptitiously to towns that are not protected in Connecticut is because the industry is reported by the New York Times in a September article, is operating, its highly leveraged, is operating at negative profit or close to zero profit and they don't have the money without raising natural gas prices to -- to dispose of this stuff.

Underground injection wells where they're a solution for a while in Oklahoma and Ohio and they are not being permitted anymore because they were causing earthquakes.

There's really no good solution to this waste which the industry is creating to the tune of, you know, two billion gallons in Pennsylvania alone each year.

So we really need to be concerned about this surreptitious moving around of this waste and having it come into our towns in Connecticut that aren't protected and that's why a statewide ban is so important and we are happy to provide our research and reports and the scientific studies that we got from the Duke School of the Environment and from Penn State which are the leading scientists on this subject if the committee so desires. Thank you.

SENATOR COHEN (12TH): Thank you. Any questions? Representative Demicco.

REP. DEMICCO (21ST): So thank you for being patient enough to wait it out here late in the afternoon. I
just wanted to just read to you just a brief excerpt of testimony that was submitted by someone else.

ALLISON WALSH: Okay.

REP. DEMICCO (21ST): And it says that the oil and natural gas -- the oil and natural gas producing region in the Marcella shale and Utica shale, it is just too distant to send waste to Connecticut for treatment. The water has not, does not and will not come to Connecticut.

So I take it that you would -- you would disagree with that.

ALLISON WALSH: I would highly disagree with that. I think that the industry is desperate for places to move this waste to and I think it's like -- it's like water looking for a crack to go through. This is a waste stream, a very -- a highly radioactive waste stream in search of a home.

And they want to do it as cheaply as possible and I -- we know from Estill County, Kentucky and possibly other places that don't know that they receive radioactive waste from fracking, that brokers are sending it -- are just dumping it illegally in place where, you know, I think in the landfill in Kentucky that -- that Kentucky law would've prohibited that dumping of that radioactive waste.

Unless you have Geiger counters at every landfill, it's really very difficult to know what's going in them. And so as we saw, you know, the industry's trying to sell the idea that this waste can be processed and so this product AquaSalina was a brining -- a road salt -- that was sold at Lowe's Department Stores in Ohio until they found out that
it was way more radioactive even than when it left the fracking well from which it emerged.

So and the -- the processor -- there's a lot of people in this state who have said this is something that should be beneficially reused. Well, it's radioactive and we don't know what's in each different load of the waste because there is no Federal requirement to disclose what's in the waste.

There's -- I reviewed personally EPA -- hundreds of pages of EPA tables listing thousands of chemicals, many of which are associated with cancer. Cancer or causing that are disclosed by the industry or have been disclosed by the industry that EPA studied and then -- yes, there are so many more chemicals that the industry has not disclosed because they say that they're proprietary trade secrets. And they don't have to be disclosed as a matter of Federal law. And they don't have to be manifested as a matter of Federal law, they can travel across state lines without us knowing what's in the waste.

And each batch of waste is coming from a different shale formation, coming from fracking at different depths. And so the deeper you go, the likelier you are to encounter naturally occurring radioactive material. And when the chemicals that they inject to break -- to fracture -- the shale come back up in the form of -- you know, they -- they drill a hole, they put a bunch of fracturing material like to break the shale as well as fluids and chemicals.

And this chemical cocktail comes back up with naturally occurring brine that's radioactive. The stuff has been changed -- the chemicals have been changed, now everything that comes back up is
radioactive to a different degree. So the deeper you go, the more radioactive it gets.

So each back of this stuff is different and we don't know what each different manufacturer -- each different industry producer uses in terms of the chemicals because they're not required to disclose it. Maybe in specific states they're required to disclose it but when they take the waste and move it across state lines, there's no TSCA on hazardous substance, you know, as required.

So we don't know what's coming into our state literally and you don't really -- there isn't a uniform Federal system to -- to allow us to know because the stuff was exempted as hazardous materials and exempted as hazardous waste back in the 70's or 80's in the Enson [phonetic] amendment which encouraged oil and gas exploration and production.

