



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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Executive Director

March 4, 2024

Re: Raised House Bill 5330 - An Act Implementing Recommendations of the Department of Transportation

Honored Co-Chairs Sen. Cohen and Rep. Lemar, Vice Chairs Sen. Lopes and Rep. Berger-Girvalo, Ranking Members Sen. Hwang and Rep. Kennedy, Distinguished Members of the Transportation Committee,

The Council on Environmental Quality (Council) is a board that works independently of the Department of Energy and Environmental Protection (DEEP) to assess the condition of Connecticut's environment and report its findings annually to the Governor; recommend actions to improve state environmental programs; advise other state agencies on the environmental impacts of proposed projects; and investigate citizens' complaints and allegations of violations of environmental laws.

The Council is concerned about the provisions of House Bill 5330 that would relieve the Commissioner of Energy and Environmental Protection (DEEP) from holding a public hearing for any regulated activity upon a wetland that requires an application, pursuant to Connecticut General Statutes (CGS) §22a-32 and §22a-39, for certain transportation related projects under certain conditions. The same concern is raised for activities identified in CGS §22a-361(a)(1) and activities within or affecting the floodplain, pursuant to CGS §25-68d.

Further, the Council questions the provisions of the proposed bill that would require the Commissioner of DEEP to provide a petition for a public hearing to the project proponent, who may then object to such petition, since it could have the unintended consequence of limiting public participation on matters that could materially affect inland and tidal wetlands, floodplains, and coastal resources. The Connecticut Environmental Protection Act (CEPA) (CGS §22a-15 et seq.) states that "it is in the public interest to provide all persons with an adequate remedy to protect the air, water and other natural resources from unreasonable pollution, impairment or destruction." The Council is very concerned that certain provisions of the proposed legislation would set a precedent that would circumvent the spirit and intent of CEPA.

Thank you for consideration of these comments.

Sincerely,

Paul Aresta,
Executive Director