

## Legislative History for Connecticut Act

### PA 15-160

HB6730

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Transcripts from the Joint Standing Committee Public  
Hearing(s) and/or Senate and House of Representatives  
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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2015**

**VOL.58  
PART 8  
2444 - 2794**

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Thank you very much, Mr. Speaker. Mr. Speaker, I  
move we pass this bill temporarily.

SPEAKER SHARKEY:

Seeing no objection, this bill will be passed  
temporarily. The Chamber will stand at ease for a  
moment.

(Chamber at ease.)

SPEAKER SHARKEY:

The Chamber will please come back to order. Will  
the Clerk please call Calendar 75.

CLERK:

On Page 48, House Calendar 75, Favorable Report  
of the Joint Standing Committee on General Law,  
Substitute House Bill 6730, AN ACT CONCERNING THE  
ENFORCEMENT OF STAGE 1 VAPOR RECOVERY RESTRICTIONS AND  
SULFUR CONTENT REQUIREMENTS FOR DISTILLED FUELS.

SPEAKER SHARKEY:

The distinguished Chairman of the Environment  
Committee, Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

REP. ALBIS (99<sup>th</sup>):

Yes, thank you, Mr. Speaker. Mr. Speaker, this bill deals with Stage 1 vapor recovery systems. Stage 1 vapor recovery systems are present on the apparatus that transfers petroleum from a tank to a truck and from a truck to a tank, a large tank at a gas station.

You may remember that a couple of years ago we did a bill regarding Stage 2 vapor recovery systems. Those deal with the pumps that go directly into the car.

So what a vapor recovery system does is it captures some of the volatile organic compounds and other harmful air pollutants that are emitted when a transfer of gasoline goes from one apparatus to another, so they are important to ensure that the air quality remains good and that our respiratory systems are not damaged at the pump.

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Mr. Speaker, what this bill does is, it allows the Department of Energy and Environmental Protection after a number of correspondences of trying to rectify any Stage 1 vapor recovery systems that may be working improperly, if in the case of an unwilling participant to rectify those situations they can red tag such vapor recovery system and ensure that within 48 hours action is taken to recover it, and Mr. Speaker, I urge my colleagues' support. Thank you.

SPEAKER SHARKEY:

The question before the Chamber is adoption of the bill that's before us. Would you remark further? The distinguished Ranking Member of the Environment Committee, Representative Shaban.

REP. SHABAN (135<sup>th</sup>):

Thank you, Mr. Speaker, through you a few questions to the proponent please.

SPEAKER SHARKEY:

Please proceed, sir.

REP SHABAN (135<sup>th</sup>):

Thank you, Mr. Speaker, through you. I was hoping the gentleman could help describe what the typical steps are in order to get to a red tag.

I mean, the gentleman just described how Stage 2, i.e., the vapor recovery of the nozzle that goes in your car. how that works.

This being Stage 1, the big nozzle from the big truck that goes into the big tank, so it's the step before that, through you, Mr. Speaker, if there is a vapor recovery problem either in Stage 1 or Stage 2, what is typically the first step in the proceedings, the procedure anyway, that the Department uses, through you?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Thank you, Mr. Speaker. Through you, generally the Department would find out about such a malfunctioning system for an investigation. They might either receive a report from the company themselves, the gas station themselves, detailing some issue with the recovery system.

There may be a complaint from a customer or somebody else deliberate to the Department and they would follow up with an investigation through that.

Or they also do have inspectors that go out to gas stations. It generally takes several years for

inspectors to get to every gas station in the state, so that is not a common occurrence for a gas station in particular.

But once this investigation is done, if the Department does find that the vapor recovery system is not functioning properly, they will issue a notice of violation.

And what that means is the station will have either 30 or 60 days to begin to rectify the malfunctioning and that entails basically a seven-day test that must be done that will show that the device is now functioning properly after any adjustments have been made.

During that time there is constant correspondence between the Department and the gas station to notify it every step in the process, and once the Department knows that the actions are being rectified, they will remove the notice.

The red tag is really only used in the very extreme circumstances where say a gas station is repeatedly not responding to requests to rectify any malfunctioning system or if there are repeat offenders, so those who offend again and again, but it

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is a very, very rare circumstance, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135<sup>th</sup>):

Thank you, Mr. Speaker, and I think that's important information for the Chamber to know when they consider this bill because it's not the situation where the Department suddenly springs out of the bushes and slaps a red tag on your vapor recovery system.

