

**PA12-155**

SB0440

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All right, in keeping with our tradition of people leaving, even though she's been long time Deputy Speaker, doing a tremendous job for the next bill, we'll have our own Marie Kirkley-Bey.

(Deputy Speaker Kirkley-Bey in the Chair.)

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call Calendar Number 540?

THE CLERK:

On page 32, Calendar 540, Substitute for Senate Bill Number 440, AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS; favorable report by the Committee on Finance.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile, you have the floor, ma'am.

REP. GENTILE (104th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good afternoon.

REP. GENTILE (104th):

Madam Speaker, I move for acceptance of the joint committees' favorable report and passage of the bill, in concurrence with the Senate.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion is acceptance of the joint committees' favorable report and passage of the bill, in concurrence with the Senate.

Will you remark further, ma'am?

REP. GENTILE (104th):

Yes. Thank you, Madam Speaker.

Madam Speaker, the Clerk has an amendment, LCO Number 5069. I would ask that the Clerk please call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 5069, which will be designated House Schedule "A" -- Senate "B?"

REP. GENTILE (104th):

Thank you, Madam Speaker.

Madam Speaker, this is a strike-all amendment that becomes the bill. And the bill adds phosphorus-removal projects to water pollution --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative --

REP. GENTILE (104th):

-- control.

DEPUTY SPEAKER KIRKLEY-BEY:

-- could you hold? The -- the Clerk has not called

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the amendment --

REP. GENTILE (104th):

I'm sorry.

DEPUTY SPEAKER KIRKLEY-BEY:

-- yet. Thank you.

THE CLERK:

LCO 5069, Senate "B," offered by Senator Meyer,  
Representative Donovan, Rep. Roy, et al.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile, please proceed.

REP. GENTILE (104th):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

(Inaudible.)

REP. GENTILE (104th):

Madam Speaker, this bill adds phosphorus-removal projects to water pollution control projects that are eligible for Clean Water Fund financing and requires the Department of Energy and Environment Protection to work with municipalities to develop a statewide strategy to reduce phosphorus in inland, nontidal waters, to comply with federal Environmental Protection Agency standards.

The bill requires DEEP's commissioner to submit a report to the Committees on Planning and Development and

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Environment by January 1, 2013, on the strategy, including any recommendations for legislation to support it.

Madam Speaker, I urge passage of amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

The -- the motion --

REP. GENTILE (104th):

Adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

-- is on adoption.

Will you remark? Will you remark on Senate Amendment "B?"

Representative Aman.

REP. AMAN (14th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good afternoon.

REP. AMAN (14th):

I -- I'd like to congratulate you on your career here and express my regrets of this may be one of the last times that I get to go through the Chair, through you, to the other people that I'm speaking to. You've always treated me wonderfully up there, and I very much appreciate having you in the Chair over the last couple of years.

DEPUTY SPEAKER KIRKLEY-BEY:

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Thank you, sir.

REP. AMAN (14th):

Through you, I do have a variety of questions for the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile, prepare yourself.

Representative Aman, please proceed.

REP. AMAN (14th):

Yes. I'm just going to start with an overview. Looking at this strike-all amendment, I -- I -- it my feeling that this is a combination of several bills that were from the P & D Committee and also from the Environment Committee, ideas that were presented in several different bills which then the Senate combined into one bill, which is this strike-all. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct. It is a combination of bills from Environment and Planning and Development.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

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REP. AMAN (14th):

Yes. Based on that, I am going to be asking a variety of questions, especially on those that were from the Environment Committee that I did not have as much of an opportunity to deal with. And at any time if the Chairman or Chairwoman of Planning and Development thinks it's appropriate, I would definitely redirect my questions to someone else that is more familiar with the phosphorus parts of this bill.

In the beginning of the bill, it talks about a straight -- a statewide strategy to reduce a phosphorus load -- a loading. Can the Chairman talk to me a bit about what the statewide strategy may or may not be?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, yes. DEEP currently has a phosphorus plan that has been the result of extensive negotiations with EPA. And that plan will be implemented by DEEP issuing permits. The bill, this bill is not intended in any way to stop or delay that process. And that's what this bill does.

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(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

Representative --

REP. GENTILE (104th):

Through you --

SPEAKER DONOVAN:

-- Aman.

REP. GENTILE (104th):

-- Madam Speak -- oh, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Yes. The -- the bill then also talks in a -- in that sentence about standards established by the United States Environmental Protection Agency. And what I'm curious on is the standards that our own DEEP people, are they going to be equal or greater than the federal standards, and how are the two sets of standards going to be interrelated?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, at the very least, they will

be equal to but certainly in compliance with EPA requirements.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Yes. One of the important parts of this bill is actually a listing of Danbury, Meriden, Waterbury, Cheshire, Southington, and Wallingford, and maybe another municipality or two that have to be taken into consideration or discussions with DEEP.

And, through you, Mr. Speaker, why were these particular towns picked and does the Speaker know -- or does the proponent know of any other towns that are on a pending list to also be discussing this situation with DEEP?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

It is my understanding that these towns in particular were impacted by high levels of phosphorus.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

You're right. And were these towns either having recently completed sewage disposal plants or are planning shortly on building them? Are they involved in that?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that I do not know.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Okay. I -- I think that at -- at part of one of the public hearings or at least one of the meetings that came out, that one of the municipalities was looking at that they had recently finished their sewer plant and the new regulations were coming out and they wouldn't be able to meet the new regulations, even though they had recently updated their sewer plant. And I think that was one of things that came up in the public hearing for bringing these municipalities in, is to look at not only what the regulations are, are going to be, how they're going to be enforced, but whether the municipalities, when everything is said and done had the ability to really meet the

regulations. So I think it's very important that these towns, in particular, be part of any negotiations that actually set up what is actually going to be done.

The bill talks about approaches that the municipalities can use in order to comply with the standards. I don't remember any real discussion in the public hearings about different approaches, other than this water treatment plants that were being put in, the sewer plants.

(Deputy Speaker Kirkley-Bey in the Chair.)

REP. AMAN (14th):

I'm just wondering, through the Chair, was anything else discussed or is this just something that is put in the bill to give the municipalities and DEEP a wide latitude of trying to come up with a solution to this phosphorus problem?

Through you, Mrs. -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, the good gentleman is correct. Specifically, the bill would require DEEP to

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work with the chief elected officials or their designees, designees of those communities, especially that are impacted by this, to develop the strategy and whatever they feel is appropriate to put into that strategy to meet the requirements.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes, that is -- that is my understanding also, and this is a section of the bill that was definitely discussed at length within the Planning and Development community. Oh, I think there was quite a bit of frustration, I think, expressed by both municipalities and DEEP as to how to handle this phosphorus problem. It was coming up. The municipalities were very concerned that they were being ordered or -- or potentially being ordered to clean up the -- the rivers, when the source of pollution was to the north of them, upstream of them and some of them even felt may have been coming from out of state, flowing through our waters. And they would be the, you know, the first sewer plant on the river, and therefore they would be looking at the cost of the difficulty of removing the phosphorus.

So I think this is a legitimate way for this problem to be looked at and to be discussed and hopefully some sort of solution that it not only works as far as removing the phosphorus and the nitrogen but also is something a municipality can actually afford to do. That was also one of the or the major problems with it.

Going on to the phosphorus part of the bill and the removal, which was much more in the Environment Committee, there are a variety of things that are being talked about.

Established lawn has been defined as something that has a species of grass for two or more growing seasons, but they're -- but they talk about in the -- around lines 36 or 37 a -- a soil-testing method approved by the Commissioner of Agriculture. And I'm wondering from that -- and I don't know if the Chairman knows the answer to this -- when it talks about an approved test, you can buy kits at Agway or even Wal-Mart that lets you test your -- your garden soil or your lawn. And at the same time I'm reading that and it says approved by the Commissioner of Agriculture. Do you have any idea if these small, home-testing kits would be included in this, if they -- they carry the appropriate stamp or is this something that really -- if I wanted to put fertilizer on my lawn I would have to send to a formal testing lab?

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Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it is my understanding that through the Department of Agriculture, these test kits can be obtained free of charge. And they simply ask you to take different samples from different sections of your lawn to determine, to submit to the Department of Agriculture.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

I'm very glad to hear that because I didn't know it, and last spring I paid to have my soil tested. Next year, I will look to the Department of Agriculture and save myself the money of having my soil tested by them.

It says lacking in phosphorus or fertilizer. I would presume that there's a set standard so that they would -- that demonstrates not only if the soil is lacking but the amount of fertilizer per acre or per foot or per some unit would have to be recommended by the Department of Agriculture.

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Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I would also assume that that is correct.

REP. AMAN (14th):

Well.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

The -- the question I -- the next one I have would be going on to the next section, where it talks about agricultural land and golf courses being exempt from all these regulations. As someone who is aware of fertilization, I would presume that pastures and agricultural are some of the biggest users of fertilizers and, of course, the golf courses are also one of the biggest users of fertilizer.

And so through you, Madam Speaker, why would the two biggest users of fertilizer be exempt from these regulations?

Through you, Madam Speaker.

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Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it is my understanding that these two particular groups of entities usually have professional people on staff that have more experience dealing with this, and therefore these particular groups have less problems.

Through you, madam.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes, I agree the speaker. The one individual I asked that question to that's in the farming community, his answer was, Do you know how expensive phosphorus is? We don't put on any more than we absolutely have to. And I thought that if you -- you could regulate all you want, but that answer was probably the best one that I could hear. And also the golf courses, I'm sure, follow the same thing, that this is an expensive thing to do and they don't want to do it.

And I think it follows into the next section where they talk about you can't fertilize between December 1st and March 15th. And I really can't imagine many golf courses or farmers running around in the middle of the

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winter spreading fertilizer on the snow. But at the same time, I know people who use fertilizer on their driveways for basically ice control. And, again, it's an expensive way of doing it, but if it's in your garage, it's an easy thing to grab and do. And, actually, for an individual household, where it may be per square foot it's expensive; it's not overly. So I do understand that even though while someone would laugh about the December-1st-to-March-15th date, it probably does make -- make sense that it's in there as such.

They -- it also talks, probably on the same line, about spreading the fertilizer. And I'm looking at it, and it says you can use a rotary spreader with a deflector, targeted spray liquid application within -- and you can't spread it been 15 feet from any brook, stream, river, lake, pond, et cetera. And so in reading that, I'm trying to figure out if you take -- if you're allowed to use all of those, if the Chairman is aware of any other way that it -- people logically spread fertilizer other than the methods that are listed here?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I must confess I have not -- I'm not aware of anything and I've never spread fertilizer, myself.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. And I'm also actually the -- when it talks 15 feet from any brook, stream, water, pond or other body of water, I'm very glad that we -- we've defined that, I believe in some other legislation, a few years ago. Because at one point the way we defined bodies of water and stream flow, et cetera, where it runs out of your gutter was considered a watercourse. And I don't think that would -- and I'm very glad we corrected that, at that time, and therefore I'm not overly concerned about the way that language is written in here today.

I'm looking at the next section that deals with compost, and if, I mean, I think I have a little bit more problem with the -- the compost part than on some of the other sections. And, again, it goes back to the winter spreading. I know up near us in Ellington, it's very, very common for the farmers to spread the cow manure out on the fields in the middle of winter because the ground is frozen

and they can move very easily. And I'm not sure how that is going to be worked on; I just have to have confidence that the Department of Agriculture is very aware of that practice and will have some sort of regulations that will allow that to continue. If not, I have a feeling that come February, we're going to have a bunch of very angry dairy farmers around here saying, What am I supposed to do with these piles that are getting higher than the barn out back? But that is something that I'm sure that they are going to be doing.

I -- I think it's a very good idea that the department -- Commissioner of Agriculture is going to be looking at posting where fertilizer is sold, best-use practices, restrictions, et cetera, and I think the biggest sign they could have is: Don't buy heavy phosphorus fertilizer; you're wasting your money. It's not going to help your lawn grow. It's bad for the -- and it's bad for the environment, but most importantly, you're wasting your money.

I think the manufacturers will very quickly learn that that middle number on a fertilizer bag better be reduced down or they're not going to be selling near as much as they expected, as people -- again, the market responds to it.

I'm looking at the -- at the fine section where it talks about a \$500 fine. I really think the bill is designed as an educational thing, an encouragement thing; I hope that we don't hear about \$500 fines really being put out. I -- I got to believe that if -- if they really wanted to enforce the letter of the law as it's coming, they could probably go through almost any suburban neighborhood on a nice Saturday or Sunday in May -- April, May or June and finance their entire budget with the funds that they could pick up with these \$500 fines. And, again, I -- that's not the intention, I believe, of the bill, but they do give you an enforcement provision in here.

A section of the bill talks about that you can -- that there cannot be any prohibition of fertilizer or a soil amendment that contains 0.67 percent or less of phosphorus. And that's at a very exact number, and I'm wondering where 0.67 came from rather than 0.69 or 0.68? It doesn't seem like a -- a random number; it seems like somebody had a particular reason as to why 0.67 is a magic number. And through you, Madam Speaker, what is the significance of that 0.67 number?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

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Through you, Madam Speaker, it is my understanding that that is the industry standard that is used in other states, particular in Maine, Vermont, New Hampshire, I believe; so it just mirrors other statutes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

I -- I -- I thank the proponent for her answer. It talks about a nonpoint source pollution abatement project shall receive 75 percent of the cost of the project; it could receive that as a grant. What would be a nonpoint source pollution abatement project; could there be an example of one?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it is my understanding that that would be particularly sources like, say, soap, when you wash your car into the water, that type thing.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. The grant, it talk about a grant of up to 75 percent of the cost. And is there -- through you, Madam Speaker -- is there money currently in the budget or is this federal funds, bonding funds? Where is the 75 percent coming from?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that would be from the Clean Water Fund, which is already in existence.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. And that, I think, ties in to the first part of the bill, where we added the phosphorus removal to the things that Clean Water Funds could be used for.

And I would presume that's the same thing in the next paragraph where it talks a -- a grant of 50 percent of the cost of the project and a loan not exceeding 100 percent of the project? I'm very glad to see that we're not loaning more than the cost of a project to a municipality. I think it -- again, I think it's a little amusing that we have to put that in law that we -- we're not going to

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loan more than a -- than the cost, but it -- but it is in there. But, again, is this money intended to come from the Clean Water Fund to fund this section?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct. It would come from the Clean Water Fund, and that is -- that is in there because municipalities would be required, mandated to comply with the EPA standards.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yeah. In the next section of the bill, there's a whole, quite a few lines that basically takes the word "nitrogen" out and replaces it with "nutrient." And just to be clear, the -- by doing that, my -- my question, through you, Madam Speaker, is nitrogen would still be included, phosphorus would be included, and it would probably leave this open for some other nutrient that needs to be regulated or removed?

Through you, Madam Speaker.

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Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct.

Nitrogen was removed because that is specific. Nutrient was put in there to cover other -- other nutrients, specifically phosphorus.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. The -- the final thing -- and this is more of a finance question, I think of it for not only this bill, for others -- we happen to, when we get down to the end, we're talking about loans and we're talking about a 2 percent rate.

And I really think that the Legislature should start looking, when we're prescribing interest rates, maybe find a different way for the Finance Committee to look at it next year and describe it. Two percent was probably put in when interest rates on municipal bonds were 5, 6, 7 percent, and that was a very good deal for a municipality to get a 2 percent loan and was very much of an encouragement.

Right now municipal bonds, if you took a 2 percent loan, you would probably get in trouble with your

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constituents, since there are many municipal bonds going out for less than that. And at the same time, if we hit another very high inflation rate and municipal bonds go up to 12 or 14 percent and the State's borrowing rate is a similar amount, 2 percent could be a very, very costly thing for both the State and the municipalities to live with, the 2 percent. So I think this is something that the Finance Committee probably should look at, not only as it relates to this bill but for many other bills that we talk about a fixed interest rate.

Almost all of us over the years can remember back to the Carter years when the prime rate was approaching the high teens; borrowing was in the low twenties for most people. And now that inflation is very, very low, the reverse has happened, and I think we need to look at -- at, again, how statutes are written to reflect this. Because a wrong time to look at this is when there's a crisis one way or the other and people are very much emotionally involved.

Right now people would look at something like that and say, oh, I don't care, and I think the economists among us would be able to look and maybe write a much better definition of interest rates.

So, again, I -- I do thank the Chairwoman for her

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answers, for the discussion of the bill. If you look at it, it's been endorsed by quite a few of the Representatives. It's a concession from many of them. I know that it's like many bills that come through here; a lot of people aren't a hundred percent happy with it, but I think most people that are looking at this are in that yes, I can live with the rules and regulations they're talking about. I can work with the financing. And so for -- therefore, they're supporting it, so I will urge my colleagues to support the bill.

And, again, Madam Chair, I enjoy having you up there.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Fritz, you have the floor, ma'am.

REP. FRITZ (90th):

It's not on.

DEPUTY SPEAKER KIRKLEY-BEY:

Fritz. She was on there. There she is.

REP. FRITZ (90th):

Thank you, Madam Speaker.

I rise in strong support for this amendment. And as Representative Aman stated, it is a combination of two bills; it was 440 that came out the Planning and Development Committee and 254 that came out of

Environment. There have been many, many meetings with people from DEEP. We even, some of us even went through a modeling session to see how all of this would work and why it is so necessary for this to take place.

But at the same time, we're talking about millions and millions of dollars, especially for the four towns in the Quinnipiac River area. We were the first ones that seemed to be targeted, Wallingford, Cheshire, Southington, and Meriden. And God help us, poor Meriden had just finished building its sewage treatment plant, and along comes this new demand or this new standard from EPA.

And I want to stand here today and thank Clark Chapin, because he was the one in the bill came -- coming out of Environment, 254, that addressed the problem of the nutrient, because now this gives us the ability to go to the Clean Water Fund.

What it also does, as Representative Aman -- as Representative Gentile, it gives us the ability that something -- if some other nutrient or some other, shall I say thing comes down the road, that the EPA decides is not appropriate to be in our water, then that nutrient category will cover it and it will help us, millions and millions of dollars for each of these towns.

And it's very distressing because we know people are

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losing their homes; they can't afford them. People have lost their jobs, and it's unfair totally to think that the towns would have to put that burden back on taxpayers in their individual towns that are hurting now. So this bill goes a long way to helping the towns out and certainly helping all the taxpayers in the towns that have been on target.

And, again, I thank Representative Chapin and I thank Representative Gentile for her work.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Smith, you have the floor, sir.

REP. SMITH (108th):

Thank you, Madam Chairman.

Just a few questions to the proponent, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile, prepare yourself.

Representative Smith, please proceed.

REP. SMITH (108th):

Thank you, Madam Speaker.

When this bill came up with the Planning and Development, one of the biggest concerns at that stage was the mandate on the municipalities. And I heard the

exchange, most of the exchange between the good Chairman and the Ranking Member of the Planning and Development Committee, and I just want to confirm for the record that as the bill stands before us today, there is no mandate for the municipalities, especially those listed. And I know Danbury was very concerned, because potentially that had a 30-million-dollar-plus impact or potential impact to eliminate phosphorus running through that city and its water facility systems.

So, again, through you, Madam Speaker, just confirming that there is no municipal mandate with this draft.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, there is no mandate from DEEP. The mandate does, in fact, come from the EPA, but this bill allows our towns and cities to be able to get funds from the Clean Water Fund to offset those costs.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

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And, again, thank you for that answer.

And to confirm, that the Clean Water Funds would be sufficient to absorb the cost that the municipalities may have in cleaning up the phosphorus, through you, Madam Speaker?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, to the extent that the funds are available, which are currently in the budget, I would assume so.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And, of course, that would be a concern, because there's always a question of whether funds are or are not available for this type of project. And, again, the huge course -- cost to the City of Danbury of plus-30-million-dollars was one that was certainly something the City could not afford, especially without any notice. And I'm just looking for some type of assurance that that type of cost would not be passed on to the City of Danbury.

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Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I'm just looking at the fiscal note of the bill. And it -- it clearly states here that there will be an increase of \$17 million over the next nine years to the Clean Water Fund to cover these costs.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker.