So I don't -- did I answer your question?

SENATOR COHEN (12TH): Representative Palm.

REP. PALM (36TH): So if I'm understanding you correctly, there are products being processed elsewhere and shipped out of the state of origin in a finished form. You mentioned bags of ice melting material in a Lowe's in Ohio.

Is it, in your opinion, possible that some of this stuff is already been sent to Connecticut in packages that look benign and if so, what are some of the names of the various manufacturers that we could be looking for or do we not know?
ALLISON WALSH: I think we -- we really -- to be honest, we really don't know. And I think that the -- the AquaSalina stuff was found in Lowe's in Ohio only at least, Jen Siskind mentioned that as well. I believe it was stuff that was from Ohio fracking wells so it wasn't necessarily crossing state lines. But I -- but it could.

And I don't really have -- and I haven't -- I'm not gonna -- I haven't found other examples of it but I haven't looked since September for them. [Crosstalk] our bill.

REP. PALM (36TH): My concern is that all of the attention is on the prevention of the trafficking of this wastewater that I've been assuming has been in its unrefined form. Do you think it's possible that we are at risk for importing, unknowingly, finished products made elsewhere from the same kind of material?

ALLISON WALSH: I do and there is a lot of -- there was a lot of interest in this wastewater and you know, on the part of investors who want to repurpose it for things like, you know, when there's dust on a roadway, on a road project and you have a truck that has water, it could be wastewater from fracking and you wouldn't really know it.

And there's a lot of -- you know, they want to use it for deicing, de-wetting, for brine, for road salt. Possibly for construction fill. I mean I think that the problem, the problem is that as I said, the industry is already operating at close to zero profit and -- profitability, which was shocking to me -- but it's highly leveraged. The article was tending to say there could be, you know, financial
system repercussions if natural gas prices drop or something.

But -- but what it reinforced for me was that -- that my suspicion that the industry was trying to -- is -- has a very strong financial incentive to not pay to properly store this and there are people who have small companies who claim that they can process this but the AquaSalina company that was processing this radioactive waste from Ohio into this, you know, stuff that was on the shelves of Lowe’s, had no explanation for why its processing -- its process -- had made the materials more radioactive than they were when they emerged from the wells and were delivered to them for processing.

There's a lot of companies in places like Pennsylvania that claim that they know how to process this stuff and there's certainly a lot of research being done into -- into -- by companies who have -- who want to get into the business of processing and repurposing and selling this waste because they can get it for free or cheap.

And I think that there's a lab outside of Chicago, I'm not remembering the name of it that looks into it for the industry and I don't think that they -- they've come up with any kind of -- credible source of like a processing -- a process that might actually work. There's -- they don't know how to come up with anything that's credible for a reuse of this waste because it is variable, its contents are unknown and there is this highly radioactive in varying levels depending on where it comes from.

But I do think it's possible and I don't think it's paranoid to think that it is coming across state
lines and into our region. And I would say that to the extent that there's been opposition in the CCM interestingly very late in our process sort of tried to introduce an alternate version of our bill and that was very watered down and that wouldn't have been as effective as this bill which is very similar to ours.

To the extent that representatives of industry are lobbying against this, I think it shows that there is a respite. It's coming, it's gonna come across the -- into Connecticut because why else would they care? If there's -- if they don't have any plans to move this stuff into our state in some altered form, they really shouldn't be opposing it, so. That was just my humble opinion.

SENATOR COHEN (12TH): Representative Gucker.

REP. GUCKER (138TH): Real quick, so I understand the process with the wet solution, using that for the roads for dusting. I used to be in the contracting business so I understand where that's from.

This deicing formula that was at Lowe's, was this taking that same material and basically boiling or getting the water out of it and leaving what's behind? I mean was this a -- what was the product that they had in the bag and then --

ALLISON WALSH: It was in a bottle, I believe, it was called AquaSalina and so it was --

REP. GUCKER (138TH): So it was still in a liquid form.