It's following a long, an arduous and established procedure that's already in place for Stage 2, essentially applying it over to Stage 1.

So through you, Mr. Speaker, if after that 30 to 60 day fix it period, after the notice of violation and the seven-day test, if that all fails, and if the Department feels forced to actually put the red tag on the vapor recovery, what, if anything, can the owner of the gas station do to get back in operation, through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):



Thank you, Mr. Speaker, through you, the gas station owner would engage in any of the operations that they would have had to do previously to repair that system.

So as soon as there is evidence that they are working toward repair, the red tag can be removed and they can be allowed to operate again as long as the apparatus is repaired. But until that point, they will have the red tag and they will be unable to operate, through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135<sup>th</sup>):

Thank you, Mr. Speaker, and in that same vein, looking at Lines 40 through 46 where it gives the owner of the dispensing facility an opportunity to file an affidavit, through you, Mr. Speaker, how does this affidavit process work in order to get the guy back in operation?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Thank you, Mr. Speaker, through you, the affidavit literally could be sent via e-mail to the

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Department so that they have as quick access to it as possible, and even before the affidavit is sent, the gas station can begin to remediate the system if it is malfunctioning, through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135<sup>th</sup>):

Thank you, Mr. Speaker, and the final question. In Section 2 of the bill, it's part of the bill that typically doesn't get discussed, but it actually, it's in the bill.

So through you, Mr. Speaker, what does Section 2 do?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Thank you, Mr. Speaker, through you, Section 2 refers to the regulations for sulfur content for stationary sources. So basically what it's saying is that the same methodologies for Stage 1 vapor recovery systems are equal to the regulations for the sulfur content for stationary sources.

So it would be the same methodology for determining the process for remediation, through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135<sup>th</sup>):

Thank you, Mr. Speaker, and I thank the gentleman for his input and his responses. I rise in support of the bill. We talked about this in Committee, went through, I know it got transferred to General Law and it was vetted there as well.

As the gentleman just amply described and as his testimony supports, it's a long and difficult process to get to a red tag because you're given many, many opportunities to fix the system. The Department works with the owner. In fact, a lot of times the facility owner is self-reporting in order to trigger this entire operation.

So this is not, again, this is not the situation where the Department is going to pop out of the woods and slam a red tag on a dispenser. It's an established process that's worked in the past. All this is doing is moving it over to the phase, the Stage 1 part, i.e., the big truck into the big tank.

I think it's a good idea. I thank the gentleman for his work on the bill and I urge support. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further on the bill before us? Representative Carter.

REP. CARTER (2<sup>nd</sup>):

Thank you very much, Mr. Speaker, just a question through you, to the proponent of the bill, please.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CARTER (2<sup>nd</sup>):

Through you, Mr. Speaker, it's my understanding during the testimony that one of the problems, they wanted to make sure, the Energy Association, wanted to make sure there was a period of time where the owners and operators of these gas stations had an opportunity to fix the problem.

I believe they set a right to cure of 30 days. Was that included in the bill, or is that in the regulation, through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Thank you, through you, Mr. Speaker, that is not addressed in the bill, but that is the standard practice of the Department of Energy and Environmental

Protection, and that is why Representative Shaban had asked me what the general process is.

And for legislative intent purposes, I wanted to clarify that that is the case, that there is going to be at least a 30-day time period for the gas station owner to rectify.

And the red tag that is discussed in the bill is only the very last resort, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2<sup>nd</sup>):

And through you, Mr. Speaker, I understand it is a standard of practice. Does this exist in any of their regulations or is it just something that's kind of a, I don't know, a word of mouth, through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Through you, Mr. Speaker, this is part of the Department's Enforcement Response Policy, which is available on their website, effective June 1, 1999. I believe it has not been updated since then, so it's

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just their standard responses for any violations of this nature, through you.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2<sup>nd</sup>):

Thank you very much, and I do thank the good Chair of the Environment Committee. I appreciate his answers.

As this did come through General Law, that was one of the main concerns because as you look at the bill it looks as if, you know, if somebody has a problem maybe an O ring fails on the vapor 1 system, you know, it fails the inspection and then bam, you know, 48 hours, you basically have 48 hours to get it fixed.

And I don't know that you can call somebody out and fix something like this within 48 hours, and by gosh, if it happened on a Friday, there was no mechanism in here to make sure it was done, or could be done over the weekend.

And for somebody to have their entire gas station shut down for something like this would be a real problem.