And one of the other concerns at the committee level was the fact that some of this phosphorus was coming in from other states, potentially running through our water streams into our facilities and -- and causing some of the potential harm to our lakes and streams and -- and bodies of water. And I assume then, the study that will be conducted will address those issues.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, yes; that is going to be.

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That is the intention, to be part of the study.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And I -- Section 2, I guess, deals with the -- that aspect that came from the Environmental Committee. And, again, I was listening to the exchange with the Ranking Member and the Chair, and as I read it, it looks like basically you cannot put fertilizer on or component on your lawn unless it's within the first two years or unless you do something, some type of testing which would indicate that there's a need for phosphorus.

Is that accurate?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct. And just to elaborate a little further, you can do the -- obtain the test kits through Department of Agriculture.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

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REP. SMITH (108th):

And I -- I thought I heard there was no cost for those test kits. Is that accurate, through you, Madam Speaker?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And I think Representative Aman has already left the Chamber to go get one of those test kits, because he was concerned about that for his property last year.

I'm looking at the -- the golf courses and the agricultural lands which are exempt for having to comply with this section. And I, again, heard the exchange that based on the -- the feedback and the testimony that the committees' received, that typically that is something they stay away from anyway. And my recommendation would be that even though they may tell us that's what they're doing, and, you know, understanding the cost of applying phosphorus to a land that may consist of, you know, fifty to a hundred acres of land, I still probably think we ought to have some type of language going forward in the future that would

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prevent also golf courses -- as much as I enjoy playing on them -- to restrict themselves from the potential damage that they may cause to our bodies of water, as well as the agricultural lands.

And I also noticed in Subsection (e) that, again, unless there's some type of testing, that we have to -- those who may own properties that abut lakes or streams or bodies of water cannot spread the fertilizer or compost on their property within 20 feet of the body of water unless it is done with a -- a drop spreader. Is that accurate?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is the language that is written in the bill. That is correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And I saw also the restriction between December and March, and -- and not being familiar with all the environmental regulation or concerns, is it because of the water runoff that may be heavy during that period or -- or

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what is the reason for those restrictions during that calendar of the year?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it is my understanding that during those months there simply just is no need to do it because of the winter months.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And as I was -- I was reading this bill, I was -- I was wondering how the average homeowner might become aware of the restrictions that we're now imposing on the use of fertilizers and composting; that, in other words, they cannot, if they live on a body of water, do it within 15 or 20 feet of the lake. And unless they do some type of testing that shows a need for phosphorus, that they cannot actually put the fertilizer on their property.

Is there any type of publications or notices on our web sites or any type of advertisement that may go out to the -- the average homeowner, who would -- typically would do this on a Saturday afternoon?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, if the good gentleman would refer to lines 69 through 72 of the bill, it specifically addresses general public or posting and distribution at retail points of sale.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And thank you for that information.

I did not see that, so that's -- I'm happy to see that someone else was thinking along those lines, because I think obviously we want to restrict this and -- and make the people aware of that, especially with the potential fine of \$500 imposed by the Commissioner of Agriculture.

And my question in that regard is: Is there any type of a right to a hearing or any type of process where if you were taxed with such a fine, you'd have the opportunity to contest the fine?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

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Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I do not see any language in the bill addressing that.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And nor did I and I was thinking that, again, going forward, that's probably something we -- we -- we should address. I'm sure none of us here would want to receive a fine imposed to you for \$500, especially if one was unaware or had done so unintentionally.

There should be some type of a hearing opportunity, which is typical for any type of fine or an imposition of a penalty, so I would hope we could do that going forward, in the future.

I -- I thank the Chairwoman for his answers, and thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Yes, thank you, Madam Speaker.

If I may, a few questions to the proponent of the amendment, starting off at the -- the section which has to do with the creation of the, I guess it's a -- I'm not exactly sure what it is but it's a consultation group where there'll be a collaborative evaluation -- I'm not quite sure what that is -- but a -- a collaborative evaluation involving the Department of Energy and Environmental Protection and a variety of towns and cities' chief elected officials.

One of the questions that I have is: It says -- it has a list including towns like Cheshire, Southington, Wallingford, Waterbury, Meriden, Danbury. And then it says and any other municipality impacted by the statewide strategy to reduce phosphorus. And I'm wondering who is going to decide which towns are considered to be impacted by the statewide strategy.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that would be done through the Department of Environmental Protection.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

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REP. O'NEILL (69th):

Thank you, Madam Speaker.

Is -- is there any sense of what the standard is? Is there a -- a common theme for the towns that are in the list, in terms of the amount of impact which they will experience?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I would assume that that would be determined by the test results, in conjunction with the Department of Agriculture.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

So does that mean that every town in the State of Connecticut is going to undergo this type of testing?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I do not believe so.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Okay, and then do -- do we know is there a -- a -- sort of a -- something that triggers this besides the test results, for example, something to do with -- I notice there's a lot of discussion about possible funding for abatements and that sort of thing. Is -- is it possible that the, that -- that what's going to be the trigger is the fact that they're called upon to do something at the local level by way of some sort of a pollution control facility? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it's just been brought to my attention that this would be relative to the communities that might have an -- water -- an algae problem in their water, and they would be aware of that.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. And if a community felt that it had a problem, that it was being impacted by the statewide strategy, how do they go about making their desire to participate, if they do have a desire to participate in these consultations and collaborative evaluation? Can they just ask to be made part of it and then they get chosen by the DEEP or -- or not or how do they -- how would they know that they should be part of this collaborative evaluation?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that would be done in conjunction with DEEP, through the chief elected officials of those municipalities. And they would then participate in the strategy group to come up with a plan, and then they would apply to the clean -- through the Clean Water Fund to mitigate the problem.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So -- and -- and then which -- which leads me to my -- my next question. As I read this, at first I thought that there was a strategy,

a statewide strategy to reduce phosphorus and that this group was going to sit and evaluate, collaboratively, that strategy. And then I was wondering perhaps it's their mission to develop the strategy.

So my question is: Which one is it? Is -- is -- is there a strategy out there someplace or are they, this collaborative -- collaborative evaluation group supposed to develop a strategy?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, their mission would be to develop the strategy, taking into consideration something that would be workable, cost -- and a cost-effective approach for municipalities among other criterias.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Okay, and there seems to be an involvement or a relationship to the U.S. Department of -- or rather

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Environmental Protection Agency. Do they have some sort of standards that we're trying to comply with or do they have a -- a plan of action for the State of Connecticut?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, yes. The EPA does have established standards and -- and they are trying to work through DEEP to get us to come into -- in compliance with those standards, at least with those standards.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Now, I noticed, and there was a little conversation earlier with the Representative from South Windsor, about fertilizer or about manure being spread. And I -- he -- I think he was looking at that from the standpoint of there were a couple of things that are defined. I think there are a couple of definitions here, if I could find them quickly; yeah, if any fertilizer, as defined in 22-111b, and then soil amendment, as defined in 22-111 -- 1aa.

And -- and there's also another thing that can't be

spread that is prohibited, and that is compost that contains phosphate. But there is no, in the statute, at least, no definition of what is compost. So I would ask and I suspect, and especially if there's going to be regulations developed by the Department of Agriculture, do we have a definition in statute that -- elsewhere that defines compost, because I'm not quite sure. I mean, I know that sometimes people consider compost basically all the stuff you throw in the pile that is essentially organic type of material. So my question is: Do we have a -- a definition somewhere else of the word "compost?"

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, the language of the bill does not refer to a specific section, statutorily, but I would assume that we do have a definition of compost and that it would refer to organic material.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Now, this, those items, the fertilizer, the amendment, and the compost are prohibited from being spread in various places, but then there's an exception apparently that applies to golf courses whereby I believe that you are allowed, if I'm reading this correctly, you are allowed to spread these things on golf courses. Am I correct in that?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct. And the reason for that is because, generally speaking, golf courses employ professionals who deal with this type of material all the time.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Well, thank you, Madam Speaker.

And -- and within the amendment before us, the phrase "golf course" is, in fact, defined. And the definition is: Means an area solely designated for the play or practice of the game of golf, including but not limited

to surrounding grounds, trees, and ornamental beds.

And I guess my first question is: What is to stop me from designating my front lawn or back lawn as an area for me to practice playing golf, because Heaven knows I definitely need to practice?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I do not know the answer to that question.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Again, because there are going to be regulations that perhaps might flesh this out -- and hopefully the agency would look at the legislative history here for some guidance -- what is it that -- that -- what is the intent here? What does the Chairman believe is the appropriate limitation on the ability of someone to just designate an area and say, well, this is a golf course because I want to practice my putting?

Through you, Madam Speaker.

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DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I would assume that one would not want to intend to turn their private resident into a -- into a golf course. That's all I can answer, Madam Speaker, through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

So would it be fair to say that when we talk about golf courses and in addition to the definition that's specifically there, it is the intent to not include such things as areas that are not open to other people besides the owner of the property for the purpose of practicing golf?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, yes, that is correct.

This would -- that would refer to public use.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

I'm actually not as familiar with the public versus private golf courses, and I know that there are some that are called "public" and others that are called "private." I -- I think the ones that are called private are still open for use beyond the owners of a private residence and that sort of thing. I -- would it again be fair for me to -- to understand that we're not talking about a private golf course where there's a club associated with it and people utilize that property primarily for practicing golf and that sort of thing?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, the good gentleman a correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Okay. I -- I think I'm done with my questions. I happen to have a -- a couple of areas in my district, Lake Zoar and Lake Lillinonah. They experience substantial algae blooms every year. Algae is a major problem for those lakes, and the addressing of this issue is something that my constituents and the constituents of a place, towns like Newtown that surround these areas, as well, have been hoping to see for a long, long time. And -- and I'm hoping that this piece of legislation will be an important step on the road toward getting control of the phosphorus, which is a primary source of the fuel or the food upon which the algae thrive.

And while there is some evidence that we may in the future look to algae as an alternative fuel, I -- I think that that should be planned a little differently and not be harvested off of Lake Lillinonah and Lake Zoar. So I think that this is a good piece of legislation and plan to support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Dillon, you have the floor ma'am.

REP. DILLON (92nd):

Good afternoon. Thank you, Mr. Speaker [sic].

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DEPUTY SPEAKER KIRKLEY-BEY:

Good afternoon.

REP. DILLON (92nd):

Through you, a few questions to the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile, prepare.

Representative Dillon, please proceed.

REP. DILLON (92nd):

Thank you.

Just for the record, because I have not seen this amendment before it was called, I -- I want to congratulate on -- on the hard work of the group that -- on the amendment.

But I'd like to know at any time did you discuss the impact of this legislation on New Haven and its environs or the Greater New Haven Water Pollution Control Authority?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it is my understanding that they were not involved in the -- in the active

negotiations.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. GENTILE (104th):

Through you, Madam Speaker, if I could just add? However, it is my understanding that the -- there were individuals there from CCM.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

And just to pursue -- and I really don't want to be dilatory but -- but this could mean a lot to some folks, the -- the meaning of the -- of the language here and the list of towns that are included, just as sort of an asterisk, when I was on the Water Pollution Control Authority as a local official, some of our problems and some of our inability to develop properties along the -- the New Haven Harbor was because of what emptied into the harbor.

For example, at one point we had a problem with cadmium that came, with all due respect, from Meriden, which is on the list. And -- and so what I would just like to know is -- and I don't -- I don't have the ability to

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look behind the methods that were used to develop the list of towns there, but I would like to know if there's a way, does this language preclude another town from getting some assistance from the State for this section?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it is my understanding that -- that, no, it would not preclude any town from getting assistance.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

And although the agency that has the money to distribute would, itself, be creating the standard for -- for who is eligible; would it not?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

I'm sorry. Could the -- through you, Madam

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Speaker -- could the Representative repeat her question?

REP. DILLON (92nd):

Thank you, Madam Speaker.

The methods or the methods for generating the list comes from the agency, which also would mean making funding decisions; is this true?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that would be correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

And does -- is there Chapter 4 language in -- 54 language in here anywhere that would require Regs Review to be able to look at that so that other towns that are not on this list or do not meet the -- the standards set by the methodology of the department, would they have any recourse to Regs Review or anywhere else if they're denied?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

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REP. GENTILE (104th):

Through you, Madam Speaker, on line 7 of the bill -- and this is File Number 377 -- it clearly states the chief elected official of any other municipality impacted.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

And would it be fair for us to conclude that the language "chief elected official" could also encompass their designee?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, absolutely, and that is also in the language of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

And just a quick question about the golf courses,

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the -- and -- and the exemption for golf courses. I guess I'm thinking, for example, of the Yale Bowl and Hopkins School, which are in part of my district. They, I assume, would be held to the language of the bill but the Yale Golf Course would not because it's a golf course?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, the language clearly states solely designated for the play or practice of the game of golf, including but not limited to surrounding grounds, trees, and ornamental beds. So if they would fall under this language, then -- then they would be concluded.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

Well, since there are fields that are solely dedicated to the playing of soccer in our district and there are also fields solely dedicated to the playing of football, I -- I -- I don't think that we can really

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discuss this at length on closing day.

But I -- some of my best friends, you know, belong to golf courses, but I -- but I wish that we had more opportunity to look at this, through you. And -- and I guess I've asked enough, but I do hope that the agency pays attention to the impact on towns, especially those of us on the coast who may be receiving -- on the receiving end of what comes downstream and make sure that we have recourse to the agency's decision.

And thank you, very much, for your responses and for your hard work.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representatively Larry Miller, you have the floor, sir.

REP. MILLER (122nd):

Yeah. Thank you, Miss -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome, sir.

REP. MILLER (122nd):

I have a couple of questions to the proponent of the amendment and the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile, prepare.

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Representative Miller, please proceed.

REP. MILLER (122nd):

The -- through you, Madam Speaker, the towns that are listed in the amendment, those are the ones that are having the excessive phosphorus problems?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

And through you, Madam Speaker, the City of New Haven does an outstanding job with their facility. They've turned it into a power plant, almost; they get their energy to run the operation in New Haven from burning sludge at the facility with a -- a generator. I don't know why -- would they be sent a copy of this or how would they be notified that there is a problem with some communities to get the phosphorus out of their systems? They would have some real knowledge and expertise in this area, and I would hope that they would go to the bigger cities; even Bridgeport.

The -- the gentleman that runs Bridgeport is a pretty

knowledgeable guy, and they can get an awful lot of information from these people, you know, in -- in a very short period of time. So that's -- I'm just recommending they do that.

REP. GENTILE (104th):

Through you, Madam Speaker? I would' --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

-- just like to -- just like to refer the gentleman to line 7 of the bill, the language of the bill. And it clearly states any other municipality.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative --

REP. GENTILE (104th):

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Miller.

REP. MILLER (122nd):

Yeah; thank you. And through you, Madam Speaker, I don't know how much money is left in the Clean Water Fund. And I saw in the fiscal note someplace there was a 17,000 -- \$17,000 or \$17 million cost. Is that money

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available from someplace?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker.

There is \$17 million over the next 9 years that will be put into the Clean Water Fund, through 20-year term, general obligation bonds.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

And through you, have those bonds been put out for a bid or where does this stand?

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

Thank you.

I do have a friend that lives on the Gold Coast, and

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he has a bona fide putting green. Now he's not considered as a golf course; now, how does that affect him?

Through you.

And he has his putting green for like 15, 20 years, so how would that affect him when he -- he buys fertilizer for it?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, the standard would be if he employs a professional to -- to maintain those grounds.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile -- I mean Representative Miller.

REP. MILLER (122nd):

Yeah. Thank you, Madam Speaker.

And just to reply to that, he does hire professionals to do his lawn, so I don't know if they'd qualify.

Thank you.

In lines 53 to 64, through you, Madam Speaker, regarding fertilizers, dropped fertilizers or whatever, they -- after a good rainstorm, this stuff is going to

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leach into any watercourse that's around there, whether it be a small river or creek. I don't even -- why they -- they have this in here. They should just ban it from maybe a hundred feet or a hundred fifty feet from a watercourse.

It seems like that all of these things at one time or another will be leading into Long Island Sound from no matter where it comes from, if it comes from Monroe or that area up there, it -- it will flow eventually into Long Island Sound because it's the -- the rain, a heavy rainstorm, it will leach into the soil and eventually into the nearest creek or body of water that's there.

DEPUTY SPEAKER KIRKLEY-BEY:

Was that a question, Representative Miller?

REP. MILLER (122nd):

Just a statement.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you --

REP. MILLER (122nd):

Thank you, Madam Speaker.

REP. GENTILE (104th):

-- Madam Speaker, even though that was not a question, I would just like to assure my good friend Representative Miller that they've allowed for a 20-foot buffer to stop that from happening. That is written into the language of the bill.

REP. MILLER (122nd):

Thank you.

And I -- I wish a 20 -- through you, Madam Speaker -- I wish a 20-foot buffer would stop it, but it's not going to stop it.

But I thank the lady for her answers, and I thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Shaban, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker.

If I may, a few questions to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative Gentile.

Representative Shaban, please proceed.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Looking specifically in lines 100 through 106 is kind of where my focus is going to be.

I'm curious and -- and -- and the genesis of my -- my questions and/or comments derives from the fact that before I was elected to join this fine body, I was actually the chairman of one of the water pollution control commissions that is listed in some of the literature you've seen. And I -- and I note that we -- and I say "we"; it was a private developer, was sort of a partnership with town -- built a state-of-the-art facility that anticipated and captured phosphorus removal, kind of looking down the pipeline, seeing it coming, and had already spent, for the most part, already spent the money to meet the anticipated guidelines. I'm not sure all that work is done; I know there's always a little bit of tweaking to it.

But -- and I don't think we're the only or we were the only water pollution control commission in that position. So I -- the first -- my first question, I guess, kind of goes to that scenario in -- in Section 3, starting on line 100.

So the construction contract eligible for financing awarded by a -- awarded by a municipality on or after -- and now the new dates, 2012 -- through you, Madam

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Chair, the term "municipality," and I -- is it -- is it specifically a -- a legally recognized municipality under our statutes or has that been or could it be construed to be something broader; i.e., a special taxing district?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, municipality would be defined in current statute.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Well, in -- in the -- the fact matter that I was speaking about previously -- and I know this has happened in other towns as well -- at some point, the developer would form a special taxing district, and oftentimes the water treatment plant would get handed off to the municipality. And that's, in fact, what happened with us.

I'm curious about how or whether under that time line a municipality can take advantage, I guess, of some of these funds; i.e., if the -- the plant becomes the property of the city during the time line here. Would it have to

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be on or after 2012? I mean -- and let me -- let me state the question better.

If the contract starts before 2012 but the hand-off to the town happens after 2012, would they be eligible for the funds?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, I read it as a financing awarded by a municipality on or after July 1, 2012.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And, yeah, I see that's what it says, and may this is sort of one of these gray areas that doesn't loan itself well to the language of a statute; maybe some discretion through the regulator body may help. I don't know. I don't know; that's why I ask.

A similar question: If work is ongoing to meet the changing phosphorus standards, would the latter work; i.e., that happens after 2012, like a new contract or -- or

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additional work to the plant that's done after July 1,  
2012 --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative --

REP. SHABAN (135th):

-- would -- well (inaudible) -- I'm sorry, Madam  
Speaker. Let me -- I -- I stuttered. I'm trying to  
finish -- finish the thought and the question.

Is it just the latter work that would be eligible or since  
it relates to the entire phosphorus removal, would the  
entire effort be subject or eligible for the funds?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, it would refer back to  
the contract.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And also in line 103 -- and thank you for that  
response; I -- I think we're on the same page -- when it  
talks about the project, you'll receive a project grant

of 30 percent of the cost of the project.

Through you, Madam Speaker, how is "project" defined; i.e., is it just the specific engineering and building that is geared toward nutrient removal or does it capture the entire project?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, again, that would refer back to the original contract, whatever it states in the contract.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Well, I'm -- I'm more concerned about what it says in the statute, really, because, you know, as part of building a wastewater treatment plant, you try and capture or -- or remove a lot more nutrients other than just -- or pollutants other than just the nutrients we're talking about here; i.e., standard wastewater. So my concern or my question really is: Is if you're -- if the project is

eligible for funds and the engineering that has gone into that project removes not only phosphorus but other things, is that entire engineering effort and construction effort eligible for the funds?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is the reason for the removal of the word "nitrogen" and the insertion of the word "nutrient," which would cover anything that would be found.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And -- and I'll take that answer and I appreciate it, because I -- I -- I believe that the -- the Chairman is -- is correct and is reading it properly. But, again, for legislative intent, because obviously things kind of fall in cracks sometimes, I'll interpret and understand that answer to be the broader of the scenarios that I mentioned; i.e., it's not just the one,

particular chemical. And I forget. I think we used alum, is my recollection; is it aluminum-something-something that -- that leaches out the phosphate or the phosphorus? But it's the engineering with the entire wastewater treatment that could be eligible for the funds. So I -- I -- I appreciate that response, and I thank -- I thank the Chairwoman for it.