ALLISON WALSH: I'm not sure, I -- I'm not sure.
REP. GUCKER (138TH): Oh, we can look. I just -- I was just curious because I would also be wondering to turn this into a usable product for deicing which most people comes in a -- in a plastic bag that you could sprinkle with your hands with the process of removing the water or the fluids, would that also cause some sort of contamination. What's left behind is byproduct of them turning this into a usable product.

So those are some of my concerns as well.

ALLISON WALSH: Right. Right, exactly. And it could be more highly radioactive because it's more concentrated and so you know, every -- every time you -- so.

REP. GUCKER (138TH): Well, thank you.

SENATOR COHEN (12TH): Thank you. Representative Mushinsky, did you have anything?

REP. MUSHINSKY (85TH): Uh, I just was thinking that since we really don't landfill in Connecticut anymore, we are probably an unlikely target for disposaless material. But it doesn't hurt to have this in statute, just in case. But just economically, it wouldn't make sense for them to come here when they could more cheaply foist it on Pennsylvania or Kentucky who has laxer laws and still has land filling.

But our laws are pretty tight and I'm thinking we probably aren't gonna have to worry about this but I know for -- for you would like us to have insurance to make sure we don't and that's why I will support the bill.
ALLISON WALSH: Thank you. Thank you.

SENATOR COHEN (12TH): Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for testifying today. So I'm just trying to sum it up, the moratorium prior to this bill was -- did not include all oil and gas extraction waste despite the fact that all oil and gas extraction waste has radioactive brine and heavy metals and all these metals of toxicity.

So I guess this bill, 753, is definitely recommendable to make it more comprehensive and actually really efficient so that we don't -- so we ban all these materials that could come from the extraction industry.

The CCM -- did the CCM write something about an alternative bill to this bill 753?

ALLISON WALSH: Very late in the process they attempted to sort of water down the bill that we were on the verge of passing to something that is much more akin to the moratorium that was less comprehensive and that removed the contractor certification that we have and the ability to -- for the town to go after wrongdoers who dump this stuff illegally in some form or fashion at our municipal drinking water plant or our -- at our town dump or in the form of brine or in the form of construction fill. Or you know, de-wetting the waters that used in construction.

So they did present an alternative version of it which was a little bit baffling to me. But it came very late in the game and --
REP. MICHEL (146TH): It sounds like it was radioactive watered down. Thank you. Thank you.

ALLISON WALSH: Thank you.

SENATOR COHEN (12TH): Okay, thank you so much. Okay, next up is Candice Menengis [phonetic].

UNKNOWN: She left.


CECILIA BARANOWSKI: Good afternoon, Senator Cohen and Representative Demicco and all the members of this environmental committee.

My name is Cecilia Baranowski, I am a Sister of Mercy. I have been working on this issue of fracking waste with Jennifer Siskind and Food and Water Watch for several years together with many other women religious in the state of Connecticut.

We have an obligation for stewardship. You already have the facts of the horrors of fracking waste and I hope you're gonna take all of this into consideration.

I am a member of the Collaborative Center for Justice. I represent the Sisters of Mercy here in Hartford at the Center for Justice. I'm also a member of Mercy Ecology.

I've been working for several years and then three years ago I moved into the town of Wolcott and found out that Wolcott had no ban on fracking waste. I've worked as hard as I could trying to educate the residents and educate the members of the town council and all of that was to no avail.
They don't think we need a ban in Wolcott and I think we do. Wolcott is a beautiful town. Many waterways, much beautiful land and flora.

What we need to do is the good stewards of mother earth, which is our common home. If we destroy our common home, what do we have left?

So we have to steward our life. Human life, animal life, waterfall -- waterfowl life. We have to steward our earth, our soil, our air, our land.