It's my understanding that the Department is reserving this for the frequent offenders, so to speak, and I think that's very important because a Vapor 1 recovery system is important.

And I think there's been some question about how it works but basically what it does is, it's taking the vapors from the tank as the tank's being filled and putting it back in the truck, is the best way to think of it.

And it's important because we're recapturing those. We're not putting it in the atmosphere. In fact, we're, you know, once those vapors are in the truck, in many cases with temperature change, it becomes gasoline again.

So it's a really good thing that we're doing this. I will urge supporting the bill. Thank you very much.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further on the bill that's before us? Representative Ferraro.

REP. FERRARO (117<sup>th</sup>):

Thank you, Mr. Chairman, and I'd like to thank the Chairman of the Committee as well as the Ranking Members for doing the bill. It's a great bill.

I just have a couple questions regarding the procedure to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed.

REP. FERRARO (117<sup>th</sup>):

Through you, Mr. Speaker, as the testimony here today was the once the red tag is put on, or the notification is made that they're not in compliance, they have a 30-day window for curing, that is correct?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Through you, Mr. Speaker, that is generally correct. The 30-day timeframe refers to a notice of violation, and typically those are 30 days. There could be extensions granted in certain cases, and I know that with my conversations with the Department, their intent is to give the gas station every opportunity to rectify the problem, through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117<sup>th</sup>):

Thank you, Mr. Speaker, and through you, Mr. Speaker, so once the owner is put on notice that he



has 30 days to cure and he begins to put, bring himself back into compliance, at some point there is a disabling device that is put, that prevents the owner from conducting business, through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Through you, Mr. Speaker, the disabling device would only be put on in the cases of a red tag. So within that 30-day timeframe there is no disabling device. That is part of the understanding that the operator would still have a chance to fix it, but the disabling device would not be put on until the red tag, through you.

REP. FERRARO (117<sup>th</sup>):

Thank you, and through you --

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117<sup>th</sup>):

Thank you, Mr. Speaker, and through you, so once the owner is through the 30-day cure period and the red tag has been placed on his business, and as a result he's received a disabling device, then it's my understanding that the owner can still bring himself

into compliance and through an affidavit he is allowed to then remove the disabling device. Is that correct?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Thank you, Mr. Speaker, through you, that is correct. There would be an affidavit filed describing the actions that the owner is taking to remediate the problem and they could even start remediating before the affidavit is submitted as long as they detail what they're actually doing to remediate.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117<sup>th</sup>):

Thank you, Mr. Speaker, and then one final follow-up question, through you, Mr. Speaker.

Since the owner through affidavit has now been approved and is allowed to remove the disabling device, is there a standard disabling device and is the owner equipped to remove this device, or is there something else involved in getting the device removed, through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Thank you, Mr. Speaker, through you, it is generally the Department that does the removal of the disabling device, but it is a standard device, from what I understand, through you.

REP. FERRARO: (117<sup>th</sup>):

So, sorry, Mr. Speaker.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117<sup>th</sup>):

Thank you, Mr. Speaker. I'm sorry. I do have one more question. So since the owner is now allowed to remove the device, is he equipped to do so or does he need to hire somebody to remove the device, or does that entail more time where he's unable to operate his business, through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99<sup>th</sup>):

Through you, Mr. Speaker, it is the staff of the Department that will actually remove the device. So the owner doesn't have to hire anybody and within that day, as long as it's remediated, the device will be removed, through you.

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SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117<sup>th</sup>):

Thank you, Mr. Speaker, and I thank the good Chairman for his comments and his answers, and I appreciate all the work done on the bill. Thank you very much.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further on the bill that's before us? Care to remark further?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll,  
members to the Chamber. The House of Representatives is voting by roll, members to the Chamber please.

[pause]

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted? Please check the board to determine if your vote has been properly cast.

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If so, the machine will be locked and the Clerk will take a tally, please. And will the Clerk please announce the tally.

CLERK:

House Bill 6730.

Total Number Voting 145

Necessary for Passage 73

Those voting Yea 145

Those voting Nay 0

Absent and not voting 6

DEPUTY SPEAKER ORANGE:

The bill passes. [gavel] Will the Clerk please call Calendar No. 295.