The last question or line of questions, similar -- so with -- with our wastewater treatment plant, as with many in the State of Connecticut, you don't necessarily capture runoff. So when -- if they're using fertilizer or there's, you know, phosphorous being used in -- in -- outdoors and it rains, it gets into the water -- it gets into the streams but it doesn't get into the wastewater treatment plant because the stuff that does get in the wastewater treatment plant is sewage. Comes, you know, it's a -- it comes in through a pipe but the basic runoff off of streets and whatnot does not get captured.

And through you, Madam Speaker, if in such a -- in such a system as the one I described if there was work -- and let's assume the system exists, the sewage system exists, but it's modified to capture some of the phosphorous runoff from basic rain -- rainwater -- or coming off a golf course or anywhere else, if that work is done to modify to capture

that runoff, would the plant, as it exists now, step into the eligibility for the funds under this amendment?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE: (104th):

Through you, Madam Speaker.

It is my understanding that that would not be done.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Shaban.

REP. SHABAN: (135th):

Thank you, Madam Speaker.

And -- and may -- if you can amplify that I -- I -- maybe I misunderstood that you're saying the engineering couldn't be done or if that was done they wouldn't be eligible for the funding as this amendment is drafted.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Repre -- Representative Gentile.

REP. GENTILE: (104th):

Through you, Madam Speaker.

It is brought -- been brought to my attention that you would not use that type of source. That

would -- there's a difference between the sewage and the runoff.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Shaban.

REP. SHABAN: (135th):

Thank you, Madam Speaker.

Typically, that's the case, but I -- I know firsthand from having managed -- overseen the construction of the plant that we had that some wastewater treatment plants do, in fact, capture runoff and it's treated before it gets put in the Norwalk River or any other river, whereas the one I was in charge of just treated sewage, just a sort of a more predictable flow rate.

So I -- so I appreciate the response but I'm not sure the -- the facts in the ground are -- are such and -- and if -- if the answer is we're not sure yet and I'm -- I'm fine with that. It's something obviously we could tease out once regulations are adopted.

But I raise the issue again because while we're moving the two -- we kind of move the targets for phosphorous and we're doing laudable work here, I'm going to support this bill to try and help treat phosphorous. I want to make sure that we kind of -- we know what's eligible, what's

not and -- but -- but don't punish the water pollution districts that have done the laudable work already and then are going to find themselves outside of the money so to speak.

So I thank the chairwoman for her time. I intend to support this bill and I thank the Chamber.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark? Will you remark further on the amendment that is before us? Will you remark further on the amendment that is before us?

Representative Mushinsky, you have the floor, Ma'am.

REP. MUSHINSKY: (85th):

Thank you, Madam Speaker.

We will miss you, Madam Speaker, not on the bill, but you've done a wonderful job especially for the children of the state. We will miss you.

But I rise to support the amendment and compliment all sponsors who worked on this compromise. The goal of phosphorous removal is to remove Connecticut water bodies from the federally impaired waters list under the Federal Clean Air Act -- Clean -- excuse me under the federal Clean Water Act and at present it is an expensive proposition for towns, including my own, to remove phosphorous to the

levels needed to stop algae blooms.

So this amendment, on which many good legislators worked together, supports a collaborative approach to a solution which will likely be both technical and financial.

It authorizes 30 percent grant for towns for phosphorous removal. We made that change in the Environment Committee on behalf of the affected municipalities and it regulates the smaller quantity of phosphorous that comes from nonpoint sources mainly homeowner applications to lawns.

So this is a -- a well done compromise, a well done combination bill. I want to thank the sponsors for their work and urge everyone's support for the bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Miller, you have the floor, sir.

REP. MILLER: (36th):

Good afternoon.

DEPUTY SPEAKER KIRKLEY-BEY:

Phil Miller, you have the floor, sir.

REP. MILLER: (36th):

Good afternoon, Madam Speaker.

And before I speak on the bill I'd -- I'd like to just say thank you for all your good work. Last week I was at the Early Childhood Alliance gathering when they honored you with the lifetime achievement of Children's Champion and that means that the work that you've done is a really good base going forward and thank you so much that you've been a great champion on behalf of our young people who are our future.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

REP. MILLER: (36th):

I'd like to comment on the bill. I -- I think it's a good bill. Generally speaking this bill is about water and I know that sounds simple. Water in our state is regularly tested. Throughout our state our health districts, we've got I think 29 regional health districts and the city and town health districts, test water.

They test typically after precipitation events. They test outflows to make sure that what's coming off as runoff is rather just clean rainwater. Unfortunately sometimes in that testing we find other things that should not be in the water column. People earlier were questioning and were referring to unfunded mandates.

I think that confusion might go back to the federally

mandated storm water program which is an unfunded federal mandate that's been with us for a number of years now. Many of our 169 towns and cities have voluntarily been way out in front in coming into compliance with the storm water standards which include a huge list of best practices such as regularly cleaning out catch basins to allow for good drainage when we have these events and also to uphold public health to limit mosquito breeding and other dangers to public health.

And when we talk about water pollution people today were asking about source point pollution and non-source point. Source point is where you can see like a pipe from a sewage plant or a pipe from a storm drain that goes into a body of water that can be analyzed and tested. The more insidious problem that we have here in Connecticut is with non-source point pollution, things that we really can't see and typically throughout Connecticut the non-source pollution that we have comes from poor practices in lawn care and other things and it's a nutrient rich pollution.

Part of the origin of this bill comes from some proponents who are from the northwestern corner of our state where there's many venerable old fresh water lakes which are filled with history. Many of these lakes were the origin of the wooden boat industry for example and many

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of these lakes and ponds in northwestern Connecticut and throughout our state are being overburdened by nutrient rich pollution and that typically are things that are applied to lawns and chemicals that run off of our roads, acidic compounds that get into our storm drains and get into our water.

When we test water --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative, could you hold it for a minute?

REP. MILLER: (36th):

Certain, Madam.

DEPUTY SPEAKER KIRKLEY-BEY:

The noise level in here is rising and I'm a little bit hard of hearing so if I can hear you please take your conversations into the hallway or outside the Chamber. The gentleman wants to make his point.

Please proceed, sir.

REP. MILLER: (36th):

Thank you, Madam Speaker.

Typically when we test water and soil throughout Connecticut anyone who does this, whether you're digging up eight or nine spots in your backyard and comingling that soil and sending it to your Ag department or if you buy a professional kit, throughout the great majority of

Connecticut we all have slightly acidic soil and it's just because of the underlying geology, the rocks in our soil, and our water is typically slightly acidic.

When we test for the potential of hydrogen, that symbol you see small p capital h, that gives us an idea of how the water and soil is being used. Earlier questions were also about what do we do about water pollution that comes to us from other states. It's a very good question. Hopefully as we upgrade these protections other states will follow our lead just as we follow other states' leads and we'll all embrace best practices and good standards.

An earlier question also had to -- was asking about the 115 professional golf courses we have in this state as well as agricultural lands. It's widely thought that the highly trained professionals who treat golf courses and agricultural lands are typically well trained enough that they know -- they're judicious in their use of chemicals and they --

DEPUTY SPEAKER KIRKLEY-BEY:

Now I've asked you once to please be quiet and take your conversations outside. The noise level did not go down so please on both sides of me cool it.

Representative, please proceed.

REP. MILLER: (36th):

Thank you, Madam Speaker.

In summation too the professionals who typically take care of golf courses and agricultural lands tend to be better trained and more judicious in their use so they're typically not thought to be the problem. It's the average lay person who will typically over apply substances to their lawns which will wash off and get into the storm drains and ends up in our water courses.

It is normal that every spring as the days get longer and there's more sunlight we do experience some algal blooms naturally in our ponds and lakes but when we see these in the late summer and fall we know that something is amiss. That this nutrient rich pollution does create life but it's not the kind of life that is beneficial to the ecology of our ponds and lakes. It creates these algal blooms and as they decompose they use up the dissolved oxygen in the water and then it's not as hospitable an environment for the natural flora and fauna that exists.

And we were also speaking earlier on the buffers of 20 feet from a water course. That's a very, very conservative distance. Most proponents believe that we should have a much greater distance as Rep -- the distinguished Representative from Stratford earlier said of greater than 20 feet. Many local municipalities prefer

50 to 100 feet and they also ask people with progressive practice to keep a buffer on the edge of the wetlands. It also helps with unintended guests like the Canada geese which befoul so many ponds and lakes.

The -- for a long time we've known that excess nitrogen in our water column is not good for the fresh water lake and pond ecology and in recent years we've found that phosphorous is a big problem. A number of municipalities, as has been mentioned, have spent millions of dollars upgrading their systems and this bill acknowledges that and I think creates a good working coalition.

And the final point I want to make is that we do have outdated infrastructure. One of the reasons the earlier bill we passed, the Sewage Spill Right to Know, is that a lot of our storm and sewage infrastructure throughout our state is of an older generation and needs to be upgraded. It's estimated that in the next 20 to 30 years we are probably going to have to invest up to \$5 billion to replace this aging infrastructure.

It's much worse in New York, of course, but with these efforts this is a very good start to this and I would urge support of this bill. It's been vetted by both sides of the aisle and I thank the distinguished Chair Lady of Planning and Development for so well presenting this

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issue.

And thank you, Madam Speaker, and again thank you for your many years of service to Connecticut.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Thank you for those kind comments.

Will you remark? Will you remark further on the amendment that is before us? Will you remark further on the amendment that is before us?

Let me try your minds.

All those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

Those opposed nay.

The ayes have it. The amendment has been adopted.

Will you remark further on the bill as amended? Will you remark further on the bill as amended?

Representative Gentile.

REP. GENTILE: (104th):

Thank you, Madam Speaker.

Before closing and voting on this bill, before I say this is a good bill, it ought to pass, I just want to take this opportunity to say goodbye to you. I will miss you. You've been a good friend and I will miss sharing our little

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stories of our families and I will especially miss admiring all of your beautiful jewelry.

May you enjoy your retirement, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, thank you very much.

Will you remark further on the bill as amended? Will you remark further on the bill as amended?

If not, staff and guests please come to the well. Members, take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call.

Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted?  
Have all members voted?

Please check the board to see that your vote has been properly cast. The machine will be locked.

Have all members voted? Please check the vote --

Representative Genga, for what reason do you stand, sir?

I have to close the machine out sir, hold on. The machine will be locked.

Representative Genga, for what reason do you stand,

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sir?

REP. GENGA: (10th):

Madam Speaker, my button is green but my button is not lit up on either board.

What are you guys doing to me? This is Donovan's last stand.

DEPUTY SPEAKER KIRKLEY-BEY:

We're making sure you're awake, sir.

REP. GENGA: (10th):

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

The Clerk will prepare the tally.

The Clerk will announce the tally please.

THE CLERK:

Senate Bill 440 as amended by Senate "B" in  
concurrence with the Senate.

Total number Voting	150
Necessary for Passage	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

DEPUTY SPEAKER KIRKLEY-BEY:

The bill passes in concurrence with the Senate.

Are there any announcements?

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
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1024 - 1366**

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know CCM, I know COST and others are aware of this so hopefully that will take place in a relative short and quick process so it -- you can move forward.

You know I'll say it again time expands to fill the time available to complete it. If we disstated -- decided today that we're going to do this in three months it would be done. If we want to wait until the deadline, we can wait a year and putz around and nothing is going to happen. So I think we should be aware of that and hopefully get together and get going on it.

Thank you.

Thanks, Ralph.

Mark Boughton and then Robert Beaumont.

RALPH ENO: Thank you all very much.

SENATOR CASSANO: Thank you.

Mark welcome.

MARK D. BOUGHTON: Ladies and gentlemen of the Committee, good morning. I'm Mayor Mark Boughton from the City of Danbury. Mr. Chairman, good morning, it's great to see you. Word of -- word of your intellect, your wisdom and your courage even reached the great City of Danbury so I appreciate the opportunity to be here today.

Ladies and gentlemen I'm here to speak in support of Senate Bill 440 which is in front

of you in terms of the public hearing. I'm here to speak in support of it but I do have some things and some issues that I'd like to point out to you regarding this bill because frankly the issue of phosphorous removal from our local cities and towns and municipalities across the state is probably the largest unfunded mandate ever placed upon any municipality in the history of Connecticut.

And while we, all of us, the 30 communities that are impacted by being able to use Clean Water Funds as a grant to help upgrade our plants to remove phosphorous from our waste streaming plants, the dollars that the bill make available are relatively insignificant when you consider the tremendous costs that are associated with the required plant upgrades for all of the communities that are impacted by this regulation.

So let's make no mistake about this. Should DEEP insist that cities and towns comply with what amounts to an ever-changing, ever-evolving, amorphous standard of phosphorous removal, the resulting capital expenses will result in rate increases that will serve as a job killer. A job killer to many of our businesses and will serve as a catalyst for future home foreclosures as residents will struggle to pay for the cost of the service to their home.

To give you a couple -- just a couple of bullet points of background. Danbury's wastewater treatment plant is a regional facility. We serve the City of Danbury, Bethel, parts of Newtown, parts of Brookfield

and parts of Ridgefield. Currently we're discharging, there's a little bit of a science involved here, .051 mg which is well below our current permit of 1 mg in terms of the amount of discharge of phosphorous.

The proposed new level of phosphorous discharge is .01. That's a ten times reduction in phosphorous removal. The cost to achieve the level from our plant is over \$35 million. That's right to go from .051 to .01 we're going to cost the City of Danbury \$35 million. And I guess our biggest concern is that there's no cost benefit to this kind of upgrade.

Should we remove -- let's say for example just for the sake of conversation that we can remove every bit of phosphorous from our discharge, according to the own -- DEEP's own study provided to us, we would only be removing 12 percent of the targeted phosphorous in the Housatonic River. So why don't you think about that. Thirty-five million dollars for us to leave 88 percent of the targeted phosphorous in the river of which 50 to 60 percent of that phosphorous comes from what we call non-point sources, i.e., things like fertilizer and other materials that are put into the river that have nothing to do with our city.

The rest of the phosphorous comes from Pittsfield, Massachusetts. Now we can't tell Pittsfield, Massachusetts to clean their phosphorous but we can order the City of Danbury to do that and the fact of the matter is we're not going to have any beneficial

impact to the water quality once we're done doing this even if we remove everything which obviously we're not able to do.

Our waste streaming plant also discharges into the Still River which is a local waterway. The proposed limits for phosphorous removal is unlikely to reduce any ambient nutrient levels to a concentration that will improve water quality either. And ladies and gentlemen I want to remind you this comes from DEEP's own study of what would happen if we were to comply with these regulations.

So as you can see for us to spend \$35 plus million on plant upgrades which is money we don't have and not have a discernible impact on water cal -- quality is a breathtaking waste of taxpayer money in good economic times and is absurd given the economic challenges that our cities and towns across Connecticut are facing right now.

Businesses and residents are reeling from the economic crisis of the last four years. Infrastructure costs that would be required to upgrade the 30 communities will result in rate increases in Danbury that will mean a 67 percent increase in their sewer rate, 67 percent. Now you go tell Boehringer Ingelheim or you go tell one of our major employers in the City of Danbury that employs thousands of people that we're going to raise your sewer rates by 67 percent. That amounts to hundreds of thousands of dollars per year in terms of the costs that they would have to pay.

In addition because the City of Danbury must

put its full faith and credit to back the revenue bonds that would be issued to do the work, we're going to be stressing our debt load to unprecedented levels. That stress means that we're not going to be able to borrow for other needed things like schools, roads, bridges and other needed wastewater plant upgrades.

So I guess the question is really why are we doing this? Why are we even having this discussion? The new requirements are not about public safety. Nobody's going to get run over or going to get hurt because we -- we didn't take the new phosphorous limits out of our wastewater discharge. They're not an impending emergency. There's no health emergency, there's no safety emergency and there's no -- no impact to the general welfare of our residents.

Nothing is threatened if we were not to meet these goals that are being set by DEEP and the EPA. So I believe that these requirements are simply a case of good intentions gone awry and really nobody considers the cost until this train has already left and it's become too late.

So let me just kind of give you a quick warning. DEEP will blame the EPA for these new regulations. But I would argue to you that many other states are facing the same kind of mandates from the EPA and they have found alternative strategies to reduce phosphorous discharge and have had a positive impact on their environment and have kept an eye towards the cost benefit of what those

upgrades would be.

So today I urge the Commissioner of DEEP and his staff to work with the EPA to promulgate regulations that consider the economic conditions that we all face to develop phosphorous limits that are achievable, that are reasonable and, of course, if we do all that, we won't need to use money out of the Clean Water Fund to be able to do those upgrades.

And certainly Danbury supports the legislation as proposed but the reality is that the proposed requirements are a waste of both taxpayer money at the state level and local taxpayer money at the local level which neither of us can afford to waste at this time.

So with that I appreciate your indulgence and your time. Mr. Chairman it's good to see you. Keep up the fantastic work.

SENATOR CASSANO: Representative Smith.

REP. SMITH: Thank you, Mr. Chair.

And Mayor it's great to see you. Having been born and raised in the great City of Danbury it's always good to see a fellow representative up here in Hartford so we welcome you and -- and glad -- I'm actually glad that you did come up and testify because I was not aware of the impact that this would have to the city and it sounds ludicrous to me that to require our city to spend \$35 million with no appreciation of -- or no appreciable

benefit to the water and to the -- and there's no hazardous cause or concern that we might have. So you raise a very fair question, why are we doing this?

And it's -- it's I guess the question -- obviously we want to have as clean water as possible but to the extent that we punish our cities in -- in proposing legislation like this I think we have to look at this very deeply and again thanks for the input. Thanks for the information and I'll be happy to follow this closely with you as we work this through the process.

Thank you, Mr. Chairman.

MARK D. BOUGHTON: Thank you, Mr. Chair and if I could just add on that very quickly with your indulgence. Just so everybody's clear, we are -- there's 30 towns that have met this morning. We are working together cooperatively and we really expect this to be a huge issue over the next year and a half as cities and towns try to struggle to meet this new mandate that's being handed to us, both at the federal level but also at the state level.

We expect our state and DEEP to go and fight for us to be able to achieve levels that are reasonable. We certainly want to do be good stewards of the environment but also that makes sense in terms of what's the cost benefit of actually doing these kinds of upgrades. So you'll be hearing more about this issue and I appreciate your time.

SENATOR CASSANO: Thanks for that add-on, it's

helpful.

Anyone else?

Seeing none, again thanks very much, good to see you.

MARK D. BOUGHTON: Thank you, Mr. Chairman.

SENATOR CASSANO: Robert Beaumont and then Garry Brumback -- Brumbuck.

ROBERT BEAUMONT: Good morning. I'm Bob Beaumont, the chairman of the Wallingford Public Utilities Commission and certainly want to thank you for the opportunity to present testimony today with regard to Senate Bill 440.

As the Mayor of Danbury said you know this is an extremely important issue related to the reg -- regulation of phosphorous discharges. The Town of Wallingford supports the intent of Senate Bill 440 with the idea of providing additional funding for the construction of the projects for phosphorous removal.

However, given the staggering costs that many Connecticut cities and towns would bear in complying with the phosphorous limits as are currently proposed by the Department of Energy and Environmental Protection, we do not believe that S.B. 440 goes far enough in funding the costs of compliance with these proposed standards.

In addition S.B. 440 fails to address the need to develop more workable, cost-effective

approaches to the goal of reducing phosphorous levels in our rivers and streams without imposing crippling costs on our communities. Current wastewater treatment plants are not regulated for phosphorous levels in their effluent. The DEEP is in the process of developing the -- the draft permits with new limits for phosphorous for the operators of the treatment plants. We understand that these requirements are, of course, driven by the U.S. EPA.