And that's all I have to say is none of you are older than I am and I have energy. I've been fighting this for a while and I invite you to muster up the energy to fight along with me and pass this bill to protect our common home.

Thank you.

[Background laughing and conversation]


CECILIA BARANOWSKI: Thank you.

REP. DEMICCO (21ST): Okay, thank you very much. Very much. So did we -- did we hear from Candace Meningus?

UNKNOWN: She had to leave earlier.

REP. DEMICCO (21ST): Oh, she had to leave. Okay. Oh, thank you. Okay. It's Steve Guveyan is next on the list. Steve.

STEVE GUVEYAN: Hi, good afternoon, Chairman Demicco and members of the committee. I'm Steve Guveyan
from the Connecticut Patrol and Council testifying in opposition to the hydraulic fracturing waste ban deal, Senate Bill 753.

Our companies are major oil companies, pipelines, drillers, exploration companies, we spend a lot of time on hydraulic fracturing because the major companies like the Exxons and the Shells and the BPs and the Chevrons are the ones that actually do it.

So I've been out to all the sites and you get a real good handle on it, we've asked a lot of questions. Our opposition to the bill I will summarize with three points. One, we feel the bill is unnecessary. There is no hydraulic fracture in the state of Connecticut.

In fracking, I know we have some new members on the committee, but basically it means you're gonna drill down a mile through rock and then drill horizontally through rock so that you don't have to keep poking holes into the top of the earth. You drill down one and then go out in different angles. Less footprint in the environment.

So we're the ones that do that and that process, when you are through with it entails dealing with the waste product that comes with it. So what this bill is saying wanna do some kind of a ban and our point is we have no fracking anywhere in Connecticut, we have no fracking anywhere in New England. There's no oil and gas resources anywhere in New England which is why there's never gonna be any fracking here.
Pennsylvania, yes. Ohio, yes. West Virginia, yes. Not in New England. We love rocks but we have the wrong kind of rocks in New England to do fracking.

So Pennsylvania would be the closest state that we're gonna see high volume hydraulic fracturing in. So we don't think it's necessary here because it's not happening here.

Second, you as the legislature -- and I know there's some new members on the committee -- but you dealt with this five years ago. You passed a very strict severe bill in 2014 in the exact language of the law -- it's now a law, was signed by the governor. The exact language is that in this state no one can accept, receive, collect, store, transfer, treat or dispose of hydraulic fracturing waste.

That's about as comprehensive as you can possibly get. It didn't leave anything out, there is no loophole here. Everything cannot come here. Nothing comes here.

There has been no showing by anyone that that statute, which has been on the books for five years, has not worked. Has anybody said that there's somehow been truckloads of hydraulic fracturing waste coming into Connecticut? No.

Statute is very clear, our lawyers have looked at it and said it is very, very clear. If you don't like what our lawyer said then read what your lawyer said. The Office of Legislative Research lawyers wrote a memo on hydraulic fracturing waste, available right online on your website in 2015 and it says exactly what our lawyer said, you can't bring it here.
Our final point is the bill goes past hydraulic fracturing waste. Read it, read the definition very carefully, it's dealing with everything in the oil and natural gas space when it comes to drilling.

So if there's an offshore drilling rig in the Gulf of Mexico and we take it out of operation, it gets melted down -- that steel does -- it gets recycled, we wanna put that steel, we sell it to somebody in the car manufacturing business who's gonna put it into an auto part.

That auto part can't come to Connecticut. I mean we do not think that that is what your intention is but that is what the bill says. So we go by what the language is in the bill.

And you heard from some of the proponents that they are trying to expand the bill and we agree, that is what the attempt is and our point is it very much gets in the way of Congress. We don't think your intention really is to bar all recycled steel that ends up in some other product from coming into Connecticut but that is what the bill says.

And so because we don't think it's necessary because you've already dealt with this very forcefully five years ago and because we think it's very expansive and gets into a space that you don't really intend to, we oppose the bill. Thank you.