CLERK:

On Page 54, House Calendar 295, Favorable Report of the Joint Standing Committee on Housing, House Bill 6694, AN ACT CONCERNING FREEDOM OF ASSOCIATION IN PUBLIC HOUSING.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37<sup>th</sup>):

Thank you, Madam Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

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Thank you, Madam President. On Calendar Page 8, Calendar 481, House Bill 6978. I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF:

On Calendar Page 15, Calendar 535, House Bill 6730. I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF:

On Calendar Page 17, Calendar 552, House Bill 6884. I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 4, Calendar 382, House Bill 6915. I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF:

On Calendar Page 4, Calendar 383, House Bill 6723. I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

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THE CLERK:

House Bill 6915. Page 4, Calendar 383 -

THE CHAIR:

Hold on a minute. Mr. Clerk, you're gonna have to use your microphone so we can hear you, please. I apologize. Thank you.

THE CLERK:

Page 4, Calendar 382, House Bill 6915. Page 4, Calendar 383, House Bill 6723. Page 5, Calendar 390, House Bill 6317. Page 5, Calendar 437, House Bill 6771. Page 5, 438, House Bill 6772. On Page 6, Calendar 439, House Bill 6259. On Page 8, Calendar 480, House Bill 6910.

On Page 8 also, Calendar 481, House Bill 6978, and on Page 9, Calendar 500, House Bill 6579. On Page 10, Calendar 502, House Bill 6868. Page 11, Calendar 511, House Bill 6937. Also on Page 11, Calendar 513, House Bill 6986, and on Page 12, Calendar 515, House Bill 6902.

Also on Page 12, Calendar 521, House Bill 6971. On Page 12 again, Calendar 522, House Bill 6834. Page 12, Calendar 518, House Bill 6770. On Page 13, Calendar 524, House Bill 6997. Also on Page 13, Calendar 525, House Bill 6984, and on Page 14, Calendar 530, House Bill 6977.

Also on Page 14, Calendar 531, House Bill 6994. Page 15, Calendar 535, House Bill 6730. Page 17, Calendar 552, House Bill 6884. Page 17, Calendar 557, House Bill 6155. On Page 18, Calendar 564, House Bill 7000. Page 18 again, 566, House Bill 6138. Also on Page 18, Calendar 571, House Bill 5092, and on Page 19, Calendar 577, House Bill 6853.

On Page 20, Calendar 585, House Bill 6571. Page 20, Calendar 578, House Bill 6852. On Page 23, Calendar 606, House Bill 5660, and on Page 24, Calendar 609, House Bill 5257. Page 24, Calendar 611, House Bill 7060. Page 24, Calendar 610, House Bill 7050. On Page 25, Calendar 617, House Bill 6020.



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On Page 26, Calendar 619, House Bill 6750. Also on Page 26, Calendar 620, House Bill 6745. Page 27, Calendar 627, House Bill 5101. Page 29, Calendar 635, House Bill 5110. Also on Page 29, Calendar 641, House Bill 6967. On Page 30, Calendar 645, House Bill 6943, and also on Page 30, Calendar 642, 6707.

THE CHAIR:

Thank you, Mr. Clerk. We're adding - we have to add one more. Hold on for one second, please.

[pause]

THE CLERK:

On - and the last item is on Page 19, Calendar 576, House Bill 6976.

THE CHAIR:

Mr. Clerk, will you call - hold on a minute. There's a question. Senator Kelly, you have a question? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. That last item on Page 19, the Clerk called 576, House Bill 6976. Was it supposed to be 57 - Calendar No. 575, 6975?

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Madam President. And thanks to Senator Kelly for the - catching that. Yes, it is Calendar 575, House Bill 6975.

THE CHAIR:

6975.

THE CLERK:

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And that is Page 19, Calendar 575, House Bill 6975.

THE CHAIR:

Are there any other corrections anybody has? If not, at this time, Mr. Clerk, will you please call for a roll call vote on the Consent Calendar. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call on today's Consent Calendar has been ordered in the Senate.

[pause]

THE CHAIR:

If all members have voted, all members have voted. The machine will be closed. Mr. Clerk, please call a tally. You wanna call on the Consent Calendar? Yes, it's closed. It's closed on the machine here.

THE CLERK:

On today's Consent Calendar

Total Number Voting	36
Necessary for Passage	19
Those voting Yea	36
Those voting Nay	0
Absent/not voting	0

THE CHAIR:

The Consent Calendar passes. [gavel] Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Before we adjourn, I'd like to yield for any points or announcements.

THE CHAIR:

**JOINT  
STANDING  
COMMITTEE  
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still don't have a responsibility to feral cats, even with the implementation of this bill? You'll get back to me with that answer? Thank you.

