



STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

M. JODI RELL
GOVERNOR

June 8, 2010

The Honorable Susan Bysiewicz
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Secretary Bysiewicz:

I am returning to you without my signature Substitute Senate Bill 124, *An Act Concerning Long Island Sound and Coastal Permitting*.

The underlying bill and Senate Amendment A make good sense. However, Senate Amendment B presents a problem. This Amendment requires the Commissioner of the Department of Environmental Protection (DEP) to make determinations under the Solid Waste Management Plan before approving any permit application, which is pending or filed as of the date of passage, for a new solid waste facility or the expansion of any such existing facility if located within 1,000 feet of a primary or secondary aquifer. Yet, there is no statutory definition of primary or secondary aquifer and most, if not all, of Connecticut may overlay aquifers.

Amendment B appears to have been crafted to apply to a particular facility. However, the practical effect, according to DEP, is that the Amendment would impact most permits required for expanding existing facilities as well as those for building new solid waste facilities. Indeed, it is anticipated that this provision will impact 19 non-municipal pending applications before the DEP.

As written, this provision negatively impacts only those businesses with pending applications. They could simply withdraw their current application and reapply the next day with the accompanying fee of approximately \$15,000 to acquire the individual permit. For most companies unable or unwilling to pay the additional fee, the provision will assuredly add uncertainty and additional costs to the process.

In best case scenarios, this provision will delay pending applications and therefore business growth opportunities for as long as nine months while the classification language is developed to define a "primary aquifer" and a "secondary aquifer." In addition, businesses would rightly assess the relative impact on their location and applications. Applications will have to be supplemented with additional information to allow the agency to act on those applications,

thereby adding further uncertainty and delay. In the worst case scenario, one existing facility would have to cease operations immediately rendering workers unnecessarily unemployed.

As I said last year in vetoing *An Act Prohibiting the Acquisition or Use of Certain Parcels of Land as Ash Residue Disposal Areas and Concerning the Operation of a Food-Waste-to Energy Plant*, removing projects from established procedures is wrong-headed. There are environmental protection procedures in place and definitions existing in statutes on which applicants have relied. This provision unfairly places most companies at risk for additional fees or uncertainty about their permitting future. Changing the process mid-stream sets a poor precedent. Further, if we allow decisions to be made on particular projects outside of the statutorily delineated process, we circumvent the very process that we have put in place to ensure impartiality and careful environmental review even as we invite additional special act legislation to authorize or reject specific projects.

For these reasons, pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut and Article III of the Amendments thereto, I am returning Substitute Senate Bill 124 without my signature.

Very Truly Yours,

A handwritten signature in cursive script that reads "M. Jodi Rell". The signature is written in black ink and is positioned to the left of the printed name.

M. Jodi Rell
Governor