SENATOR COHEN (12TH): Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for testifying today. I wanted to remind you the bill is about banning waste, not fracking. Or extraction.
Additionally, so you -- you mentioned fracking waste so that's, you know, this is a more comprehensive bill, it doesn't only include fracking waste, it's extraction waste from oil and gas. So toxic materials.

My question to you is, is there any fracturing -- hydraulic fracturing, literal hydraulic fracturing happening in New York State? Because you said there was no fracturing going on anywhere around us.


REP. MICHEL (146TH): Okay. Well, I didn't say New York City, New York State. So just to prevent for our state, there is mobile and hydraulic fracturing.

STEVE GUVEYAN: There is low volume -- a small amount of low volume hydraulic fracturing in the southern to western end of the state.

REP. MICHEL (146TH): Okay. So fracturing, correct?

STEVE GUVEYAN: Fracturing, low volume.

REP. MICHEL (146TH): Fracturing.

STEVE GUVEYAN: We would not call that fracking because our view of fracking is -- drilling down and then horizontally.

REP. MICHEL (146TH): Sir you just said --

STEVE GUVEYAN: I guess to be on the low volume, yes.

REP. MICHEL (146TH): Okay, thank you. That was it.
SENATOR COHEN (12TH): Representative Demicco.

REP. DEMICCO (21ST): Hi Steve, thank you for testifying as always. So I'm looking at your testimony and I read from part of it to a previous testifier regarding -- regarding the distance of Connecticut from, you know, places like Pennsylvania for example.

So you can foresee no circumstances under which any of this water would ever come into the state of Connecticut.

STEVE GUVEYAN: None. Three reasons. One, you already have a moratorium in place that you passed five years ago. Moratorium is a hard stop. It is a huge red stop sign saying you cannot bring it here. You cannot accept it, treat it, transport it, collect it, store it, dispose of it, etcetera. It cannot come here under any circumstances.

Second, even if the statute did not exist, the EPA passed a rule in 1984 or 1985 barring underground injection wells which is where the water would go. There are no underground injection wells in Connecticut or anywhere in New England. It goes the other way. It goes to Pennsylvania and Ohio, it does not come this way.

And I heard the point earlier about radioactive materials. There are no radioactive, low-level radioactive waste sites in Connecticut or anywhere in New England. There is nowhere for it to go.

So if somebody is doing it illegally, if somebody is what we would call a midnight dumper, you know what, call Attorney General Tong and we will back you 100
percent and go after the guy. That's why we have rules.

If there is a midnight dumper doing it incorrectly, go after them. You've got our full support. Our point has been that this rule that you passed in 2014 is very much more comprehensive than what advocates were arguing for the bill as stated.

REP. DEMICCO (21ST): Allow me to interject. My recollection is that what we passed in 2014 was a moratorium that had to do with until such time as DEEP developed regulations. Am I correct on that?

STEVE GUVEYAN: Yes.

REP. DEMICCO (21ST): So I think -- I don't think it's completely accurate to say that we passed a law that's hard and fast in 2014. Because there was that stipulation or there was that condition that -- having to do with the development of regulations.

So I don't think it's quite accurate to say that we passed, you know, this hard and fast prohibition in 2014. So I think I have to take exception with your statement.

But again, I wanna be fair and I wanna allow you to respond to that.

STEVE GUVEYAN: Thank you. I will stick with our statement. Both our lawyers and your lawyers, specifically the OLR lawyer that wrote the 2015 memorandum said in black and white that if the regulations are not written, the moratorium continues.

Do nothing and the rule that's on the books now, if you do nothing, will continue forever. That's the
-- that's the language of your lawyers at the OLR. Our lawyers have said the same thing.

REP. DEMICCO (21ST): Okay, we'll leave it at that. Thank you.

STEVE GUVEYAN: Thank you.

SENATOR COHEN (12TH): Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. I think there's a game of words here and you know, we -- if we were looking precisely at bill 753, the proposed bill and your comments regarding the moratorium are sort of not really -- they don't -- they don't fit together if you accept my way of saying that.