COMMISSIONER STEVEN REVICZKY: I really don't know the answer to that, but I'd be happy to get back to you on feral cats.

REP. RYAN: Thank you.

SENATOR KENNEDY: Any other questions? Seeing none, thank you for joining us this morning, Mr. Commissioner.

REP. RYAN: Thank you very much.

SENATOR KENNEDY: I'd now like to ask Commissioner Klee to address the committee. Welcome, Commissioner Klee, with a very thick packet of materials here. Are you going to make this very easy for me to understand in the next several minutes?

COMMISSIONER ROB KLEE: I am sure going to try, but I also have a few folks here with me who can -- who can hopefully assist with that as well.

SB 868    SB 867

SB 866    SB 869

HB 6730

SB 215

HB 5406

Good morning, Chairman Kennedy, ranking members Chapin and Shaban, and -- and members of the committee. Thank you for the opportunity to testify on several agency bills before you today. DEEP appreciates the committee raising these bills for a public hearing at the request of DEEP.

The first bill I will speak to is Raised House Bill 6733, AN ACT CONCERNING COMMERCIAL FISHERY LICENSURE REFORMS. This bill proposes the first significant changes in commercial fishing licensing in more than two decades.

will provide an effective means of increasing the recovery of discarded tires while virtually eliminating the illegal dumping of tires.

The proposed program would have the tire industry assume responsibility for the entire life cycle of their product, including the end of the tire's useful life. The program would mirror the successful approach we have used with the recycling of e-waste and unwanted paint and the soon to launch mattress recycling program.

Extended producer responsibility programs, such as these, can save money for municipalities in the state, help create jobs, and spur innovation in recycling and reuse of valuable materials in new products.

Finally, Raised House Bill 6730, AN ACT CONCERNING STAGE I VAPOR RECOVERY SYSTEMS AND SULFUR CONTENT IN FUELS, will help improve the quality of our air. This bill allows DEEP to better ensure that the emissions controls used when underground gasoline storage tanks are refilled function properly.

The bill would also ensure that home heating oil use in our state complies with the sulfur content limits that have been set to protect the air quality and human health.

So I know, Chairman, that's a lot, and there -- there are many other bills as well that relate to our agency. But I wanted to thank you again for providing me with this opportunity to testify.

Happy to respond to any questions you may have and, when doing so, I may call upon staff with expertise on the various subject areas who are here in -- in the audience with me today. So



February 13, 2015

Co-Chair Ted Kennedy  
 Co-James Albis  
 Senator Clark Chapin  
 Representative John Shaban

Environment Committee:

We are submitting testimony on **H.B. 6730, AN ACT CONCERNING THE ENFORCEMENT OF STAGE I VAPOR RECOVERY RESTRICTIONS AND SULFUR CONTENT REQUIREMENTS FOR DISTILLATE FUELS.**

The Connecticut Energy Marketers Association (CEMA) represents 576 petroleum marketers and their associated business in Connecticut. CEMA members employ over 13,000 people in our state.

H.B. does not provide a timeframe specified between when the Department of Energy and Environmental Protection (DEEP) identifies a violation and when a disabling device will be placed on the dispensers. Instead of going directly to placing a "disabling device", we'd like to see the DEEP allow a "right to cure" time period of 30 days where the owner/operator would be able to make the correction and provide the necessary paperwork to avoid a shutdown.

It is unclear whether Section 4 is allowing the owner/operator to self-certify a return to compliance with an affidavit and then can return a system to service without first receiving DEEP approval, or if DEEP must still provide approval for the return to service after an affidavit is provided. Owner/operators should be able to return to service immediately after rectifying any potential violations, and if submittal of an affidavit is required to do so, then immediately upon submittal of the affidavit, without having to wait for DEEP approval.

We would also like the committee to consider adding language to have the option for the testing vendor to provide the affidavit.

Finally, clarification is needed on what disabling "device" will be used? If businesses are indeed allowed to self-certify and resume operation upon submittal of an affidavit, without DEEP having to approve the submittal, then we want to ensure that we have the ability to remove the "device"..

CEMA asks that the Environment Committee to work with us on making changes to **H.B. 6730, AN ACT CONCERNING THE ENFORCEMENT OF STAGE I VAPOR RECOVERY RESTRICTIONS AND SULFUR CONTENT REQUIREMENTS FOR DISTILLATE FUELS** and adopt the suggestions we provided in our testimony.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Herb", written over a horizontal line.