The DEEP maintains that for certain rivers and streams in Connecticut, and it is just that, it is certain rivers and streams, it is not all of them such as the Connecticut River is not impacted by -- by this proposal, that the phosphorous levels are considered to be the primary cause for streams failing to meet their designed -- excuse me their designated classifications.

And we've been through nitrogen in the past that has been -- you know there's been money that a lot of the towns have spent to mitigate the mi -- the amount of nitrogen that gets put into the streams through our effluent, now it's phosphorous. The concern also is what next and that doesn't specifically speak to this particular bill that -- that we're talking on today but that is a concern. Is it going to be metals? Is it going to be pharmaceuticals? Where's -- where is it going from here?

Now it is important to note that the elevated phosphorous levels in streams and rivers do not, that we know of, pose a direct hazard to

public health. So it comes down to at what cost do we do the mitigation. There are some 45 entities throughout the state that would be impacted by this, not just municipalities but there are -- there are several other entities also.

For the Towns of Wallingford, Cheshire, Southington and Meriden in the Quinnipiac River Basin, compliance with the proposed permit limits would require a total capital investment of some 58 million. There'd be an increase in plant operating expenses estimated at 1.9 million per year. Result in rate increases for these four towns would be in the range of 23 to 40 percent.

For Wallingford alone the capital outlay would have to be somewhere in the range of 19 million and this would result in a 32 percent rate increase for our customers, who I might add are also the owners of our utility because it is municipal.

Now in addition to the staggering cost for compliance with the proposed limits, we believe there are several problems with the DEEP's approach to the issue. In our opinion the DEEP has not clearly defined the expected improvement in water quality that would be achieved as a result of their proposed significant reductions of phosphorous.

The DEEP has indicated that the phosphorous levels for all permits in this five year permit cycle are to be considered interim and I stress the word interim because they may impose stricter limits in subsequent

permitting cycles. Now as you might imagine for any town facing huge costs for compliance with the currently proposed limits such uncertainty is totally unacceptable.

Thirdly the DEEP has acknowledged that non-point sources are contributors of phosphorous loading in Connecticut rivers and streams. However the DEEP is choosing to target only the NPDES permit holders. It has not developed or promoted a comprehensive program to curtail non-point sources.

We therefore urge the lawmakers on this Committee and all the lawmakers to assist us in developing and implementing a more workable, cost-effective approach to comply with EPA standards. To really seriously do a cost benefit analysis what are the dollars that are going to be invested. What is the benefit that is going to come from our communities and the other communities along these various rivers?

In addition we urge lawmakers to also support an increase in the funding level for phosphorous removal project grants to 100 percent of the cost of the project and the creation of a specific set-aside within the Clean Water Fund sufficient to fund all phosphorous removal program -- excuse me projects required pursuant to the DEEP imposed permit limits.

We welcome any support that your Committee can provide us in developing the reasonable compliance alternatives and/or providing full grant funding support for phosphorous

projects.

We thank you very much. If anybody has any questions I'll be happy to --

SENATOR CASSANO: Representative Ritter.

REP. RITTER: Yeah thanks and just -- I mean thank you, Mr. Beaumont. I -- I do have a question I just want to start with. I mean the state, and I (inaudible) you're testifying in favor of this by the Mayor alluded to it, the state is assisting towns, be clear. It's a U.S. EPA mandate.

ROBERT BEAUMONT: Yes sir.

REP. RITTER: We're given access for this removal -

ROBERT BEAUMONT: Correct.

REP. RITTER: -- to the Clean Water fund which is currently not permitted by (inaudible) grant and a low interest loan. So the state can be applauded for having this bill and trying to work with the towns to address it on our end.

I guess my question is if someone from United States Environmental Protection Agency or if we get one from DEEP who testifies, and I keep hearing it's not a public -- no threat the public safety.

ROBERT BEAUMONT: Um-hum.

REP. RITTER: There's nothing discernible that you guys have determined that would be -- would be

helped or aided by this removal of phos -- phosphorous. And all skepticism of government aside, particularly the United States EPA if that's your view, but they may come and say there -- there has to be something that made this regulation come. Something is happening in our waterways, something is happening to aquatic life, one must assume, that made them come out with this regulation.

So if you could just put the hat on from U.S. EPA for a second and just give us maybe their side or if someone could testify to that, why did they come out with this regulation? I assume it wasn't to be punitive to -- to municipalities and -- and take their money and make them spend it somehow, so --

ROBERT BEAUMONT: I'm sure that was not the reason for it. But as to why, I think they're -- they're looking at what they perceive as a problem. There have been problems that have been noticed in various stream basins throughout the country where there -- where some of these nutrients, in fact, are construed to have cause issues.

Where in the case of phosphorous what they're looking at in the non-tidal sections of the rivers are such things as algae blooms. What they're hoping to be able to do is to prevent that with the idea of having a better quality of water downstream. Once it gets into the tidal area, it is not constructed to be an issue with respect to phosphorous. Not so with the predecessor which was -- which was nitrogen.

So I'm not saying that there isn't a reason for doing something. What I would suggest, however, is that perhaps what needs to be done is to do more testing perhaps than what has been done already. My understanding is that there have been 78 -- there are 78 different locations looked at within the State of Connecticut in some of the -- in the various rivers that have gone into some of the modeling that the DEEP has done.

In ad -- of those 78, my understanding is that there are only two points -- two -- two samples that were taken from the curr -- from the Quinnipiac River Basin. Now I grant you the Quinnipiac is not a long river and I'm concerned not just for the sake of the -- those -- those communities along the Quinnipiac but, in fact, on all the rivers that would be affected by this.

I guess what I would be interested in seeing is, if you will, a cost benefit analysis. What are the benefits that are going to be reaped by a reduction? Now there are -- there are some of the towns that -- that have been discussing this with the DEEP and one of the things that, you know, we have made a suggestion to them that there are less expensive means to get started in this direction whereby we could remove perhaps as much as, in the case of Wallingford, 69 percent of the poundage of the phosphorous at a comparatively reasonable investment on our part.

Given that we could do this, and that some of the other towns could do this, what would the

impact then be on the down -- on the river at that point? You know we don't have an answer on this and this is something that -- that is -- that we would have to take some time, take some studying once there have been some investment made.

But to go, if you will, from where we are today to perhaps, in Wallingford's case, all of sudden have to spend 19 million for a questionable benefit, I'm not saying there wouldn't be a benefit, but a -- for a questionable benefit, I think it's an awful lot to ask. And very candidly, you know, I mean even though it -- it may be -- monies might be coming from the Clean -- Clean Water Fund or various other sources, one way or another it's still our tax dollars, whether it's Wallingford's tax dollars, whether it's your tax dollars or, you know, through -- throughout the country.

That's what -- you know what needs to be done, I believe, is to take a look at this. What is reasonable, what is cost-effective, what is the benefit? And I'm not doubting there may be a benefit but what is the magnitude of the benefit? It is not health-related that we know of at this point. It is not safety related as the previous speaker mentioned but what is that benefit?

REP. RITTER: Okay, thank you.

Thank you, Mr. Chairman.

SENATOR CASSANO: Other questions?

All right seeing none, appreciate your testi -  
- oh I'm sorry, Representative Candelora.

REP. CANDELORA: Thank you, Mr. Chairman.

And thank you, Mr. Beaumont, for coming to testify on behalf of Wallingford. I just had one question. In part of your testimony you do talk about the permitting limitations of being pounds per day --

ROBERT BEAUMONT: Um-hum.

REP. CANDELORA: -- and how that sort of pigeonholes I guess the -- the capacity that the plant would be able operate in. Are there suggestions of -- of maybe a better approach of how to, you know, offer limitations for phosphorous discharge?

ROBERT BEAUMONT: Right currently the plant in Wallingford has a capacity of 8 million gallons per day in terms of being able to process sewage. Currently our level of operation, our average that we process through there, is in the range of 5.3 million gallons per day. If we go and develop a system that will go ahead and get us down for sake of argument to .2 parts per million, which is what has been proposed potentially, now we have not seen a draft permit, we've not seen a preview of this at -- of -- of any sort at this point, but it is thought that it would be in that range.

If we do it at .2, that being based on the 5.3 million gallons per day discharge today, we are going to be limited in what our growth is

going to be because that is going to -- you know we're going to be limited to whatever we're putting out today. Not being able to take advantage potentially of -- because of growth in the community of being able to handle a larger population, and going to -- closer to the capacity of our -- of our treatment plant, to get to the -- be able to handle 8 million gallons per day with, you know, full -- full discharge permit limit, we'd be talking somewhere in the range of .11 parts per million which is, you know, significantly greater which gets us to why we -- if -- where the \$19 million figure comes from as far as what we would have to invest to be able to get it.

And that would then limit us, you know, to whatever the capacity of the plant is. But as it stands right now, if we were to take it just on the face of it at the -- you know, based on the current flows, we would be limited pretty much to a no growth syndrome. Not that I'm necessarily looking for growth but I would like to see more people come to Wallingford and -- and enjoy our town.

REP. CANDELORA: Thank you, I appreciate that and it's also I guess not lost on me either about the -- the stream flow regs that we had passed last year and the impact that that has, the cost that it's --

ROBERT BEAUMONT: Yeah.

REP. CANDELORA: -- put on these utilities and I -- I wonder too if, you know, what the benefits are from that and -- and maybe we should look

at will that impact the amount of phosphorous in these streams if we're releasing water as well into those new stream flow regs.

ROBERT BEAUMONT: Well one of the things we do here we do use phosphorous in our water treatment. So that any of the water that is -- that -- that we -- I could not take water out of my water treatment plant, as it comes out of the water treatment plant, and dump it into the Quinnipiac River, or any other river for that matter, and be able to meet the standards for whatever the effluent is. That's not to say that it's not drinkable or anything like that but it does not meet the standards that are necessary chemically to go into the river.

But, you know, that's -- that's one of the things that -- you know one of the thing -- one of the elements or one of the compounds that we use are -- you know would be phosphates to help with the treatment of our water.

REP. CANDELORA: Okay, thank you.

ROBERT BEAUMONT: So that -- you know this -- there are just a lot of things altogether and I very honestly think that we really need to look at this holistically, not just looking at nitrogen as we have in the past, not just looking at phosphates as we are now, but taking a look at the integrated whole across the spectrum and saying look what is really neces -- what are these -- what are the various impacts.

By taking out X amount of nitrogen what impact

is -- has -- has that had since these samples were taken prior to the implementation of ni -  
- of the nitrogen mitigation? Okay what -- what is it going to take -- you know what is the impact going to be as we take out phosphorous? What is the impact as we maybe take out metals? What is the impact if we take out medical waste, et cetera, et cetera?

You know there are an awful lot of things that need to be looked at and I think to go ahead and just target one at a time it may not necessarily, and I don't -- not speaking from the point of view of a scientist, but I'm saying -- I'm trying to be logical. You know these are all interrelated. I think they'd better be looked at in that manner.

REP. CANDELORA: Yeah absolutely I appreciate that. Especially that, as you point out, we're not addressing the -- what was the term the -- the non-point --

ROBERT BEAUMONT: Right.

REP. CANDELORA: -- sources which probably has a greater impact than -- than our 35 plants in Connecticut.

ROBERT BEAUMONT: It certainly has a significant impact.

REP. CANDELORA: Thank you.

SENATOR CASSANO: Are there other questions?

Seeing none, thank you. You've been very helpful.

ROBERT BEAUMONT: Thank you very much for your time.

SENATOR CASSANO: Garry Brumback and -- and then Senator Roraback and Senator Hartley.

GARRY BRUMBACK: Good morning and thank you very much for the opportunity to provide some testimony this morning. My name is Garry Brumback. I'm the Town Manager for Southington and the Town of Southington supports S.B. 440 in authorizing amounts in the Clean Water Act to be used for phosphorous removal and we're grateful for your consideration.

However as my predecessors have also stated, while this is a -- a help in a very expensive enterprise, it is a -- at best about a third of what is a -- an extraordinary expense for what we consider to be questionable gain. Currently the municipalities are facing an unfunded mandate and you've heard from both the Mayor of Danbury and Mr. Beaumont from Wallingford. Southington's impact is about \$18.5 million and again about \$1 million a year operating costs after that.

We believe that we can make, and we believe it is our responsibility to make, an effort at improving the Quinnipiac River and are prepared to spend tens of thousands of dollars in order to do that. Where we're struggling is the idea of spending 18 and a half million dollars and \$1 million a year when right now the end state of the desired outcome for the river is still subject to question.

That amount of money for an interim solution doesn't seem like an appropriate use of taxpayer dollars despite the fact that the state is willing to contribute through the Clean Water Fund up to 30 percent. We believe that a state-wide approach and strategy to this would be beneficial to all concerned.

We recognize that looking out at the Quinnipiac in our specific case, but into all of the waterways in the State of Connecticut holistically across all contributors of phosphorous to those waterways, would be a much most cost-effective and, quite honestly, outcome affected solution. We believe that the permit limits that are being proposed right now, aside from being extraordinarily expensive, are also going to do similar to what Mr. Beaumont said for Wallingford it's going to eliminate the capacity that our citizens have already paid for in our waste water treatment plant and stump our growth at its current state.

So there are more than just the economic effects, although the economic effects are staggering, there are more than just the economic effects of having these proposed limits again given the fact that they are a) interim and b) the outcome that they are desired -- that they -- we are desiring is fuzzy at best or undefined at worst.

Our approach, we believe, that would be more effective is a state--wide approach. We believe again that we want to be participants in the recovery of the Quinnipiac River and

can do so and still be financially responsible. We believe that we can assist in developing and implementing a more workable strategy and are prepared to do that from both the town perspective and a scientific perspective.

However if the EPA and the state believe that this is the only step that is acceptable in the short term, then they ought to bear more of a burden than the 100 -- than the 30 percent and we would support an increase in the funding level for phosphorous removal project grants to 100 percent of the cost of the project in the creation of a more specific set-aside within the Clean Water Fund because we all know that there are more projects that compete for Clean Water Fund than the resources that are available. So set aside enough money sufficient to fund all of the phosphorous removal projects in the amount of 100 percent.

I'll be happy to answer any questions.

SENATOR CASSANO: Questions? Representative Smith.

REP. SMITH: Thank you, Mr. Chair.

And good morning, sir.

GARRY BRUMBACK: Good morning.

REP. SMITH: My colleague earlier stated that, you know, the state is helping to fund some of the costs of this cleanup but what I'm hearing from you and some of the others who have testified before you is that that's only

really a partial funding of the actual project and it's going to cost the towns and the cities who are involved in this cleanup a significant amount of money. Is that accurate?

GARRY BRUMBACK: Yes sir it is. And -- and I don't want to come across as ungrateful. We appreciate the state's support but 30 percent of a -- of an \$18 million project is \$6 million. That still leaves the little Town of Southington with twice as much of the burden than the state's willing to pick up. So yeah \$12 million impact to us is substantial.

REP. SMITH: And assuming this bill were to go forward and pass out of the House and Senate, where would that money then come from?

GARRY BRUMBACK: It would come from the ratepayers. We would have no choice but to pass this on to the current ratepayers.

REP. SMITH: So the ratepayer would ultimately be me, you and anyone else who lives in the prospective towns.

GARRY BRUMBACK: Yes, that is correct.

REP. SMITH: So really what we're doing I guess in my mind is -- is creating an unfunded mandate to be pushed on to the towns who would then push it on to the citizens of this great State of Connecticut and its -- you know while we're trying to help in some regard in -- it seems like on the other foot we're -- we're actually hurting people in our effort to help people.

So I appreciate your testimony today and thanks for the input.

GARRY BRUMBACK: Pleasure, sir, thank you.

SENATOR CASSANO: Anyone else?

Let me just -- brief comment and maybe some reaction. Historically we have basically under-funded the wastewater treatment plant program. The feds had it at one time and turned it over and we went to the long program and so on. The wait list is long. My real concern, and I want to know if this is a concern that the municipalities share today, is that on top of the wait list and -- and the lack of funds for wastewater treatment upgrades, now to add this to it at 30 percent -- I -- with no guarantees for future funding in either program, I see ratepayers taking a -- a serious hit.

GARRY BRUMBACK: Yes sir that's -- that's completely and totally accurate and I can speak certainly for Southington but I know well from -- from Cheshire, Wallingford and Meriden with whom we have been working that we're all undergoing facilities upgrade. We've got aging infrastructure. It is time for us to do the right thing by our wastewater treatment plants. That cost in and of itself is extraordinary.

SENATOR CASSANO: Right.

GARRY BRUMBACK: This is a significantly greater burden that we have no choice but to just pass on.

SENATOR CASSANO: I know historically at -- at one time I think we got two-thirds of the money for -- the upgrades came from the federal government then we went to less than that and then we went to the state loan program and so on but it's always going down and now we're adding another burden to it. I -- I can share your concerns here. So I appreciate your testimony.

Thank you.

GARRY BRUMBACK: Thank you for your time.

SENATOR CASSANO: Senator Roraback? Pass on -- I know he was here earlier and had to run out for a second so Senator Hartley. I believe that Kathy McNamara and Denis Cuevas were supposed to come up with Senator Hartley.

KATHLEEN McNAMARA: Good morning, Mr. Chairman and distinguished members. I'm Kathleen McNamara. I'm the City of Waterbury's Grants Administrator and it is my pleasure to appear before you as a representative of the office of Mayor Neil O'Leary. Today I'm voicing support for Raised Bill 440, AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHOROUS REMOVAL.

In the last several years U.S. EPA has devoted increasing attention to the reduction of nutrients, nitrogen and phosphorous by wastewater treatment plants in order to address what they consider excess nutrient levels that impair water quality in lakes and U.S. coastal waters. In fact nutrients,

although necessary to support biological life, are also considered pollutants by EPA under the Clean Water Act.

It's U.S. EPA that has mandated states establish numeric nutrient criteria that limits phosphorous in all wastewater discharge permits. And I might add that a number of states have been facing lawsuits from third parties for the immediate imposition of those numeric nutrient criteria and that has made this case much more immediate.

While some may debate the levels of allowed discharge, whether it's .7 milligrams or .2 milligrams, it is clear that the federal imposition of numeric nutrient criteria is not going away and that it will be extremely costly to the towns and cities of Connecticut.

In the case of Waterbury we're facing in excess of \$45 million and we are the second most depressed city in the state. Similar concerns are being raised by communities all around the country as they face gigantic bills for upgrades -- upgrades to relatively new plants whose initial construction is often not yet paid off. And in the case of Waterbury we're still paying the bill for our initial construction of \$100 million wastewater treatment plant.

When the original language in 22a-1278(c)(3) was drafted, phosphorous was not the concern it is today. Consequently phosphorous removal was not included as an eligible project for Clean Water Fund monies. Addition of language to make phosphorous removal eligible would be

helpful to cities and towns in Connecticut and as previous speakers mentioned it would be -- I would also support the fact that it would -- it would be better if that percentage was raised from 30 percent so that we could access the highest level of grant funding.

The City of Waterbury therefore asks support for Raised Bill 440.

DENIS A. CUEVAS: Denis Cuevas, I'm the general manager at Water Pollution Control, City of Waterbury. Thank you for the opportunity to testify before this Committee on behalf of the City of Waterbury Water Pollution Control Department. The City of Waterbury is in favor of S.B. 440 to assist in the capital improvement costs associated with the state Department of Energy and Environmental Protection Plan to limit phosphorous discharge for the City of Waterbury Pollution Control Facility.

The changes in S.B. 440 to the Clean Water Fund that include phosphorous removal projects will help the city in covering some of the costs associated with meeting the DEEP's proposed phosphorous limits. The City of Waterbury Pollution Control Facility is the fourth largest wastewater treatment facility in the state and is the largest facility along the Connecticut River that will be required to meet the proposed phosphorous limits.

This facility serves Waterbury, Watertown and Wolcott and parts of Naugatuck, Prospect and Cheshire. As the largest wastewater facility on the Naugatuck River, the Water -- Waterbury

Water Pollution provides the treatment of -- of an average of flow of 25 million gallons a day. Improvements to the facility would include the installation of treatment technologies and operation changes to reduce the phosphorous nutrients with the goal of achieving .1 milligrams desired by the U.S. Environmental Protection Agency which is the lower than -- than the .2 milligrams per liter currently being discussed by the state DEEP.