We are adding materials that we know are toxic that could be brought in the state. If you're saying that they -- that we shouldn't worry, then I think you're spending a whole lot of time testifying against that bill.

STEVE GUVEYAN: When you say expanding the bill into other things that are toxic, what the bill is doing is expanding into things unrelated to fracking but related to oil and natural gas development.

In other words, offshore drilling. So I would not classify an old offshore drilling rig as something that is toxic. It gets melted down, it gets recycled, it's used in something else and our point is the bill appears to be preventing that something else from coming here.

REP. MICHEL (146TH): Yeah. The -- the city limits, when we're talking about we wanna ban materials that
are toxic from the state, would you be in agreement with that?

STEVE GUVEYAN: I would argue you've already done that.

REP. MICHEL (146TH): But we are adding materials that were not in part of the moratorium.

STEVE GUVEYAN: Yeah, and I would say a drilling rig is not -- a drilling rig and the related piping is not what I would call something toxic.

REP. MICHEL (146TH): Would you see a problem if they would use a deicer in front of your home that would be made from toxic materials coming from another state?

STEVE GUVEYAN: The law on the books already bars that. Can't do it.

REP. MICHEL (146TH): Not if it's an extraction waste.

STEVE GUVEYAN: If you go back to the bill that became law in 2015 -- 2014, excuse me -- hold on. Let's see. No person may sell, offer for sale, offer, barter, manufacture or distribute or use any product for anti-icing, deicing, pre-wetting or dust suppression that is derived from or contains waste from hydraulic fracturing until the commissioner adopts rights.

If he doesn't adopt the rights, then the ban stays in effect. The reason they put that in there, because if we go through another one of those terrible winter vortex and you need the liquid deicer, it at least opens the door to it. But in the absence of regulation, the door slams shut.
REP. MICHEL (146TH): We don't respect the materials in what you read. This is basically the 753 has more materials than what you just read so that's part of the -- part of the reason why we're bringing up this proposed bill 753.

STEVE GUEYAN: I'm not sure I understood your point there. Do you want to repeat that?

REP. MICHEL (146TH): What you read was from the moratorium, correct?

STEVE GUEYAN: Yes.

REP. MICHEL (146TH): Okay, so you didn't mention oil or gas extraction materials used as after being dealt with as a deicer. I only heard you say about the hydraulic but not -- [crosstalk]

STEVE GUEYAN: You're right, that's true.

REP. MICHEL (146TH): Okay.

STEVE GUEYAN: And the oil and gas materials are predominantly steel. That's what our point is. It's melting down steel. It is not bringing up from Louisiana water.

REP. MICHEL (146TH): But oil wells, gas wells, those are not hydraulic fracturing will produce brine, correct?

STEVE GUEYAN: Yes.

REP MICHEL (146TH): So we're just trying to pass a ban against the use of that brine. Not only to use in our state but any kind of use in the state and to be transported in the state and such-and-such.
That's different from the moratorium you keep referring to.

STEVE GUVEYAN: I can't imagine anybody from Louisiana bringing up water.

REP. MICHEL (146TH): We're not talking about Louisiana. We're just -- it's a -- it's just a comprehensive ban.

STEVE GUVEYAN: That's where the off -- when using the language that's in the bill, that's where those oil drilling rigs are. Off shore. Louisiana.

REP. MICHEL (146TH): I appreciate your comments, thank you.

STEVE GUVEYAN: Thank you.

SENATOR COHEN (12TH): Representative Gucker.

REP. GUCKER (138TH): Thank you. So my concern, and I think what has been echoed here isn't so much -- I mean I'm in the water recycling business as far as restorative so I understand about melting down steel and then going out to China and coming back as some things we don't really need.

But I think it's going a little extreme. I think the concern is that, you know, if these products somehow be deemed safe through some other corporation, I mean obviously you have a waste product. Not you, per se, but I mean the industry has a waste product that they would love to get rid of.

