



TESTIMONY IN OPPOSITION TO SB 58

AAC Authorizing Residents Living in a Flood Zone to Lay Up to 10,000 Cubic Yards of Landscape Fill Per Year in Their Yard and Establish a Tax Deduction for the Costs of Such Fill and a Grant Program for Road Raising

March 3, 2025

To: Honorable Co-Chairs Sen. Lopes and Rep. Parker, and Distinguished Members of the Environment Committee

From: Lori Brown, Executive Director, CT League of Conservation Voters

Thank you for the opportunity to submit testimony opposing SB 58, a bill with good intentions, but contains provisions that will worsen the problem it is trying to fix.

Sections 1 and 2 allow residents living in a flood zone to use landscape fill to protect from flooding, and include a tax deduction for such work:

- Fill reduces the capacity of the flood plain to store water and disperses the water onto other properties with unintended consequences - those who can afford to bring in fill would do so to the detriment to neighbors who don't fill.
- Fill can create "dams" that back up water upstream and/or increase impervious areas and send more water downstream both creating flooding problems elsewhere.
- Fill also channels the flow into new directions and changes velocities - sometimes increasing velocities and scouring where channel narrows or creating new eddies - again all with unintended consequences not only in terms of volume of water but the amount of erosion that takes place.
- Changes in hydrology would also impact municipal drainage systems.
- Unregulated fill may contain contaminants including PFAS and needs to be monitored.
- Fill is illegal in floodways and would make properties ineligible for the National Flood Insurance Programs (NFIP) and likely cause insurance rates to escalate.

Sections 3 and 4 require DOT to develop a program to help towns elevate roads:

- This has some merit as road elevation may be accomplished by bridges or other structures rather than just increasing fill.
- As long as proper engineering is done, it would help municipalities with the costs of roads that are flooding, especially in coastal areas.
- Parameters should be established to ensure that they will not increase flooding, and that wildlife/fish passage is maintained.

While just filling creates dams and unintended consequences, Section 3 has some potential to help communities dealing with sea level rise or with undersized culverts that should be replaced.

CTL CV OPPOSES SECTION 1-2, but **SUPPORTS Section 3-4** to establish a grant program for municipalities to raise roads in furtherance of climate resiliency, provided that it explicitly prohibits the use of landfill.

Thank you for considering our comments.

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