The capital improvements to the facility will lower phosphorous to .2 milligram level and will result to a 94 percent reduction to the total phosphorous load with a 97 percent reduction at a .1 milligram per -- per liter level. The reason to plan for a lower limit is based on the indication that there is some uncertainty about the current .2 milligrams per liter effluent limit which may be more stringent in future permits.

The reduction of phosphorous for the proposed .2 milligrams per liter level will be required in the National Pollut -- Pollution Discharge Elimination System permit that the -- that is scheduled to be issued within the next two to three months. This permit is presently being drafted by the DEEP and the city has been notified of the stricter requirements regarding phosphorous.

The Water Pollution Control is working with an engineering firm to determine the specific type of treatment technology that will be -- meet its needs in terms of technical feasibility, effluent quality, capital costs, operation ease and flexibility, hydraulic

impacts and implementation schedule. It is estimated that the overall capital improvement costs for the phosphorous project to be \$45 million and an annual operation maintenance cost of \$750,000.

The City of Waterbury has demonstrated a commitment to the environment and has shouldered the burden in terms of the cost of building the improvements to the Water Pollution Control Facility. The facility improvements related to phosphorous limits, while necessary and desirable for the health of Nauga -- the Naugatuck River, will create heavy financial burden on Waterbury and its citizens who are still paying the costs associated with the facility upgrade completed in 2002.

In the light of the City's bonding needs, debt service and annual budget commitment, the City must seek and rely upon assistance from the Clean Water Fund to make additional improvements to its Water Pollution Control Facility. Considering the regional service of the facility, benefits and improvements to the receiving waters, it is fitting that the City of Waterbury seek an aid through the Clean Water Fund to implement the proposed phosphorous project.

Thank you.

SENATOR CASSANO: Thank you.

Senator Hartley, welcome.

SENATOR HARTLEY: Good morning, Senator, and

Representative Gentile and all of the members of the P&D Committee. Thank you so much for allowing me tag team with representatives from the Mayor's office and very briefly since I just left him he is emphatically asking for this as -- as all of our other -- or many other municipalities. Long story short as the two previous speakers have far more particularly expressed this, I think when we put together the Clean Water Fund it was not anticipated about the emerging and escalating problems with phosphorous.

And in my conversations with the Commissioner of DEEP he is very sensitive to this and has indicated that he is in agreement with this proposal and -- and would work with us on it, recognizing that this is a new mandate responsibility, if you will, on municipalities and one that was not anticipated with the enactment of the Clean Water Fund.

So we are before you once again asking for your consideration and I do appreciate all your consideration and due diligence on this.

SENATOR CASSANO: Any questions?

SENATOR HARTLEY: Are there any questions?

SENATOR CASSANO: (Inaudible) our biggest (inaudible). We hear the message. Thank you very much.

SENATOR HARTLEY: Thank you and thank you so many times for allowing us to appear before you. Appreciate it.

SENATOR CASSANO: All right. I appreciate it. All right, thank you very much.

LEANN R. POWER: Thank you.

SENATOR CASSANO: Very helpful.

Dennis Waz, Ernest Lorimer, Todd Levine.

DENNIS WAZ: Thank you, Mr. Chairman. My name is Dennis Waz. I'm public utility superintendent for the City of Meriden. The City of Meriden supports the intent of Senate Bill 440 to make Clean Water Fund monies available for municipal water pollution control projects concerning phosphorous removal. However we are concerned that the bill fails to address the underlying concerns relative to this issue.

We believe that the State Department of Energy and Environmental Protection should be directed to explore other viable alternatives to compliance that will achieve EPA's objectives without subjecting residence and businesses to huge increases in sewer bills.

DEEP has indicated that the issue bears additional study yet it is expected to issue draft NPDES permits within the next two months which will impose monumental costs on a number of municipalities to upgrade plants to comply with rigid phosphorous discharge limits. DEEP also admits that the limits are essentially a moving target and that EPA will revisit the limits within a few years or limits may be revised based on additional modeling that DEEP anticipates undertaking.

Although Senate Bill 440 may provide municipalities with the opportunity to obtain some funding, given the point system that is used to rank projects, many municipalities will not receive any funding under this program.

The City of Meriden started the upgrade of their water pollution control facility in late January 2008. After I assumed my current position in September 2008 I had heard that DEEP was going to add phosphorous discharge limits to our NPDES discharge limit -- discharge permit upon expiration of our permit in October 2010. The construction was scheduled to be completed mid-2010.

At that time I had approached two engineers from Department of Energy and Environmental Protection at a managers forum in 2008 seeking their guidance on how to proceed. My thought was to be proactive and incorporate phosphorous upgrade into the current project, saving ratepayers money but not having to start a new project after the current project had been completed. The DEEP agreed that being proactive would benefit everyone concerned. I'd like to note that incorporating phosphorous into the current project was estimated to save Meriden ratepayers approximately half a million dollars.

Meriden was advised by DEEP to proceed with the phosphorous study and which -- for which Meriden received a 55 percent grant and, as a result, to incorporate the project into the

current upgrade. At that time Meriden was advised that -- to upgrade to the 0.7 milligram per liter limit.

After the upgrade was completed, Meriden staff, as well as representatives from plants on the Quinnipiac and Naugatuck Rivers, were invited to DEEP office and advised that the EPA did not accept the DEEP program for phosphorous removal and DEEP, therefore, developed a new interim strategy for phosphorous removal which lowered Meriden's limit from 0.7 milligrams per liter to 0.1 milligrams per liter.

With respect to the funding, the DEEP utilizes a priority pointing system for projects and due to the recent upgrade I'm unsure that Meriden would qualify for funding under the existing program since we've utilized points for the upgrade project.

In order to comply with DEEP's proposed discharge limits, which are more stringent for the City of Meriden than for surrounding towns, the City would have to invest an additional \$13 million and spend \$600,000 annually for O&M costs. This places an untenable burden on the residents and businesses during a very difficult economic time.

We therefore urge lawmakers to incorporate language in the bill that directs DEEP to review alternative compliance approaches as other states are doing and conduct the necessary stream modeling prior to issuing draft MPDES permits. We also believe that the

point system for the Clean Water Funding should be revised and replaced with a funding mechanism that provides municipalities with greater certainty regarding funding options.

That's it for my presentation and I'd entertain any questions.

SENATOR CASSANO: Senator Fasano.

SENATOR FASANO: And I know I unfortunately -- I see the folks from Wallingford. I missed their testimony. I was at another meeting. But I have read that testimony and yours and I guess you guys are kind of on the same page. But just for someone who doesn't understand this at all, DEEP has a certain cutoff point. The EPA is forcing DEEP to be more strict, is that accurate?

DENNIS WAZ: That is correct.

SENATOR FASANO: And if DEEP doesn't comply with the EPA level, we apparently as a state would lose money I gather as what they hold to our throat?

DENNIS WAZ: Um DEEP -- DEEP would lose the auth -- authorizing authority for draft permits. EPA would take over that function.

SENATOR FASANO: And they have lowered it to that .1 or point -- .1 or .2 standard, is that correct, EPA?

DENNIS WAZ: They've lowered Meriden to -- from 0.7 to 0.1.

SENATOR FASANO: And that's because that's the EPA standard, right?

DENNIS WAZ: Just to give you a little background.

SENATOR FASANO: Yeah.

DENNIS WAZ: When the -- the first MPDES permit, that's a discharge permit that all water pollution control facilities have to abide by, Beacon Falls was issued and when it was reviewed by EPA they did not agree with the discharge limits that DEEP had set. At that point that's what raised the flag with EPA to contact -- make contact with DEEP and, at that point, we were advised that if the -- their program was not revised to more stringent levels that EPA would take over the authority on discharge permits for the water pollution control facilities.

SENATOR FASANO: And that stringent level of .1 was that the level DEEP said okay let's go to that level or is that a level that EPA said that's what we want you to be at?

DENNIS WAZ: That's the level that Connecticut DEEP is currently proposing. Once our permit would be issued, then EPA would be -- be performing a review on that permit.

SENATOR FASANO: Could it be that -- it makes a difference -- but could it be that EPA accepts .5 or no it's got to be .1?

DENNIS WAZ: That -- that's a question I -- I don't know. I -- I'm not sure what the EPA would rule.

SENATOR FASANO: So if the federal government is controlling that level, what can we do to help you guys, your industry, in making it the most economical way, besides loosening up Clean Water Funds to do this, you -- do you want us to enact a time schedule that -- that phases in over time? I know is -- whatever we do I don't want to mess up with EPA and the federal guidelines and have them take over the program because that's a disaster in my view, but that's my view. What -- what are you looking for us to do that we could do that's not going to be overshadowed by the federal government?

DENNIS WAZ: Well as some of the previous speakers have mentioned we're looking for a cooperative effort, both point and non-point sources, point sources being the water pollution control facilities, non-point sources being fertilizers that are used in agriculture.

Meriden, Wallingford and Southington, Cheshire had met with DEEP commissioner and had offered some suggestions in order -- how to accomplish this. We were -- we were questioning the science and -- and the program that DEEP has developed. It's a model that we don't feel has been calibrated. We're offering that -- a possibility that phosphorous be removed from fertilizers or -- or curtailed in the -- the fertilizer use be curtailed and that we're proposing the .7 limits initially until more data can be studied.

One -- one point I'd -- one point I'd like to make is Meriden went on-line in 2010 and we had incorporated phosphorous removal in our

upgrade. Phosphorous is essentially a -- a seasonal limit which would be enacted between April 1<sup>st</sup> and October 30<sup>th</sup> as -- as proposed in our limits.

What Meriden has experienced, last year we were on -- we started our -- our phosphorous removal system in June and shut it down in October so essentially we haven't even had opportunity to optimize our current system or recognize what impact it may have on the receiving streams. So with that it's a less economic impact for other towns on the Quinnipiac to go to the .7 limit that can be achieved by utilizing chemicals for chemical precipitation and drop -- dropping the phosphorous out.

We're proposing to move forward with that proposal and through our permit cycle which is five years and then study the impact and what the improvement has been on the water quality and then proceed on forward with that. There may not need -- be a need to proceed further. Our contention is million -- millions upon millions of dollars would be spent on an interim strategy and -- and we're -- we -- we don't feel that that should affect our ratepayers.

When Meriden just did their upgrade we received appar -- approximately 20 percent in grant on a \$46 million project. Because the remaining monies were borne by the ratepayer, we had to increase our rate nearly 28 percent. Should we have to move forward with this program, that would be quite an increase again on something that we feel that the science

does not support the -- the investment and -- and being interim strategy we're open to the next permit cycle to have a more stringent discharge limit, spending more money to remove phosphorous.

SENATOR FASANO: So is part of the problem the testing procedure that DEEP established? Is it a question in terms of its calibration? Is that part of the problem here?

DENNIS WAZ: That is.

SENATOR FASANO: And what conversations, if any, have taken place between your folks industry and DEEP about changing that or questioning it or having them prove it out to you? Has that conversation --?

DENNIS WAZ: That conversation has taken place. The town --

SENATOR FASANO: Is it a one-sided conversation or has been a fair exchange of ideas?

DENNIS WAZ: Well we approached the deputy commissioner initially and -- with our proposal and it -- it wasn't received. We asked for a meeting with the commission -- the commissioner and a -- a deputy and they seemed to be fo -- focusing more on the financial aspect rather than the calibration of the model.

SENATOR FASANO: What do you mean by -- I didn't mean to interrupt you but I've got to stick with your conversation. What do you mean financial aspect, financial to who?

DENNIS WAZ: Financial to the municipalities affected. They're looking at -- to see if there may be a means to provide possibly more funding.

SENATOR FASANO: But if testing is an issue, then it may or may not be accurate -- calibrated accurately. You're saying that they're saying well forget about that let's just see if we get more money to make our formula kind of -- even it's wrong but work just by having more money at the town level. Is that what you're saying?

DENNIS WAZ: Well no initially and also we -- we're forming a group on -- of -- of participants to work with DEEP to get a better understanding of the model that they are proposed because currently they -- we feel that the data that was used was older data which was from early 2000s before the plants even started denitrifying and removing nitrogen from the -- the waste stream. So we're -- we're not sure that -- that current information had been utilized and the fact that we asked would the .1 limit -- in -- in Meriden's case would the .1 limit be the end all and will that solve the problem and because we were told that it's an evolving science no one would commit to the limits that are being proposed.

SENATOR FASANO: So is there a line in the sand that EPA drew that says hey unless you, Connecticut, get your act together and get this .1 going, we're taking over September 1, 2012 or is there no line in the sand?

DENNIS WAZ: That I'm not sure on. We were never involved with any discussions with EPA. Our conversations were just with DEEP.

SENATOR FASANO: So would it be more fruitful for legislation to encourage mandate DEEP to sit down with your group to come up with guidelines that this Committee can look at next year to achieve the goal of the EPA standards? In other words force the conversation as opposed to saying -- what I'm hearing is you saying that DEEP is saying look we have a formula, you guys are questioning the formula, don't question the formula, let's just get more money so we could achieve what we think our formula is going to achieve.

And what you're saying to me is I think there's faultiness in the formula because there's certain -- and I'm being real layman on this stuff -- there's certain standards you're looking at which are not correct and we need to understand the data first so we can react appropriately to get to the right end line.

But unless you have that conversation, I'm not sure this is really achieving a good result for all of our municipalities. Am I making any sense?

DENNIS WAZ: Yes and I'd just like to add one comment, not necessarily correct, but it -- it's unknown. They -- they don't know, we don't know --

SENATOR FASANO: Fair enough.

DENNIS WAZ: -- what -- what level is actually needed by the -- the -- the receding waters in order to improve.

SENATOR FASANO: (Inaudible).

DENNIS WAZ: I think it is. There's a current case right now, if I may.

SENATOR FASANO: Sure.

DENNIS WAZ: Upper Blackstone, Massachusetts which is the Worcester, Mass. area, it's a regional plant that was in a very similar situation as the Meriden plant only on a larger scale. They were told to upgrade to the .75 milligram per liter for phosphorous. Spend \$180 million doing so. In Massachusetts EPA is the regulating body for the permitting.

When they're new -- no sooner was the plant upgraded the EPA came back with a draft permit that stated they had to go to a .1 limit. That was going to cost them \$200 million in order to do so. They -- their -- Upper Blackstone is actually litigating this with the First Circuit Court of Appeals in Boston. It went before a three-panel judge. The judge had determined that this case didn't belong in the court system. Upper Blackstone spent over \$2 million in studying the Upper Blackstone River and they had proof that stated that going from a .75 to a .1 would not increase the water quality of that river.

The three panel judge stated in their findings that EPA failed to recognize this very important data and what their judgment was was

to appoint a court referee to mediate between the Upper Blackstone and the EPA in order to get a reasonable draft permit.

SENATOR FASANO: Thank you.

Thank you, Mr. Chair.

SENATOR CASSANO: But I think that highlights the dilemma this Committee has -- the rock and the hard place as we listened to testimony now for hours -- not hours yet but consistent testimony that points out the problems that we have and yet we've got the EPA threat holding over us -- over us that if we don't act on this, then EPA becomes in charge and that's even potentially more frightful. So it's a -- it's a -- it is a dilemma because -- and the cost is also -- I mean if we can reduce the cost by taking time to get real answers than, you know, that should be the solution. The question is can we get EPA to agree to that.

So all right. Thank you very much.

DENNIS WAZ: Thank you.

SENATOR CASSANO: Appreciate your -- your testimony.

Ernest Lorimer, Todd Levine.

ERNEST M. LORIMER: Good afternoon. My name is Ernie Lorimer. I'm a partner with Finn Dixon & Herling in Stamford, Connecticut. I'm here to speak in support of Bill 441 which would amend the Chapter 103 of the statutes which is the municipal sewerage act.

I just have a question. So would this work similar to how a farmland -- farmland assessment works whereas you pay a reduced tax rate for a certain number of years?

TODD LEVINE: I believe so. The way I read it, it looks like that that is indeed the case. The municipality will determine what -- what percentage of a break you'll get and -- and, within that ten year period, you will get that break. And -- and of course if you are going to break your easement there will be a penalty. So if you sell the land and someone -- to a developer and they want to knock it down, there will be a penalty.

REP. O'BRIEN: Thank you.

TODD LEVINE: You're welcome.

SENATOR CASSANO: Thank you very much. Appreciate your testimony.

TODD LEVINE: You're very welcome. Have a good day.

SENATOR CASSANO: Ron Thomas.

RON THOMAS: Good afternoon, Senator Cassano --

SENATOR CASSANO: Good afternoon.

RON THOMAS: -- Representative Gentile, members of the Planning and Development Committee. Of course I'm Ron Thomas, director of public policy and advocacy for CCM. I'm happy to be here to talk with you about a bill that's

HB5538

SB440 HB5539

SB407

before you and perhaps use a couple of minutes of my time, my three minutes, to talk about a couple of other bills before you.

I'd like to talk with you first about 5538, property exemptions for solar installations. You know of course CCM appreciates the intent behind this. We think the issue is one that deserves closer examination. We would just remind you that this is adding yet another list of things -- items to the list of property tax exemptions. We've attached the 77 items that are currently there. Each year there's -- there are proposals to add to this. Many of them -- most of them have great merit. Again these are going to have an impact on the bottom line of towns and cities and -- and when you add them up you're talking about a big, big chunk of municipal revenue that's taken off the -- the tax rules because of the generosity of the state.

I'd like to use the rest of my time to talk about a couple of bills that you've heard about. One is -- one bill that you've heard about is -- which is 440 concerning amounts in the Clean Water Fund to be used for phosphorous removal. Again I don't want to reiterate what you've heard many times from the municipal officials but we support the bill again but we think the -- the major issue is kind of some of the dealings that are going on with the DEEP. We are concerned about -- we're not sure how DEEP is interpreting the Clean -- what EPA is urging states to do with regard to the Clean Water Fund, their approach to dealing with the federal proclamation or requirement, and we think that there needs to

be a closer examination of how they're doing testing, undertaking testing.

As was said by the Mayor of Danbury there's -- it's a colossal mandate on towns and cities. You have our written testimony on it and it's been discussed a lot.

I'd like to just quickly talk about 5539 regarding -- recording fees. We think this is a good companion piece to Senate Bill 407. Of course you know that would require the assignment of mortgages to be recorded in municipal land records no less than 30 day -- 60 days after the assignment is made.

So those are my comments and won't take up any more of your time. Thank you.

SENATOR CASSANO: I'm sorry one quick question on 5538, the solar installations.

RON THOMAS: Yes.

SENATOR CASSANO: Where is the loss for the municipalities in this?

RON THOMAS: I think the -- well I think the -- the thing is that we're talking about just an addition to some -- I -- I would say that the -- the -- the concern is that things are added every year to the list of items that are on this property tax exemption list. I -- I -- again I -- I think I would have to further examine the -- you know in terms of how municipalities deal with the issue that Senator Roarback and you discussed earlier that sort of thing, but I could discuss that

and get back with you on that, but again the -  
- the overall concern is about adding things  
to this list.

SENATOR CASSANO: Well for add -- I -- and -- and I  
agree with you. I mean if -- if we're adding  
things that are taking away revenue from the  
municipality then the municipality has a  
concern. If we're, in this case, adding  
something that actually lowers the pressure on  
the power grid but doesn't affect the tax  
base, then I don't know why we would have a  
concern. I would think we would encourage it.

RON THOMAS: Well again like I said I mean it's  
kind of a -- a principled thing -- thing but  
like I said be more than happy to talk with  
you further about it.

SENATOR CASSANO: We will, in fact I'm sure we  
will.

RON THOMAS: Perfectly and fine.

SENATOR CASSANO: Other questions?

Seeing none, thank you, Ron, appreciate it.

Oops I'm sorry, Representative O'Brien. And  
okay, Senator Fasano, I'm sorry.

SENATOR FASANO: Ron let me get this 440. Maybe  
you can -- because I'm still trying to get  
through reads on all this stuff. The .1  
percent is that measured at the, if you know,  
at the discharge of that plant? Is that where  
that's being measured?

RON THOMAS: If -- if you don't mind, Senator Fasano, I have one of my co-workers here who does environment issues. If she could come up and -- and answer that.

