

Commerce Committee JOINT FAVORABLE REPORT

Bill No.: SB-102

AN ACT CONCERNING THE ADVISORY WORKING GROUP ON RELEASE-
Title: BASED REMEDIATION OF HAZARDOUS WASTE REGULATIONS.

Vote Date: 3/22/2022

Vote Action: Joint Favorable

PH Date: 3/15/2022

File No.: 239

members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.

SPONSORS OF BILL:

Commerce Committee

REASONS FOR BILL:

The reason for this bill is to ensure the advisory working group on release-based remediation of hazardous waste regulations is adequately informed, by requiring the Commissioner of Energy and Environmental Protection to provide a draft of regulations prior to their adoption. This would allow members of the working group to provide feedback on said draft.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy & Environment Protection, testified in her opposition to this bill, on the grounds that it would be an unnecessary step, which would delay the regulation, to the exclusion of the general public. She further stated that DEEP has already committed to engaging with the working group and has shared pertinent portions of the draft regulations with the group in advance of putting the regulation out for public feedback.

NATURE AND SOURCES OF SUPPORT:

The Transition Advisory Group of the Release Based Program Working Group, offered testimony in support of this bill, on the grounds that the "siloeed" nature of the working group subcommittees means that the subcommittees have struggled to address certain questions without knowing the other groups' approaches, when there may be overlap or need for collaboration. They stated that the opportunity to review the regulations before release is a necessity, due to the broad and complex nature of the work at hand, and to ensure that the eventual release is streamlined.

Connecticut REALTORS, offered testimony in support of this bill, on the grounds that allowing the working group to see the draft legislation would allow for an earlier review of proposed regulations, which would expedite the regulation drafting process, and allow for more properties to be returned to the market. They further stated that they have been a consistent proponent of this legislation.

Elizabeth Fortino, Chair, Environmental Law Section, CT Bar Association, testified in support of this bill, stating that this bill would allow the working group to identify, discuss and correct any major issues prior to the general public comment period. She stated that members of the working group being given the opportunity to review the report would increase the likelihood of success for the eventual program.

Frank Herd, President, SIOR, offered testimony in support of this bill, stating that the members of the working group should have input on the draft regulations before they are made public.

Seth Molofsky, Executive Director, Environmental Professionals Organization of Connecticut, testified in support of this bill, on the grounds that the proposed regulations, being developed by DEEP, are so broad in scope that Licensed Environmental Professionals (LEPs) should be allowed the opportunity to review them throughout the course of their development. He stated that this is necessary to ensure internal consistency and to avoid unintended consequences. He also offered substitute language in the form of an addition, on the grounds that LEPs have been heavily involved in the process, and such early releases are commonplace; *The commissioner shall provide a draft of such regulations to members of such working group, EPOC and the LEP community at large, prior to posting notice on the eRegulations System pursuant to section 4-168 and allow the members to provide advice and feedback on such draft.*

Ashley Zane Government Affairs Associate, CBIA, testified in support of this bill, on the grounds that the "siloeed" process by which the subcommittees have worked on this program for over a year has led to internal assumptions being made about the nature of each subcommittee's own tasks and their interrelations. As a result, she stated that this bill is necessary, as group members should be able to provide feedback to ensure intent and assumptions behind the regulations are correctly aligned and woven into the fabric of the regulations.

NATURE AND SOURCES OF OPPOSITION:

David Godbout, Constituent, testified in opposition to all bills before the committee, under the premise of nullification.

Reported by: Cameron Clarke

Date: 3/31/2022