Christian A. Herb  
 President



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 13, 2015  
Environment Committee

Testimony Submitted and Presented by Commissioner Robert J. Klee

**Raised House Bill No. 6730 – An Act Concerning the Enforcement of Stage I Vapor Recovery Restrictions and Sulfur Content Requirements for Distillate Fuels**

Thank you for the opportunity to present testimony regarding **Raised House Bill No. 6730 – An Act Concerning the Enforcement of Stage I Vapor Recovery Restrictions and Sulfur Content Requirements for Distillate Fuels**. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

We appreciate the Committee's willingness to raise this bill at the request of DEEP. This proposal, which we strongly support, focuses on providing a means to effectively implement fuel quality standards adopted by the General Assembly in 2013.

**Gasoline vapor emissions control (Stage I)**

In 2013, the Connecticut General Assembly passed Public Act 13-120 to update vapor control standards at gasoline dispensing facilities in Connecticut. That Public Act phased out Stage II emission controls, designed to reduce vapor emissions during vehicle refueling, and improved Stage I controls, designed to reduce vapor emissions during gasoline deliveries to gasoline storage tanks, by increasing the frequency of testing of the systems from once every three years to annually. The enhancement of the Stage I controls was required by the Environmental Protection Agency (EPA) to fulfill anti-backsliding requirements due to the decommissioning of Stage II units. While the Public Act made testing more rigorous, there were no provisions to improve DEEP's capability to address improperly functioning Stage I equipment. This proposal would allow DEEP to use "Red Tags" to shut down improperly functioning equipment until it could be repaired or replaced, reducing potentially harmful emissions into the air. A "Red Tag" program has been effectively utilized in DEEP's Underground Storage Tank (UST) program.

**Home Heating Oil**

Public Act 13-298 also limits the sulfur content of home heating oil sold in Connecticut to 500 ppm beginning in July 2014, and 15 ppm as of July 2018. However, DEEP, which has expertise in regulating the sulfur content of distillate fuel burned in industrial and electric generating facilities, lacks enforcement authority for home heating oil. This proposal would authorize DEEP to regulate home heating oil in line with its current fuel sulfur standards for other distillate fuels.

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**Raised House Bill No. 6730 – An Act Concerning the Enforcement of Stage I Vapor Recovery Restrictions and Sulfur Content Requirements for Distillate Fuels** will allow DEEP to ensure that the standards adopted by this Committee are applied fairly and achieve their intended public health benefits. The burning of fuel oil contributes significantly to Connecticut's sulfur dioxide and fine particulate matter (PM<sub>2.5</sub>) emissions. Both Sulfur Dioxide and PM<sub>2.5</sub> are harmful pollutants that can impact the health and welfare of Connecticut's citizens and our environment. Exposure to these pollutants can result in significant health impacts, particularly among the young, the elderly, and those with pre-existing health conditions like asthma. The pollutant reductions realized by effective enforcement of these two standards will help DEEP to meet the federally mandated National Ambient Air Quality Standards for ozone and PM<sub>2.5</sub> and the regional haze commitments made in conjunction with the Mid Atlantic New England Visibility Union (MANE-VU).

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov)).





**Testimony of Connecticut Fund for the Environment  
Before the Environment Committee**

*In support of Proposed HB 6730, An Act Concerning the Enforcement of Stage I Vapor  
Recovery Restrictions and Sulfur Content Requirements for Distillate Fuels*

Submitted by Zachary Bestor  
Legal Fellow / Attorney  
February 13, 2015

*Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 5,500 members statewide. The mission of CFE, and its bi-state program Save the Sound, is to protect and improve the land, air and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.*

Dear Senator Kennedy, Representative Albis, and members of the Committee on Energy and Technology:

Connecticut Fund for the Environment submits this testimony in support of Proposed HB 6730, An Act Concerning the Enforcement of Stage I Vapor Recovery Restrictions and Sulfur Content Requirements for Distillate Fuels. If passed, this legislation would provide the Commissioner of Energy and Environmental Protection with enforcement authority concerning stage I vapor recovery systems used at gasoline storage tanks and enforcement authority concerning sulfur content for distillate fuels sold in the state. It is important that DEEP has a reasonable means of enforcing its programs and regulations. The proposed bill appropriately punishes violators, prevents environmental harm, and is not overly burdensome on the gasoline dispensing facility.

Therefore, we support this legislation.

Thank you for your time and consideration on this matter.

Sincerely,

Zachary Bestor  
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Connecticut Fund for the Environment  
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Tel: (203) 787-0646 x 108