SENATOR FASANO: Sure.

RON THOMAS: Kachina Walsh-Weaver.

SENATOR CASSANO: Welcome, Kachina.

KACHINA WALSH-WEAVER: Good afternoon, thank you. I think one of the questions that you were trying to get at with several of the earlier speakers is that the -- it's not the EPA that is saying to these towns that you must achieve a .7, a .1, a .5. a .05. What EPA dictates to the regional administrators is that states must comply with the federal Clean Water Act.

DEEP, on its own, has designed a strategy, as they call it, for how Connecticut is going to meet the requirements of the Clean Water Act - - the federal Clean Water Act as it pertains to phosphorous. And in doing so they've looked at the effluents coming out of the various different water pollution control facilities and the impact of that effluence on impoundments below them.

Some of those impoundments are the Housatonic Basin and a variety of other entities -- or a variety of other places around the state and then what DEP -- DEEP has done is develop a strategy in terms of how that -- how to reduce those individual effluence to a limit that they think, based on certain science, certain testing that they have done, will allow those

downstream impoundments to get to a better level.

SENATOR FASANO: Let me just stop you there for a second just so I can get caught up.

KACHINA WALSH-WEAVER: Yes.

SENATOR FASANO: So they're looking at the end line -- at the end of the flow, the whole river if you would, in testing.

KACHINA WALSH-WEAVER: Correct.

SENATOR FASANO: And they're saying that these few facilities have a discharge of a nemesis for that problem but they're not looking say more north where -- which is their concern saying well one you're not taking into account the phosphorous coming in from fertilizers up north, that's number one.

KACHINA WALSH-WEAVER: Exactly.

SENATOR FASANO: And you need to get control of that. Number two you're looking at old data, we should look at new data now that we've had some other things going into play before we figure out where we're going. Is that the rub that's coming?

KACHINA WALSH-WEAVER: Exactly, exactly, exactly, and then the -- the large concern is with our members and others is that there's a significant outlay of money that will have to be done to achieve DEEP's strategy with no guarantee --

SENATOR FASANO: That's right.

KACHINA WALSH-WEAVER: -- that they'll actually achieve what they're trying to achieve.

SENATOR FASANO: Because DEEP can turn around and say that wasn't enough. But meanwhile you have financed -- like what was it Southington or Meriden rather -- financed a particular level and they're saying that may not be enough and now you've got to redo it. The taxpayers have got to pay more. Ratepayers have got to pay more.

KACHINA WALSH-WEAVER: Correct, correct.

SENATOR FASANO: So what it seems to me that we need -- which is your issue and -- and Ron I - - you know whoever wrote that paragraph detailed the issue very well, but it seems to me that what you're saying is listen we have to -- what ever the strategy is, it is what it is. It just can't be variable every so many years and depending on who's around what we're going to do. We need to have pure data that we're all confident in, we all could agree on. Then we have to agree what the end result is and then how we're going to get to that end result.

And I would think if the EPA sees that you're moving in that direction, you satisfy them and then everyone would understand what the game plan is and that's really what we're looking for. Is that fair?

KACHINA WALSH-WEAVER: Correct, correct.

SENATOR FASANO: So if we were to once again going back and getting the Environmental Committee involved in help leading this because I think they should in terms of achieving the environmental result, maybe using this bill as a vehicle to get to that end, would that make more sense?

KACHINA WALSH-WEAVER: Yes, yes it would be -- it would be an excellent start. It would be an excellent step forward in -- in trying to address some sort of a state-wide approach.

SENATOR FASANO: Thank you.

KACHINA WALSH-WEAVER: Thank you.

SENATOR FASANO: Is there anything you want to add to that because I cut you off before?

KACHINA WALSH-WEAVER: No, I think the whole issue is going around in my head so often I'm not sure what I've already articulated and what I haven't.

SENATOR FASANO: Okay.

KACHINA WALSH-WEAVER: I guess what I would say is I think going back to your question and your -- and -- and your understanding of the upstream issue, is that these 40 towns are essentially being asked to bear the brunt of dealing with a state-wide phosphorous problem.

SENATOR FASANO: Right, right. Well they're easiest to pick on and I don't mean that maliciously.

KACHINA WALSH-WEAVER: Correct.

SENATOR FASANO: Just because you like identify those source -- point source people and say do this, do this, do this --

KACHINA WALSH-WEAVER: Exactly.

SENATOR FASANO: -- the other people are unidentifiable and you'd -- you have that issue.

KACHINA WALSH-WEAVER: Exactly.

SENATOR FASANO: Thank you.

KACHINA WALSH-WEAVER: Thank you.

SENATOR CASSANO: One quick follow-up before I go to Representative O'Brien. Are there other states -- oh I'm sorry.

A VOICE: (Inaudible).

SENATOR CASSANO: Well okay, thank you. Are there other states that have done some of this modeling that might have some answers for us as we go into this territory just charting new waters?

KACHINA WALSH-WEAVER: Yes, yes there are and we are in the process of tracking down what tho - - what other states have done. There have been a variety of ways that people have implemented meeting the Clean Water Fund Act requirements as it pertains to phosphorous. Some -- some states have done it through regulations. Some states have done it through

a variety of different ways and there -- we have developed a coalition of as many of the -- of the 40 towns as we can slowly bring into the fold and we're going to be working with other entities as well to get more and more of that information and -- and that is why we are asking the Legislature to understand the issue and to work with us because, absence your involvement, I think we're going to just be forced with DEEP pushing forward with their strategy as the only method -- mechanism for addressing this and we believe that there are many other ways that also can be incorporated.

SENATOR CASSANO: Thank you. That would helpful if you could get us that.

KACHINA WALSH-WEAVER: Thank you.

SENATOR CASSANO: Other questions?

Seeing none, thank you very much, appreciate it.

Robert Fromer, then Michael Trahan.

ROBERT FROMER: Thank you, Senator Cassano and Representative Gentile and members of the Planning and Development Committee for the opportunity to speak before you. I support House Bill 5538, an act concerning property tax exemptions for solar installations but I think the bill needs to be amended and I've proposed, in my written testimony, two amendments and I suggest a third amendment.

SB440

One of the problems with promoting passive solar or solar panels is the subdivision

amendments to the subdivision regulations. Of course in Windsor and most towns the subdivision regulations require the siting of -- the orientation of the building to be plus or minus 15 degrees with it -- within due south.

So -- plus I think the amendment should also include that an applicant for a subdivision has to provide a solar access plan for the subdivision to demonstrate clearly that there's going to be maximum solar heat gained during the wintertime and minimum heat gain during the summertime and there will be energy storage.

But right now there's no enforceable provision of the act which has been in existence since the 1970s. So you essentially have an act which has no power or authority to -- to minimize energy consumption which the state is battling right now.

I also wanted to testify, if I may a minute, on Senate Bill 440. There was a lot of testimony today and I think I have to put it into perspective as an environmental consultant that's dealt with this issue and the sewage treatment plants in terms of nitrogen phosphorous. Algae require phosphorous and nitrogen to grow and, depending on whether it's fresh water or salt water, either nitrogen or phosphorous controls the growth of the algae.

But when the algae die, they create a problem like in Long Island Sound what's called hypoxia. In their decay they require oxygen

to be used up. DEP -- DEEP and the U.S. Environmental Protection Act use what's called total maximum daily load. It's a model for calculating the maximum capacity by mass loading as to what can be disposed of or discharged into a water body. But that depends on the kind of algae that's creating the bloom situation and it depends on the species of algae and how much phosphorous and nitrogen is required.

And it is an evolving modeling technology and it could -- the -- a slight deviation could cause enormous costs. But if the -- to reduce the amount of hypoxia, in other words if you look at the water quality standards put out by DEEP for fresh water bodies, the receiving body should have somewhere in the neighborhood of four to five milligrams per liter of oxygen.

Very often in hypoxic situations like in the western part of Long Island Sound it gets down to three and even zero milligrams per liter of oxygen. That's the problem.

Okay, thank you and I'll answer any questions anyone has.

SENATOR CASSANO: Are there questions?  
Representative O'Brien.

REP. O'BRIEN: Thank you, Mr. Chairman.

So your -- your -- Mr. Fromer your proposed new language here you want to require that all -- all new subdivisions meet the maximum solar efficiency?

HB 5538



Testimony

Bart Russell, Executive Director

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Connecticut Council of Small Towns

Before the Planning & Development Committee

March 21, 2012

**RE: SUPPORT WITH REVISIONS – SB-440, AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHOROUS REMOVAL.**

The Connecticut Council of Small Towns (COST) supports SB-440, which will render phosphorous removal eligible for Clean Water Funds. However, in view of the significant costs associated with complying with the proposed phosphorous discharge limits, SB-440 should be amended to address these concerns.

The state Department of Energy and Environmental Protection's efforts to implement EPA's phosphorous removal requirements are onerous and will impose outrageous costs on a number of municipalities, including several small towns. It is our understanding that other states are reviewing more reasonable compliance alternatives based on sound science, including modeling, that has not yet been undertaken in Connecticut.

**We therefore urge lawmakers to assist us by directing DEEP to work with stakeholders and collaborate on a more workable approach that will achieve the goals sought by EPA without breaking the banks of our small towns affected by this issue.**



Testimony of:  
Save the Sound  
a program of Connecticut Fund for the Environment

In Support of Senate Bill No. 440



**AA AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE  
USED FOR PHOSPHOROUS REMOVAL**

Before the Planning and Development Committee

March 21, 2012

Submitted by Leah Schmalz, Dir of Legislative and Legal Affairs

SB 254

*Save the Sound is a regional program dedicated to the restoration and protection of Long Island Sound; together with its parent organization, Connecticut Fund for the Environment ("CFE"), a statewide non-profit environmental advocacy organization, it represents over 5,400 members. Since 1978, CFE has used law, science and education to improve Connecticut's environment.*

Dear Senator Cassano, Representative Gentile, and members of the Planning and Development Committee:

Save the Sound, a program of Connecticut Fund for the Environment submits this testimony in support of Raised SB 440. If passed, this legislation would explicitly permit phosphorous upgrades to be eligible for Clean Water Fund support and set a minimum 30%/70% grant to loan ratio for those phosphorous projects selected under the Connecticut Department of Energy and Environmental Protection's (CTDEEP) priority list. These projects will improve water quality, especially in inland waterbodies, and create jobs.

**1. Excess phosphorous impairs water quality**

Nitrogen has long been a pollutant targeted for reduction at Connecticut's wastewater treatment facilities. Impacts of the nutrient on Long Island Sound are well established and publicized. While funding for the Clean Water Fund has fluctuated over the years, the seasonal dead-zones in the western Sound and a total maximum daily load deadline of 2014 have ensured dedication to the nitrogen removal program when any money was available. Phosphorus on the other hand has not acquired the same level of focus.

Nutrients, like nitrogen and phosphorus are essential to plants and animals. But, increased inputs from agriculture and lawn care fertilizers can cause excessive algae growth. This leads to decreased oxygen, making it difficult or even impossible for fish and other wildlife to survive. Excess algae also limit recreational fishing, boating and swimming. The United States Environmental Protection Agency (EPA) has declared nutrients as one of the leading causes of water quality impairment in our country's rivers, lakes and estuaries and has required states to develop water quality criteria.

CTDEEP has identified 20 waterbodies throughout the state that are currently impaired for nutrients. These waterbodies do not meet water quality standards, the foundation of pollution control under the Clean Water Act, and are listed on the state's 303d list.





## ***PLANNING & DEVELOPMENT COMMITTEE***

March 21, 2012

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

**CCM supports SB 440 "An Act Authorizing Amounts In The Clean Water Fund To Be Used For Phosphorous Removal".**

This bill would provide increased Clean Water Fund funding for municipal water pollution control projects concerning phosphorous removal. However, **much more needs to be done.**

### **MUNICIPALITIES FACING UNFUNDED MANDATE OF SIZABLE MAGNITUDE**

Currently, the Connecticut Department of Energy and Environmental Protection (DEEP) is in the process of implementing a "Phosphorus Reduction Strategy for Inland Non-Tidal Waters ("Strategy")" which will impact at least 40 municipalities across Connecticut (see attached list) and cost millions of dollars in plant upgrades to comply: *Southington \$18.5 million, Danbury \$30 million; Wallingford \$19 million; Meriden \$13.5 million; Cheshire \$7.2 million* (to cite only a few).

Many of the affected municipalities have cited that meaningful reduction levels could be achieved through additional chemical treatment at a fraction of the cost of the plant upgrades – somewhere in the range of \$500,000 per plant.

While we understand, through DEEP, that the overall push for Phosphorus reduction is coming from the US Environmental Protection Agency, particular municipalities are being unfairly burdened with addressing a statewide problem of excessive levels in certain water basins. ***What is not being addressed in the "Strategy" is any statewide effort to reduce Phosphorus non-point source pollution,*** thus alleviating the overall pressure on the water pollution control authorities.

A recent meeting was held with Commissioner Esty and other DEEP officials in an attempt to find a workable compromise. At the meeting were officials from Cheshire, Meriden, Southington and Wallingford, along with representatives from Congressman Larson's office and CCM. While DEEP discussed possibly seeking new financing mechanisms and a deferral of costs for the affected municipalities, there was no resolution to the overall problem of this "Strategy", which unfairly burdens certain towns and cities and their residential and business ratepayers and property tax payers.

### **SIGNIFICANT PROBLEMS WITH DEEP's APPROACH**

In addition to the staggering costs for compliance with the proposed limits, collaborative discussions with affected municipalities have identified the following significant problems with the DEEP's approach:

- Page 2 -

- (1) In the town's opinions, the DEEP has not clearly defined the expected improvement in water quality that would be achieved as a result of their proposed significant reductions in phosphorous discharge.
- (2) The DEEP has indicated that the phosphorous levels for all permits in this 5-year permit cycle are to be considered "interim" and that they may impose stricter limits in a subsequent permitting cycle. The DEEP has indicated that for this reason permitted entities "might be wise to build to the lower concentration limits"
- (3) The permit limits are also expressed in terms of pounds per day; these poundage limits are calculated using the proposed concentration levels multiplied by each plant's current flow rate. For Wallingford's WWTP the current average daily flow rate is 5.36 million gallons per day ("MGD"); the plant's design flow rate is 8.0 MGD. This means that, if Wallingford installed treatment technology that would achieve 0.2 ppm they would be locking in their plant capacity at less than design flows. This would be an untenable no-growth position. In other words, the stated permit limits can be misleading when it comes to their application in actual plant design. Southington has a similar problem in that we are averaging a 4.7 mgd flow and have capacity of 7.4 mgd. This penalizing the Town for having unused capacity.

Given the interim nature of the current limits and the need to build prudently for future demand, the general approach for the Quinnipiac River towns (and presumably for some of the other forty-one entities on the attached list) will be to design to a concentration that reflects full plant capacity. For Southington this would shift the project to the 0.1 ppm removal level. This is the most expensive alternative.

- (4) The DEEP has acknowledged that non-point sources are contributors of phosphorous loading in CT Rivers and streams. However, in its effort to reduce phosphorous loading, the DEEP is choosing to target only the NPDES permit holders and has not developed or promoted a comprehensive program to curtail non-point sources.

#### **STATEWIDE APPROACH NEEDED**

Affected towns and cities across Connecticut urge lawmakers to:

- (1) **Assist us in developing and implementing a more workable, cost-effective approach to comply with EPA standards.** Stakeholders are certainly willing to work together to arrive at a workable solution to this issue but, thus far, that has proven difficult. And,
- (2) **Support an increase in the funding level for phosphorous removal project grants to 100% of the cost of the project and the creation of a specific set-aside within the Clean Water Fund sufficient to fund all phosphorous removal projects required pursuant to DEEP-imposed permit limits.**

We would welcome any support your committee can provide us in developing reasonable compliance alternatives and/or providing full grant funding support for phosphorous projects.

◆◆◆◆◆

If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of CCM via email [kweaver@ccm-ct.org](mailto:kweaver@ccm-ct.org) or via phone (203) 710-9525.



## CITY OF DANBURY

OFFICE OF THE MAYOR  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON  
MAYOR

(203) 797-4511  
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**Testimony  
Mark D. Boughton  
Mayor, City of Danbury  
Before the Planning & Development Committee  
March 21, 2012**

**Re: SB-440 AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHORUS REMOVAL.**

The City of Danbury supports the intent of SB-440. The bill recognizes that a number of Connecticut municipalities are faced with staggering costs associated with the state Department of Energy & Environmental Protection's (DEEP) plan to implement requirements relative to phosphorus removal. Although making Clean Water Fund moneys available for municipal water pollution control projects concerning phosphorus removal is helpful, it does not begin to cover the costs associated with DEEP's impending requirements relative to phosphorus removal. In addition, SB-440 fails to address concerns that there are more workable, cost-effective approaches to DEEP's requirements that will reduce phosphorus levels to protect rivers and streams without imposing crippling costs on our communities.

The testimony of the Wallingford Public Works Director details the enormous compliance burdens faced by many Connecticut municipalities associated with DEEP's proposed permit requirements relative to phosphorus discharge limits. We understand that these requirements are driven by U.S. Environmental Agency ("EPA") initiatives but believe that the DEEP should work with the regulated community to develop a workable approach to this problem that will not impose crippling costs on our communities. We intend to work closely with DEEP in developing an approach that protects our environment based on sound, science-based methodologies that at the same time will not impose huge and untenable costs on our taxpayers and ratepayers.

As stated, the DEEP is in the process of developing draft permits, with new limits for phosphorus, for operators of WWTP's that discharge into certain rivers and streams. The DEEP has determined that these discharges result in phosphorus levels that promote the growth of certain organisms. The DEEP maintains that this is the primary cause for streams failing to meet their designated use classifications. Yet there is no scientific evidence that elevated phosphorus levels in streams and rivers pose a direct hazard to public health. In short, this is not a public safety issue.

Moreover, for Danbury, which discharges treated effluent into the Still River and Housatonic River, even a one hundred percent reduction in phosphorus loading from our plant would not reduce the phosphorus that flows into the Housatonic from upstream communities.

Existing Conditions:

- Danbury's existing NPDES permit requires phosphorus removal to seasonal limits of 1 mg/l from May 1 through September 30.
- In July 2008, Danbury implemented a multi-point chemical addition treatment system for phosphorus reduction which has resulted in an approximate removal of 90% of the influent phosphorus loading for an average monthly discharge of 0.51 mg/l which is well below our current permitted limit of 1 mg/l. We also worked with CT DEEP to extend the phosphorus treatment season for 2 additional months (April & October).

Danbury's Concerns:

- Requiring Danbury to remove phosphorus to concentrations of 0.1 mg/l or less will result in an approximate reduction of 98% of the influent phosphorus load, but the capital cost of this additional 8% of improved phosphorus removal over current treatment is very significant (\$30 million). In addition, annual operating costs will increase by \$300,000 to \$500,000. The average residential sewer customer rate will increase dramatically.
- While we certainly understand the role we play in providing good environmental stewardship through the continual operation of our WPCF to permitted NPDES levels, we strongly question the limits of proposed phosphorus removal when it is clear to us that the reduction of phosphorus load from the WPCF to the Still River is unlikely to reduce ambient nutrient levels in the river to a concentration that will result in improved water quality.
- In fact, even with a complete elimination of the WPCF phosphorus load, we are very concerned that the downstream concentrations would likely still not be phosphorus limited and thus have a beneficial impact on reducing algal production.

<u>Discharge Limit (ppm)</u>	<u>Capital Cost</u>	<u>Annual Operating Cost</u>	<u>Typical Customer Rate Increase</u>
0.1	\$30 million	\$300,000 - \$500,000	67%

In addition to the staggering costs for compliance with the proposed limits, Danbury and numerous other municipalities facing these costs have significant concerns about the DEEP's approach. I will not repeat the testimony of others, pointing out these serious shortcomings, but suffice to say that these issues provide compelling reasons for stepping back from a flawed permit process and working cooperatively on the federal, state and local levels to develop science-based, cost effective answers.

This is why Danbury joins with the other communities that use our WWTP in welcoming the opportunity to engage in a meaningful dialogue with the DEEP and the U.S. EPA to tackle the complicated and as yet unresolved scientific issues relating to the effect of reduction in phosphorus loading to Connecticut's river basins.

