Public Hearing – March 11, 2019
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

**SB 998 – An Act Concerning Minor Revisions to Environmental Statutes**

Thank you for the opportunity to present testimony regarding SB 998 – An Act Concerning Minor Revisions to Environmental Statutes. We appreciate the Committee’s willingness to raise this bill at the request of the Department of Energy and Environmental Protection (DEEP).

This proposal, which we strongly support, makes several revisions to environmental statutes intending to streamline and improve DEEP’s programs and processes. The Lamont Administration is committed to ensuring that the administration of our environmental and conservation programs and regulations is carried out in an efficient, transparent, and predictable manner, to facilitate compliance and carefully steward agency resources. The proposed revisions below reflect this intention.

This bill includes eleven sections:

**Section 1** – This is a technical revision clarifying a section of statute regarding vessel speeds in the vicinity of a law enforcement vessel that is using either audible or visual signal devices that will assist law enforcement to more safely execute their duties. When a law enforcement vessel stops another vessel it typically leaves its flashing blue lights operating but stills the siren so as to allow the officers to converse with occupants of the stopped vessel. It is law enforcement’s expectation that any other vessel transiting the area will slow down so as to minimize wakes that might upset or interfere with persons aboard either the law enforcement vessel or the stopped vessel. However, current law specifies that such a transiting vessel need slow down only if the law enforcement vessel activates both the siren and lights simultaneously. This technical revision clarifies an important safety provision in our statutes.

**Section 2** – This section clarifies that 22a-60 applies to transfers of applications (as well as licenses/permits, which is current law). This is to facilitate the efficient transfer of applications when projects subject to a pending permit application change hands. Projects that involve these types of transfers would be able to be approved more quickly with this change. It is important to note that transfer of applications would still have to be consistent with the federal Clean Air Act, the federal Water Pollution Control Act, or the federal Resource Conservation and Recovery Act.

**Sections 3-4** – These provisions amend section 22a-58(c) and (d) to repeal the annual reporting mandate requiring private applicators and commercial pesticide supervisors, including arborists, to submit a summary of their pesticide use for the preceding calendar year. Licensed private applicators and commercial pesticide application businesses would be required to maintain annual summaries and make them available upon request. The Pesticide Management Program has found historically that there is much confusion with the reporting requirement for individual
commercial licensees resulting in duplicate and inaccurate reports. These revisions should save pesticide applicators’ and supervisors’ time and resources. Note that Line 78 of the bill should refer to the commercial applicator, not the private applicator.

Section 5 – This section exempts certain aquaculture structures from state permitting provided they have received an Army Corps permit.

Section 6 – This provision provides municipalities the option to adopt a noise ordinance without obtaining approval from DEEP. The State Noise Plan currently requires municipalities to get approval for municipal ordinances through the Department. Municipalities have found this to be a confusing process. Funding for the state noise program was eliminated over 20 years ago. As such, DEEP does not have staff trained for noise related issues nor does DEEP have the equipment to test and enforce noise regulations. Regulation of noise has been transferred to local authorities. Noise events are highly localized, limited in duration and often occur outside of normal working hours. Additionally, many municipalities approve ordinances that regulate noise from mobile sources, and DEEP is not authorized to approve such ordinances. Making the state’s noise control program smarter and more flexible by providing municipalities the opportunity to adopt a program that best serves their need is a reasonable and responsible approach to this issue since local governments are the authorities best situated for effective enforcement.

Sections 7-9 – These sections make changes to our forestry statutes. Section 7 makes a revision to Article IX of the Northeastern Interstate Forest Fire Protection Compact allowing for national response and acceptance of mutual aid from other regional compacts for wild-fires. The Northeastern Interstate Forest Fire Protection Compact was the nation’s first regional forest fire compact and since its founding in 1949, forty-three states now belong to one of eight regional forest protection compacts nationally. Other forest fire compacts have the language for inter-compact protections, but since Northeast was the first compact, there was no provision for exchanging resources with other compacts. This bill proposes to update our compact to allow mutual aid from other regional compacts. Section 8 allows for a 60-day grace period for forest practitioners who fail to renew by the expiration date of their current certification and authorizes acceptance of another state or professional organization forest practitioner license or certification obtained through examination as substitute for Connecticut’s certified forest practitioner exam. Section 9 streamlines forest practitioner continuing education reporting requirements.

Section 10 – This provision allows a holder of a pesticide certification that has lapsed for less than one year to renew their certification without re-examination and to establish late fees for the late renewal. This is will ease staff burden of administering exams to applicators who are late with their renewals and to make it easier for the regulated community to keep their certification up to date.

Section 11 – This revision repeals the requirement that DEEP produce an annual report for the nonharvested wildlife program, which is no longer a funded or active program.

We look forward to addressing any questions or concerns regarding this bill.

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact Mandi Careathers, the Department’s legislative liaison, at Mandi.Careathers@ct.gov.