I'm sure if they had a use for uranium rods they would have a great place for them, too. I'm being extreme here but when you're dealing with this
material, it has shown to be hazardous and yes, the bill with the moratorium is good but I think it's also no harm no foul to make sure that we have to look at the future of what may come from this material.

So if we wind up with, for example, somebody finds a way of taking this -- this brine and supposedly cleaning it but then we find out it's not and we wind up with it in our water courses and things, that's what I think -- I think that's where the heart of the concern of this bill is. Not so much with the dismantling of steel. I mean I understand your concern there but usually with dismantling, the remelting, the repurposing, I would think most of that would be cleansed away.

I mean do you -- do you feel that with the melting of steel and pipe and such that it would not come back as a clean product? I mean or do you feel that there's still some residue that we should be concerned about?

STEVE GUEYAN: If there was residue we thought you should be concerned about, there would be residue that we would be concerned about. Because we do know there's cradle to grave liability on this. We are more interested in seeing that waste handled properly than probably anybody in this room. The liability comes to us. The liability does not go to people in this room.

So it is in our very best interest to make sure that waste is handled properly.

REP. GUCKER (138TH): And I appreciate that candor and I understand that. And nobody's trying to, you
know, point the bad finger at industry. It's more, I think, a protective idea because we don't know what's coming down the road, you know.

Many times, like I've said in earlier testimonies, rules and laws get written because things happen. And I, you know, this has been a concern. I mean Pennsylvania, from where I live in Connecticut is an hour-and-a-half away. I could be in Pennsylvania in an hour-and-a-half. I could be in the center of Pennsylvania in four hours.

It's not that far away to say that they won't truck -- especially if you're dealing with a product that they're desperately looking to get rid of.

So I feel that this maybe closes the door a little bit. I understand you're concerned with the recycling of rigs. I don't really see that being so much of a problem here, I mean it's just my personal opinion given the process that it takes to melt down and process steel and pipe and things of that sort.

You know, and I just think that the intent of this is to ensure that we're being proactive with this concern. And I thank you for your testimony, for coming today. I know it takes a lot to take a lot of heat.

STEVE GUVEYAN: Right, thank you.

SENATOR COHEN (12TH): Okay, thank you so much.

STEVE GUVEYAN: Thank you.

SENATOR COHEN (12TH): Maria Tulman.

MARIA TULMAN: Thank you to the Environment Committee for this opportunity to speak tonight.
I'm Maria Tulman from Andover and I came to support Senate Bill 753.

And I just want to speak from the perspective of local ordinances. And I'd also like to mention that I am a member of the Eastern Connecticut Green Action which is a grass roots organization who worked with Jen Siskind to pass local ordinances in Eastern Connecticut.

My town of Andover is small with a population of around 3200 people. And ours was one of the early towns in Connecticut, I think the fifth, to pass an ordinance to ban fracking waste.

I spent many months attending our weekly farmer's market and transfer station collecting signatures to petition for a special town meeting.

In the process of gathering signatures, I was able to educate residents about the serious environmental and health dangers of toxic fracking waste and that this waste could potentially be used in Andover when the moratorium would end.

Many people asked questions and when they heard the facts, virtually everyone wanted to sign the petition. At the ensuing town meeting there was standing room only in our community room and the ordinance to ban fracking waste passed unanimously 143 to zero.

I share this story to demonstrate that banning fracking waste is a nonpartisan issue. Andover is a conservative town yet Republicans and Democrats came together to overwhelmingly pass this ordinance. The fact that one-third of Connecticut municipalities have passed similar strong ordinances speaks to the
degree of support by Connecticut citizens for this issue.

When people learn the facts about fracking waste, they do not want it in their town. Senate Bill 753 would afford protection for the remaining two-thirds of Connecticut municipalities. This benefits all towns since fracking waste knows no town boundaries.