I therefore urge lawmakers to assist us in developing and implementing a more workable, cost-effective approach to comply with EPA standards. The City of Danbury is prepared to work with state and federal agencies to arrive at a workable solution to this issue. We would welcome any support your committee can provide us in developing reasonable compliance alternatives.

Testimony  
Robert Beaumont, Chairman Wallingford Public Utilities Commission  
Before the Planning & Development Committee  
March 21, 2012

Re: SB-440 AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHOROUS REMOVAL.

The Town of Wallingford supports the intent of SB-440 which recognizes that a number of municipalities are faced with staggering costs associated with the state Department of Energy & Environmental Protection's (DEEP) plan to implement requirements relative to phosphorous removal. Although making Clean Water Fund moneys available for municipal water pollution control projects concerning phosphorous removal is helpful, it does not begin to cover the costs associated with DEEP's requirements relative to phosphorous removal. In addition, SB-440 fails to address concerns that there are more workable, cost-effective approaches to DEEP's requirements that will reduce phosphorous levels to protect rivers and streams without imposing crippling costs on our communities. .

The Town of Wallingford and a number of other municipalities are currently faced with enormous compliance burdens associated with DEEP's proposed permit requirements relative to phosphorous discharge limits. We understand that these requirements are driven by U.S. Environmental Agency ("EPA") initiatives but believe that the DEEP should work with the regulated community to develop a workable approach to this problem that will not impose crippling costs on our communities.

Currently Wastewater Treatment Plants ("WWTP's") are not regulated for phosphorous levels in their effluent. The DEEP is in the process of developing draft permits, with new limits for phosphorous, for operators of WWTP's that discharge into certain rivers and streams. The DEEP has determined that these discharges result in phosphorous levels that promote the growth of certain organisms. The DEEP maintains that this is the primary cause for streams failing to meet their designated use classifications. It is important to note that elevated phosphorous levels in streams and rivers do not pose a direct hazard to public health.

As indicated by the enclosed listing from the DEEP, some 45 entities in Connecticut will be affected by the new discharge standards. Unlike the regulations reducing nitrogen discharge, the purpose of which is to reduce the cumulative effect of discharges on nitrogen levels in Long Island Sound, phosphorous limits are intended to improve water quality in river reaches. The new limits will not apply to discharges into tidal waters, or for entities that discharge directly into the Connecticut River.

For Wallingford, Cheshire, Southington and Meriden, the four towns along the Quinnipiac River, compliance with the proposed permit limits would require a total capital investment of

[

approximately \$58 million, a total increase in plant operating costs of \$1.9 million per year and resultant rate increases that would range from 23% to 40% by town. For Wallingford alone the initial capital cost would be \$19 million with a resulting 32% rate increase.

The DEEP has indicated that all four towns can expect draft permits within the next two months with phosphorous limits varying by town from 0.1 ppm to 0.2 ppm. We note that, including the four Towns along the Quinnipiac, there are a total of twelve WWTP's in the state that would have discharge limits of 0.25 ppm or below. The current limit of removal technology is a concentration of 0.05 ppm. To put these removal limits in perspective we have listed below the cost for Wallingford to construct and operate treatment plant facilities to meet each proposed limit.

Discharge Limit (ppm)	Capital Cost	Annual Operating Cost	Rate Increase required
0.2	\$16 million	\$351,000	27%
0.1	\$19 million	\$423,000	32%
0.05	\$60 million	\$518,000	89%

In addition to the staggering costs for compliance with the proposed limits, the four towns have identified the following significant problems with the DEEP's approach:

1. In our opinion the DEEP has not clearly defined the expected improvement in water quality that would be achieved as a result of their proposed significant reductions in phosphorous discharge.
2. The DEEP has indicated that the phosphorous levels for all permits in this 5-year permit cycle are to be considered "interim" and that they may impose stricter limits in a subsequent permitting cycle. The DEEP has indicated that for this reason permitted entities "might be wise to build to the lower concentration limits".
3. The permit limits are also expressed in terms of pounds per day; these poundage limits are calculated using the proposed concentration levels multiplied by each plant's current flow rate. For Wallingford's WWTP the current average daily flow rate is 5.36 million gallons per day ("MGD"); the plant's design flow rate is 8.0 MGD. This means that, if Wallingford installed treatment technology that would achieve 0.2 ppm we would be locking in our plant capacity at less than design flows. This would be an untenable no-growth position. In other words, the stated permit limits can be misleading when it comes to their application in actual plant design.

Given the interim nature of the current limits and the need to build prudently for future demand, the general approach for the Quinnipiac River towns (and presumably for some of the other forty-one entities on the attached list) will be to design to a concentration that reflects full plant capacity. For Wallingford this would shift the project to the 0.1 ppm removal level.

4. The DEEP has acknowledged that non-point sources are contributors of phosphorous loading in CT rivers and streams. However, in its effort to reduce phosphorous loading, the DEEP is choosing to target only the NPDES permit holders and has not developed or promoted a comprehensive program to curtail non-point sources.

To date the DEEP has indicated that, although they appreciate our concerns regarding the cost impact of their proposed permit limits, their hands are effectively tied in this matter by EPA's directives regarding phosphorous removal. In order to move forward with the development of a workable solution to this apparent impasse we would welcome the opportunity to engage in a meaningful dialog with the DEEP and the U.S. EPA regarding the following topics that relate to both the Quinnipiac River basin and to the basins in which the other regulated cities and towns are located:

- The linkage or lack thereof between in-stream levels of phosphorous and water quality impairment.
- The impact on water quality that might be achieved through a significant reduction in non-point sources of phosphorous.
- Whether significant reductions in point source discharges of phosphorous are the most cost-effective means of improving stream quality.
- The beneficial impact on water quality that would be expected based upon phosphorous removal technology that would achieve significant levels of reduction, but at a cost that would be a fraction of that required to meet the standards currently proposed by the DEEP. We are hopeful that the DEEP will support this approach, which would allow time to fully evaluate the benefits to stream quality and whether additional removals are actually justified.

We therefore urge lawmakers to assist us in developing and implementing a more workable, cost-effective approach to comply with EPA standards. The Town of Wallingford and other stakeholders are certainly willing to work together to arrive at a workable solution to this issue but, thus far, that has proven difficult. **In addition, we urge lawmakers to also support an increase in the funding level for phosphorous removal project grants to 100% of the cost of the project and the creation of a specific set-aside within the Clean Water Fund sufficient to fund all phosphorous removal projects required pursuant to DEEP-imposed permit limits.** We would welcome any support your committee can provide us in developing reasonable compliance alternatives **and/or providing full grant funding support for phosphorous projects.**

Last Updated 7 Nov 2011

TABLE 1 SEASONAL PERMIT LOADS and PERFORMANCE LEVELS

Regional Watershed	NPDES	Average Performance Level (mg/L)	Permit Load (pounds / day)
Bantam River Watershed	LITCHFIELD WPCF	2.39	9 97
Blackberry River Watershed	NORFOLK SEWER DISTRICT	Cap	3 45
Blackberry River Watershed	NORTH CANAAN WPCF	Cap	4.29
Factory Brook Watershed	SALISBURY WPCF	0 62	1 97
Farmington River Watershed	PLYMOUTH WPCF	0.5	4.38
Farmington River Watershed	WINSTED WPCF	1.49	17.16
Farmington River Watershed	BRISTOL WPCF	0.1	7 48
Farmington River Watershed	PLAINVILLE WPCF	0.2	3.49
Farmington River Watershed	NEW HARTFORD WPCF*	Cap	10 92
Farmington River Watershed	CANTON WPCF	Cap	24.8
Farmington River Watershed	FARMINGTON WPCF	2	70.11
Farmington River Watershed	SIMSBURY WPCF	2.5	46 95
Fivemile River Watershed	NEW CANAAN WPCF	0.19	1 47
Hockanum River Watershed	VERNON WPCF	0.14	4 56
Hockanum River Watershed	MANCHESTER WATER & SEWER	0.25	13.21
Housatonic River Main Stem Watershed	New Milford WPCF*	Cap	5 76
Limekiln Brook Watershed	DANBURY WPCF	0.1	7 55
Naugatuck River Watershed	TORRINGTON WPCF	0.4	17.29
Naugatuck River Watershed	QUALITY ROLLING AND DEBURRING INC.	0 7	0 53
Naugatuck River Watershed	THOMASTON WPCF	1	7 35

Last Updated 7 Nov 2011

Regional Watershed	NPDES	Average Performance Level (mg/L)	Permit Load (pounds/day)
Naugatuck River Watershed	WATERBURY WPCF	0.2	34.26
Naugatuck River Watershed	NAUGATUCK WPCF	0.4	16.43
Naugatuck River Watershed	BEACON FALLS WPCF	1	2.67
Naugatuck River Watershed	SEYMOUR WPCF	0.7	7.54
Naugatuck River Watershed	ANSONIA WPCF	0.7	11.92
Norwalk River Watershed	RIDGEFIELD MAIN WPCF C/O OMI	0.1	0.52
Norwalk River Watershed	RIDGEFIELD RTE 7 C/O OMI*	1	1
Norwalk River Watershed	REDDING WPCF	Cap	1.08
Pomperaug River Watershed	SOUTHBURY HERITAGE VILLAGE WPCF*	Cap	10.92
Pootatuck River Watershed	NEWTOWN WPCF	Cap	4.01
Quinebaug River Watershed	THOMPSON WPCF	0.7	2.1
Quinebaug River Watershed	PUTNAM WPCF	0.7	8.41
Quinebaug River Watershed	KILLINGLY WPCF	0.7	18.23
Quinebaug River Watershed	PLAINFIELD NORTH WPCF	0.7	3.86
Quinebaug River Watershed	PLAINFIELD WPCF	0.7	2.51
Quinebaug River Watershed	GRISWOLD WPCA	0.7	2.92
Quinnipiac River Watershed	SOUTHINGTON WPCF	0.2	7.53
Quinnipiac River Watershed	CHESHIRE WPCF	0.2	4.06
Quinnipiac River Watershed	MERIDEN WPCF	0.1	8.71
Quinnipiac River Watershed	WALLINGFORD WATER & SEWER	0.2	8.95
Quinnipiac River Watershed	CYTEC INDUSTRIES INC	0.1	1.49
Shetucket River Watershed	SPRAGUE WPCF	Cap	3.11

Last Updated 7 Nov. 2011

Regional Watershed	NPDES	Average Performance Level (mg/L)	Permit Load (pounds / day)
Willimantic River Watershed	STAFFORD WPCA	Cap	8 61
Willimantic River Watershed	UCONN WPCF	Cap	23.76
Willimantic River Watershed	WILLIMANTIC WPCF	Cap	18 63

Dennis Waz  
Public Utilities Superintendent  
City of Meriden  
226 Evansville Ave.  
Meriden, CT 06451

**SB-440, AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHOROUS REMOVAL.**

The City of Meriden supports the *intent* of SB-440 to make Clean Water Fund moneys available for municipal water pollution control projects concerning phosphorous removal, however, we are concerned that the bill fails to address the underlying concerns relative to this issue.

We believe that the state Department of Energy and Environmental Protection (DEEP) should be directed to explore other viable alternatives to compliance that will achieve EPA's objectives without subjecting residents and businesses to huge increases in sewer bills.

DEEP has indicated that the issue bears additional study yet is expected to issue draft NPDES permits within the next two months which will impose monumental costs on a number of municipalities to upgrade plants to comply with rigid phosphorus discharge limits. DEEP also admits that the limits are essentially a moving target and that EPA will revisit the limits within a few years or limits may be revised based on additional modeling that DEEP anticipates undertaking.

Although SB-440 may provide municipalities with the opportunity to obtain some funding, given the points system that is used to rank projects, many municipalities will not receive any funding under this program.

The City of Meriden started the upgrade of their WPCF in late January 2008. After I assumed my current position in September, 2008, I had heard that the DEEP was going to add a phosphorus discharge limit to our NPDES discharge permit upon expiration of our permit in October 2010. The construction was scheduled to be completed in mid-2010.

I approached two engineers from the DEEP at a Managers Forum in November 2008 seeking their guidance on how to proceed. My thought was to be proactive and incorporate the Phosphorus upgrade into the current project, saving ratepayers money by not having to start a new project after the current project was complete. The DEEP agreed that being proactive would benefit everyone concerned. (Note: incorporating the phosphorus into the current project was estimated to save Meriden ratepayers approximately \$500,000). Meriden was advised by the DEEP to proceed with a Phosphorus study, for which Meriden received a 55% grant, and to incorporate the project into the current upgrade. At that time, Meriden was advised to upgrade to the 0.7 mg/l limit.

After the upgrade was completed, Meriden staff, as well as representatives from other plants on the Quinnipiac and Naugatuck Rivers, were invited to the DEEP office and advised that the EPA did not accept the DEP program for phosphorus removal and DEEP therefore developed a new

"interim" strategy for phosphorus removal which lowered Meriden's limit from 0.7 to .01 mg/l. With respect to the funding aspect, the DEEP utilizes a priority pointing system for projects, and due the recent upgrade, I'm unsure that Meriden would qualify for funding under the existing program since we've utilized the points for the upgrade project.

In order to comply with DEEP's proposed discharge limits, which are higher for the City of Meriden than for surrounding towns, the City will have to invest an *additional* \$13 million and spend \$600,000 annually. This places an untenable burden on residents and businesses during a very difficult economic time.

We therefore urge lawmakers to incorporate language in the bill that directs DEEP to review alternative compliance approaches, as other states are doing, and conduct the necessary stream modeling prior to issuing draft NPDES permits. We also believe that the point system for Clean Water Funding should be revised and replaced with a funding mechanism that provides municipalities with greater certainty regarding funding options.

# Town of Southington



## Town Council

Edward S. Pocock, III, Chairman  
 John C. Dobbins, Vice Chairman  
 John N. Barry  
 Cheryl Lounabury  
 Dawn A. Micell  
 Albert A. Natelli, Jr.  
 Christopher J. Palmieri  
 Peter J. Romano, Jr.  
 Stephanie A. Urillo

## Town Manager

GARRY BRUMBACK  
 (860) 278-6200  
 FAX (860) 629-4727

I am Garry Brumback, Town Manager of Southington.

The Town of Southington supports SB 440 "*An Act Authorizing Amounts In The Clean Water Fund To Be Used For Phosphorous Removal*," which recognizes that a number of municipalities are faced with staggering costs associated with the state Department of Energy & Environmental Protection's (DEEP) plan to implement requirements relative to phosphorous removal. While passage of this bill would provide increased Clean Water Fund funding for municipal water pollution control projects concerning phosphorous removal, it would not begin to address the costs associated with DEEP's requirements relative to phosphorous removal.

In addition, SB 440 does not attempt to address concerns that there are more workable, cost-effective approaches to DEEP's requirements that will reduce phosphorous levels to protect rivers and streams without imposing crippling costs on our communities.

### MUNICIPALITIES FACING UNFUNDED MANDATE OF SIZABLE MAGNITUDE

Currently, DEEP is in the process of implementing a "Phosphorus Reduction Strategy for Inland Non-Tidal Waters ("Strategy")" which will impact at least 40 municipalities across Connecticut (see attached list) and cost millions of dollars in plant upgrades to comply: *Southington \$18.5 million; Danbury \$30 million; Wallingford \$19 million; Meriden \$13.5 million; Cheshire \$7.2 million* (to cite only a few).

Many of the affected municipalities have cited that meaningful reduction levels could be achieved through additional chemical treatment at a fraction of the cost of the plant upgrades – somewhere in the range of \$500,000 per plant.

While we understand, through DEEP, that the overall push for Phosphorus reduction is coming from the US Environmental Protection Agency, particular municipalities are being unfairly burdened with addressing a statewide problem of excessive levels in certain water basins. *What is not being addressed in the "Strategy" is any statewide effort to reduce Phosphorus non-point source pollution*, thus alleviating the overall pressure on the water pollution control authorities.

A recent meeting was held with Commissioner Esty and other DEEP officials in an attempt to find a workable compromise. At the meeting were officials from Cheshire, Meriden, Southington and Wallingford, along with representatives from Congressman Larson's office and CCM. While DEEP discussed possibly seeking new financing mechanisms and a deferral of costs for the affected municipalities, there was no resolution to the overall problem of this "Strategy", which unfairly burdens certain towns and cities and their residential and business ratepayers and property tax payers.

"City of Progress"

### SIGNIFICANT PROBLEMS WITH DEEP's APPROACH

In addition to the staggering costs for compliance with the proposed limits, collaborative discussions with affected municipalities have identified the following significant problems with the DEEP's approach:

- (1) In our opinion the DEEP has not clearly defined the expected improvement in water quality that would be achieved as a result of their proposed significant reductions in phosphorous discharge.
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Given the interim nature of the current limits and the need to build prudently for future demand, the general approach for the Quinnipiac River towns (and presumably for some of the other forty-one entities on the attached list) will be to design to a concentration that reflects full plant capacity. For Southington this would shift the project to the 0.1 ppm removal level. This is the most expensive alternative.

- (4) The DEEP has acknowledged that non-point sources are contributors of phosphorous loading in CT Rivers and streams. However, in its effort to reduce phosphorous loading, the DEEP is choosing to target only the NPDES permit holders and has not developed or promoted a comprehensive program to curtail non-point sources.

### STATEWIDE APPROACH NEEDED

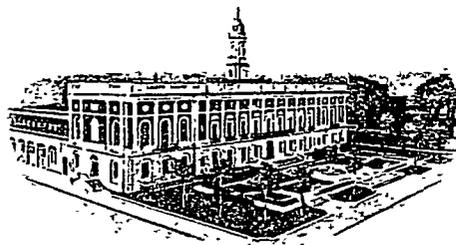
Affected towns and cities across Connecticut urge lawmakers to:

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- (2) **Support an increase in the funding level for phosphorous removal project grants to 100% of the cost of the project and the creation of a specific set-aside within the Clean Water Fund sufficient to fund all phosphorous removal projects required pursuant to DEEP-imposed permit limits.**

We would welcome any support your committee can provide us in developing reasonable compliance alternatives and/or providing full grant funding support for phosphorous projects.

Thank you.

DENIS A. CUEVAS, P.E.  
GENERAL MANAGER



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E-MAIL [dcuevas@waterburyct.org](mailto:dcuevas@waterburyct.org)

**WATER POLLUTION CONTROL**  
210 MUNICIPAL ROAD, WATERBURY, CT 06708

**Testimony In favor of SB 440**

**Denis A. Cuevas**  
**City of Waterbury, Water Pollution Control Department**

**Before the Planning & Development Committee**  
**March 21, 2012**

**Reference: Raised Senate Bill 440 AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHOROUS REMOVAL.**

I thank you for the opportunity to testify before this committee on behalf of the City of Waterbury, Water Pollution Control Department. The City is in favor of SB-440 to assist in the capital improvement costs associated with the state Department of Energy & Environmental Protection's (DEEP) plan to limit phosphorous discharge for the City's Water Pollution Control Facility (WPCF). The changes in SB 440 to the Clean Water Fund that include phosphorous removal projects will help the City in covering some of the cost associated with meeting the DEEP's proposed phosphorous limits.

The City's WPCF is the fourth largest wastewater treatment facility in the state and the largest facility along Connecticut's Naugatuck River that will be required to meet the proposed phosphorous limits. This facility serves Waterbury, Watertown, Wolcott; and parts of Naugatuck, Prospect and Cheshire.

As the largest wastewater treatment facility on the Naugatuck River, the Waterbury WPCF provides treatment to an average effluent flow of 21 million gallons a day. Improvements to the facility would include the installation of treatment technologies and operational changes to reduced phosphorus nutrient with a goal of achieving a 0.1 mg/l desired by the US Environmental Protection Agency (EPA), which is lower than the 0.2 mg/l level currently being discussed by State DEEP. The capital improvements to the facility would lower phosphorus to a 0.2 mg/l level and would result in a 94 percent reduction of the total phosphorus load with a 97 percent reduction at a 0.1 mg/l level. The reason to plan for a lower limit is based on indications that there is some uncertainty about the current 0.2 mg/l effluent limit which may be more stringent in future permits.