Senate Bill 753 should be passed as written. Any amendment to weaken this bill which would preempt local ordinances would be met with serious opposition from residents of the 55 towns where strong ordinances have been passed.

Again, I urge the passing of Senate Bill 753 as written.

SENATOR COHEN (12TH): Well timed. [Laughter]

MARIA TULMAN: Thank you.

SENATOR COHEN (12TH): Any questions? Yes, Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Just thank you for reminding us that there are 55 towns and cities in the state of Connecticut that have passed this comprehensive ban so we'll try to do our best and due diligence to make sure we don't radioactive the watering in town. Thank you.

MARIA TULMAN: Thank you.

ANDY BAUER: Thank you, Senator Cohen. Thank everybody for riding in there and Representative Demicco and members of the Environment Committee.

I have submitted testimony but I thought I would speak to a point which is in my testimony but I really wanna expand on it which is what I think is a catch-22. We spent a year-and-a-half in Portland to research this and the question came up at a Board of Selectmen meeting, why not let the DEP and DEEP handle it.

All right, so I went back and you know, made some phone calls and did some research and here's my take on that. The DEEP cannot handle this. The DEEP will take its direction from the EPA.

Now if you consider that all the toxic chemicals that are in the fracking extraction process, which in any other process you would have to jump through several hoops to use these things. To use these chemicals. But they're all exempt from the Clean Water Drinking and Clean Water Act, Safe Water Drinking Act. Right to Know Act. Environmental Policy Act.

As soon as you say we're using them for oil and natural gas, you can't touch them. They don't need to be regulated, they just -- it's like they disappear. So how can the DEP come up with regulations for substances which are then -- which are by nature, by Federal statute and law, exempt from being regulated?

So what I said to the Board of Selectmen in Portland, and they voted unanimously to support the ban is -- you can't let the DEEP, and just for the
record, I'm a big fan of the DEEP, I love what they do but I think everybody in here knows they are under resourced, understaffed. And they can't deal with this.

So anyway, the DEEP would come up with regulations. That's not gonna work for the argument that I just gave you. The Board of Selectmen has to use common sense.

We all know these are toxic chemicals. We all know what they do. We all know the radioactivity so let's just say no.

And in effect, ladies and gents, that's what I'm asking you as the state of Connecticut to follow through on. Don't put it off on the DEEP for the argument that I just gave, just use common sense and force the ban. It's comprehensive. Thank you.

SENATOR COHEN (12TH): Thank you. Okay, thanks so much for your testimony.

ANDY BAUER: Thank you.

SENATOR COHEN (12TH): Laura Cahn? Welcome.

LAURA CAHN: Hi, thank you so much for staying so late, Senator Cohen, Representative Demicco and all the members of the Environmental Committee.

I submitted testimony on behalf of the New Haven Environmental Advisory Council which I chair. We're the city board that deals with environmental issues and we passed a resolution and then sent it to the Board of Alders and New Haven passed the city-wide ban on fracking waste disposal and as a coastal city in a coastal state, I believe that we have a
responsibility to the entire country to keep our soil and water supply clean.

And every time I look out and see Long Island Sound, I worry. I cannot sleep at night for worrying about what we are doing.

I already see what we're doing with layers and layers of plastic that we can't get rid of with astro turf fields, they have four layers of synthetics. We have six of them behind my house. You're getting a new one at Dillon Field in Dillon Stadium in Hartford this month.

And I mean those are -- we don't -- we have no idea what to do with plastic much less these radioactive toxins that there are thousands of chemicals in them. We don't even know what the chemicals are. Please don't take any chance of getting any these anywhere near our water and soil.

Thank you. Thank you very much.

SENATOR COHEN (12TH): Thank you. Any questions? All right, thanks so much.

LAURA CAHN: Thank you.


Okay, we are going to be wrapping up here. I have nobody else on the list. Is there anybody who did not receive a chance to testify that would like to? Okay. Terrific. So that -- the meeting is adjourned. Hearing is so adjourned.
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[APPLAUSE]