The reduction of phosphorus to the proposed 0.2mg/l level will be required in the National Pollutant Discharge Elimination System (NPDES) permit that is scheduled to be issued within the next two to three months. This permit is presently being drafted by the DEEP and the City has been notified of the stricter requirements regarding phosphorous. The Water Pollution Control is working with an engineering firm to determine the specific type of treatment technology that will best meet its needs in terms of technical feasibility, effluent quality, capital costs, operations ease and flexibility, hydraulic impacts and implementations schedule. It is estimated that the overall capital improvement cost for the phosphorous project to be \$45,000,000 and annual operation/maintenance cost to be \$750,000.

The City of Waterbury has demonstrated a commitment to the environment and has shouldered the burden in terms of cost to building and improving the WPCF. The facility improvements related to phosphorus limits, while necessary and desirable for the health of the Naugatuck River, will create a heavy financial burden on Waterbury and its citizens who are still paying the costs associated with the facilities upgrade completed in 2002.

In light of the City's bonding needs, debt service and annual budget commitments, the City must seek and rely upon assistance from the Clean Water Fund to make additional improvements to its WPCF. Considering the regional service of the facility, benefits that and improvements to the receiving waters, it is fitting that the City of Waterbury seek aid through the Clean Water Fund to implement the proposed phosphorous project.

Statement by:  
**Kathleen McNamara**  
**Grants Administrator**  
**City of Waterbury**

On:  
**Raised Bill No. 440**

Before:  
**Committee on Planning and Development**

**Wednesday, March 21, 2012**

Good morning, Mr. Chairman and distinguished members. I am Kathleen McNamara, City of Waterbury Grants Administrator, and it is my pleasure to appear before you as a representative of the Office of the Mayor.

Today, I am voicing the City's support for Raised Bill No. 440, "An Act Authorizing Amounts in the Clean Water Fund to be used or Phosphorus Removal." In the last several years, USEPA has devoted increasing attention to the reduction of the nutrients nitrogen and phosphorus by waste water treatment plants (WWTPs) in order to address excess nutrient levels that impair water quality in lakes and U.S. coastal waters. In fact, nutrients are considered "pollutants" regulated by USEPA under the Clean Water Act. USEPA has mandated that states establish limitations on phosphorus in all wastewater discharge permits for non-coastal surface water discharges.

While some may debate the levels of allowed discharge - whether it be 0.7mg/L or 0.2mg/L, it is clear that the imposition of numeric nutrient criteria (NNC) is not going away and that it will be extremely costly to the towns and cities of Connecticut - in some cases costing tens of millions of dollars to communities. In the case of Waterbury, costs are estimated at \$45 million to institute the appropriate plant upgrades. Similar concerns are being raised by communities around the country as they face gigantic bills for upgrades to relatively new plants whose initial construction is often not yet paid off.

When the original language in 22a-278 (c) (3) was drafted, phosphorus was not the concern it is today. Consequently, phosphorus removal was not included as an eligible project for Clean Water Fund moneys. Addition of language to make phosphorus removal eligible for Clean Water funding will ensure that Connecticut cities and towns will be able to access the highest level of grant-to-loan funding available, as they face the staggering costs of mandated reductions or removals. The City of Waterbury therefore asks for the Committee's support of Raised Bill 440.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2012**

**VOL. 55  
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THE CLERK:

Senate Bill 308.  
Total Number Voting 35  
Necessary for Passage 18  
Those Voting Yea 21  
Those Voting Nay 14  
Those Absent/Not Voting 1

THE CHAIR:

The bill passes.

Senator Looney, good evening again, sir.

SENATOR LOONEY:

Good evening, Madam President.

Madam President, if the Clerk might next call the item calendar page 36, Calendar 282, Senate Bill 440.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 36, Calendar 282, Substitute for Senate Bill Number 440, AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS, favorable report of the Committees on Planning and Development, Environment and Finance, Revenue and Bonding.

THE CHAIR:

Senator Cassano with a C.

Will you remark sir?

SENATOR CASSANO:

Yes Madam President, thank you.

I'd like to move acceptance of the bill and the joint committee's favorable report, waive the reading and seek leverage to summarize.

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THE CHAIR:

The -- the motion is on adoption and passage of the bill.

Will you remark sir?

SENATOR CASSANO:

Yes, thank you, Madam President.

I'd like to offer an amendment. I believe the Clerk has possession of the amendment 5241. I'd like to move the amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5241, Senate A, offered by Senator Meyer, et al.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes, thank you, Madam President.

This is a bill that's actually a combination of two bills, a Planning and Development bill and an Environmental bill and I'm going to -- I'm going to begin with the Planning and Development side which is Section 1 of the bill which basically calls for six -- six communities: Danbury, Meriden, Waterbury, Cheshire, Southington and Wallingford for the elected officials -- chief elected officials to work together to make recommendations regarding the state-wide strategy to reduce phosphorous loading on inland non-tidal waters and the reason they've been selected is that they have that category and in fact have -- have begun to process.

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We are seeing tremendous cost for communities and for the state dealing with phosphorous issues particularly at our wastewater treatment plants and so we've combined this with a second bill two tie four -- 254 and I'd like to yield to -- to the Chair of the Environmental Committee and have Ed go over the second part of the bill which deals with the environmental part, Senator Meyer.

Through you.

THE CHAIR:

Senator Meyer will you accept the --?

SENATOR MEYER:

I accept it with pleasure, Madam President.

THE CHAIR:

Thank you.

SENATOR MEYER:

Thank you, Senator Cassano.

The second part of the bill deals with restrictions on phosphorous. Phosphorous is a highly toxic substance. So toxic that even the Scotts Lawn Company in their testimony to the Environment Committee said that they are ending the production of -- of lawn care with phosphorous.

I do want to say that this bill is -- amazing contribution made by Senator Roraback to this bill. He really brought it to the -- to the Environment Committee. It received unanimous support in the Environment Committee and what it essentially does is the following.

In general it prohibits the application of phosphorous on established lawns. That doesn't mean it can't be used on new lawns because phosphorous is important in a new lawn. So it's prohibited in established lawns and established lawns are defined under the bill as any area of ground that is covered with grass for two

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or more growing seasons and is customarily kept mowed, but even with an established lawn you'll see in the bill that there are a couple of exceptions.

Next the bill exempts agriculture and the bill exempts golf course -- golf courses. Senator Daily asked me privately why we were exempting golf courses from phosphorous and the answer to that is that golf courses have been -- use best practices and best practices involve as little phosphorous as possible.

The bill goes on to prohibit the application of phosphorous from December 1 through March 14 of -- of any year and that's because that is the water time of year which water moves a great deal and the phosphorous would move from -- from land into waterways. Phosphorous results in remarkable amounts of algae.

Next the bill prohibits phosphorous within 20 feet of any waterway except if the phosphorous -- the fertilizer with phosphorous is applied with a targeted spray liquid or with a deflector. It can be within 15 feet instead of 20 feet of -- of a waterway. And finally the bill provides for customer information.

So that is the sum and substance of the bill. It's received strong support both by Republicans and Democrats and by the public at the public hearing and I urge its passage.

THE CHAIR:

Will you remark?

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President.

If we might just pass this item temporarily and stand at ease for what I -- I believe will be a brief -- a brief pause.

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The Senate will stand at ease.

(Chamber at ease.)

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would call from page 14,  
Calendar 415, Senate Bill 399.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 14, Number 415, Substitute for Senate  
Bill 399, AN ACT CONCERNING ANNUAL ADJUSTMENTS TO  
ASSESSMENT RATES ADOPTED FOR APARTMENT AND RESIDENTIAL  
PROPERTIES, favorable report of the Finance Committee.

THE CHAIR:

Good evening, Senator Daily. How are you?

SENATOR DAILY:

I'm fine, Madam President, and how are you doing?

THE CHAIR:

Fantastic.

SENATOR DAILY:

Fine.

I move the joint committee's favorable report and  
passage of the bill.

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THE CHAIR:

The bill is passed.

Senator Looney.

SENATOR LOONEY:

Thank you, thank you, Madam President.

Madam President, would move for immediate transmittal to the House, calendar page 14, Calendar 415, Senate Bill 399 as amended.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

If we might return to the item pass temporarily slightly before we -- we were standing at ease and that was calendar page 36, Calendar 282, Senate Bill 440.

THE CHAIR:

Mr. Clerk will you recall that bill please.

THE CLERK:

Calendar page 36, Calendar Number 282, Substitute for Senate Bill Number 440, AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS, favorable reports by the Environmental Committee, the Finance Committee and the Planning and Development Committee.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

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Just to summarize, Senator Cassano brought out the Planning and Development aspect of this bill and as Chair of the Environment Committee I brought out --

THE CHAIR:

Senator, we -- you're -- you're discussing Senate A, sir?

SENATOR MEYER:

Yes on Senate --

THE CHAIR:

Thank you.

SENATOR MEYER:

-- I brought out the strike all amendment as it relates to the environmental and conservation aspect of this bill and thanked Senator Roraback for his major contribution to this work.

Thank you.

THE CHAIR:

Thank you.

Are there -- will you remark?

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

Briefly in support of the amendment, the great thing about the State of Connecticut, one of the many great things about the State of Connecticut, Madam President, is that the General Assembly can actually respond to a good idea which emanates from one particular constituent.

Madam President, this fall a very smart and committed constituent of mine contacted me and said Andrew what

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is wrong with the State of Connecticut. Ten or eleven other states have seen fit to limit the use of phosphorous based fertilizers in order to protect lakes, rivers and other waterways that are sadly being choked with aquatic weeds and algae.

Madam President, in passing this bill Connecticut will join New York and Massachusetts and New Jersey and Virginia and many other states in disallowing something that is of no benefit. And that which is of no benefit is applying phosphorous based fertilizers to established lawns.

Madam President, this bill does not outlaw the sale of phosphorous based fertilizers and it doesn't outlaw the use of phosphorous based fertilizers where their use is helpful. All it does is outlaw the gratuitous and non-beneficial use of phosphorous based fertilizers which can cause great destruction to the waterways in our state.

So I am very grateful to Senator Meyer and the Environment Committee for giving this matter their attention and to Senator Cassano and the Planning and Development Committee. Phosphorous is a huge issue facing our state. We have to take an all hands on deck approach to limiting the amount of phosphorous that makes its way into our waterways and this bill is a giant step forward in that direction.

I urge support of the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Roraback.

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I stand in strong support of the amendment. I'd like to thank Senator Cassano, Senator Meyer and both Planning and Development and the Environment Committees for addressing this issue that certainly is

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statewide but has a big impact in western Connecticut surrounding Candlewood Lake and the Housatonic River.

The City of Danbury is now planning for upgrades to our wastewater treatment plant. This bill is allowing us to take a step back and see to it that the right science is considered in the process of planning and designing upgrades to this facility. It means an awful lot to the taxpayers and ratepayers in the City of Danbury and I think it's a good idea. I strongly urge adoption.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Cassano, did you not stand, sir?

Oh I'll take Senator Fasano then.

SENATOR FASANO:

Thank you, Madam President.

Madam President, I thank everyone for their support of this bill and DEEP for working together. This bill creates a process to ensure that DEEP and the affected communities will work together to find a cost-effective approach to reduce phosphorous levels on proper water quality data and scientific methods. We hope that this will give municipalities the opportunity to utilize less expensive treatment methods and determine whether such methods are successful in reducing phosphorous before mandating costly plant upgrades.

This collaboration process will ensure that Connecticut can take steps to reduce phosphorous levels to improve the water quality in rivers and streams without imposing enormous compliance costs on our municipalities and their residents.

Madam President, I had prepared that because the issue that had come before us that this bill addresses is the fact that the federal government is putting out

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guidelines without specifying exactly what those guidelines are, asking DEEP to enforce unspecified guidelines then putting pressure on a lot of towns, and particular to the towns in this bill, to meet guidelines that we're not even sure are going to be the guidelines.

And telling us we have to spend money and taxpayers' money on a goal where the goal posts keep moving. So what this does is we make sure we have the right scientific data, we're using the right scientific method and the result is less phosphorous but at a cost that's reasonable for our residents and for our towns.

Madam President, and I thank everybody for their support. I know this should go overwhelming and I look forward to its adoption.

Thank you, Madam President.

THE CHAIR:

Thank you.

Now Senator Cassano.

SENATOR CASSANO:

Thank you, Madam President.

Just keep emphasizing the last part the name, we're both happy.

I would like to just in closing point out that the last part of the bill has various scenarios for actually funding the cleanup of nutrients and so on and that's a major step forward for us as well as we look at combining some of that with wastewater treatment cleanup.

And if there are no more comments, I would move it --  
oops.

THE CHAIR:

I'm sorry, Senator, there are more speakers.

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Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I -- I do have a question for the proponent of this bill and I'm -- I'm thinking that Senator Meyer is probably the part of the proponent that would be most apt to answer this question.

THE CHAIR:

Senator Meyer, hi, will you prepare yourself for a question please from Senator Welch.

Thank you.

SENATOR WELCH:

Thank you, Madam President.

And -- and my apologies to Senator Meyer for -- for interrupting.

We -- we all have a number of constituents that we have to answer to and -- and I think there's an answer for the question that I'm about to ask and I'm hoping you can help me and -- and one of the constituents that have raised concerns, at least to me with respect to this bill, are those that work in the lawn care business and some have even hypothesized that this bill is going to put them out of business, although I think that's not the case.

But if you could help me, Senator Meyer, what is the response that I -- I give to them, those in the business that are concerned about the impact of, in particular, the phosphorous bands with respect to their individual lawn care businesses?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Through -- through you, Madam President, I -- I think Senator Roraback explained it pretty clearly was that this -- this bill does -- it not an outright prohibition on fertilizers using phosphates at all. It -- it's -- it's a narrow prohibition and it's narrow to the following instances: first of all to established lawns and secondly to -- to using fertilizers with phosphorous during the high water period, namely December 1 to March 15 and -- and third is using phosphorous -- using fertilizers with phosphorous within 20 feet of an actual waterway unless you use a particular applicator and then it can be within 15 feet.

Those are the prohibitions in the bill. The -- otherwise phospho -- phosphate -- fertilizers with phosphorous can be used in Connecticut under -- under this law. This is a very carefully carved out exception and again it's part of a -- a national trend and indeed the Scotts Company in their testimony recognized that we should be phasing out fertilizers with phosphorous and they said they were doing that.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And one term that I -- gives me some cause and some hesitation is the term established lawn. I live in a home that was built in the 70s and I would venture to say that parts of that lawn aren't established still to this day. What -- what do we mean by an established lawn?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Yes as -- as I said in my introduction of the bill the -- the term established lawn is -- is expressly defined in the bill and is defined as meaning an -- an area of ground that is covered with grass for two or more growing seasons and that is customarily kept mowed. That is the definition there of an estab -- of an established lawn and the science again is that fertilizers with phosphorous will not help an established lawn.

SENATOR WELCH:

That's all I have. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Suzio -- new grandpa, Senator Suzio, would you like to comment?

SENATOR SUZIO:

Thank you, Madam President.

First of all two of the four towns that are affected by this, Cheshire and Meriden, are in my district and I know that Meriden in particular only a few years ago spent millions of dollars on a -- its water treatment facilities and in spite of that they're going to find it impossible to meet the -- the two parts per million that I understand the EPA imposes on -- with respect to phosphorous.

I do like the legislation in the sense that a) it's going to help out with the funding of any costs that should occur, it will help augment what already exists, and it does set up, in effect, a process for the commissioner to work with officials from the four towns that are most directly affected to develop a -- a strategy to deal with, you know, with the issue of phosphorous in the water that flow through our towns.

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I did want to ask if I could the proponent a question or two though if I might.

THE CHAIR:

Please proceed.

Senator Meyer would you like to prepare yourself for a question from Senator Suzio please.

Thank you.

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam. You look lovely tonight by the way.

SENATOR MEYER:

Madam Chairman, could we just stand at ease for a minute until we work -- work out a problem.

THE CHAIR:

Senator Suzio, do you mind we're going to stand at ease.

SENATOR SUZIO:

No problem.

THE CHAIR:

The Senate will be at ease.

(Chamber at ease.)

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

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.Appreciate the indulgence of the Chamber. If that item might be pass temporarily. There is a -- a need for clarification on an amendment on that bill and if the Clerk would call instead -- or as the next item calendar page 34, Calendar 165, Senate Bill 206.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 34, Calendar Number 165, Substitute for Senate Bill Number 206, AN ACT CONCERNING A STUDY OF PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDER ASSOCIATED WITH STREPTOCOCCAL INFECTIONS, favorable committee of the insurance -- favorable report from the Insurance Committee, Appropriations Committee.

THE CHAIR:

Senator Crisco, good evening, sir.

SENATOR CRISCO:

Good evening, Madam Chairman.

Chairman I move for acceptance of the joint committee's repar -- fav --

THE CHAIR:

The motion is on acceptance and passage.

SENATOR CRISCO:

-- passage of the bill.

THE CHAIR:

Will you remark?

SENATOR CRISCO:

Madam President, if there ever was an issue that has to be addressed it's this issue. The acronym for the

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Mr. Clerk.

THE CLERK:

On Page 33, Calendar 282, Substitute for Senate Bill Number 440, AN ACT CONCERNING PHOSPHORUS REDUCTIONS IN STATE WATERS, favorable report of the committees on Planning and Development, Environment, Finance, Revenue and Bonding. Senate Amendment Schedule "A" has been designated.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

Colleagues, you will recall that this bill got pulled a couple of times, PT'd a couple of times yesterday because of -- of merging events, so to speak. We -- just to brief you on it before I ask for a -- a new LCO amendment, this, you recall, was a bill that in -- restricts the application of phosphorus against established lawns which don't need phosphorus, restricts the use or application of phosphorus during the -- the rainy season, December 1 to March 15, and prohibits the use of phosphorus within 20 feet of a waterway.

A dispute arose and -- and -- concerning a provision in the bill that said, I'm quoting, Nothing in this section shall be construed to prohibit the use of any fertilizer, soil amendment, or compost that contains 0.67 percent or less of phosphate.

Senator Roraback and I did not -- did not particularly like that. Under the advice of scientists from the University of Connecticut, we felt that that was -- that -- that amount of phosphate, 0.67 percent, was substantial, and therefore we -- we did an amendment to take that out -- take it out.

The problem with that was that there had been a negotiation in the House, with which Senator Roraback and I were not familiar, in which the Speaker of the House, together with the fertilizer industry, had -- had negotiated this 0.67, and therefore, the bill was not going to move in the House.

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Therefore, I'm going to ask the Clerk to call, Madam President --

THE CHAIR:

Senator Meyer, before you call an amendment, you have to withdraw the amendment.

SENATOR MEYER:

Yes.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you.

Just for clarification, Madam President, I believe that the -- the board reflects the bill as amended by Senate Amendment Schedule "A". I believe that Senate Amendment Schedule "A", LCO 5241, was designated as Amendment Schedule "A" --

THE CHAIR:

Yes.

SENATOR LOONEY:

-- but it was not, in fact, adopted.

THE CHAIR:

Right.

SENATOR LOONEY:

Is that correct?

THE CHAIR:

That is correct.

SENATOR LOONEY:

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Right.

THE CHAIR:

And that's why I asked for a withdrawal of the amendment.

SENATOR LOONEY:

So we would move then -- I would yield to Senator Meyer for the purposes of withdrawal of -- of Senate Amendment Schedule "A", which was LCO 5241, which was called but was under discussion when the bill was passed temporarily.

THE CHAIR:

Yes, sir. That's correct, sir.

SENATOR MEYER:

Thank you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, senator.

Yes, Madam President.

So, as the Majority Leader said, I -- I do seek the withdrawal of the Senate --

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR MEYER:

Okay. And I'm going to kindly ask, Madam President, the Clerk to call LCO 5069.

THE CHAIR:

Mr. Clerk, will you please call LCO 5069?

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THE CLERK:

LCO Number 5069, Senate "B", offered by Senator Meyer, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes.

Madam President, I move adoption and seek leave to summarize.

THE CHAIR:

Motion on adoption.

Will you remark, sir?

SENATOR MEYER:

Thank you.

Colleagues, this -- this amendment is -- is -- is the same bill that we had yesterday with one exception, and that is it puts back in the fact that -- that you will be able to apply 0.67 percent or less of phosphate in fertilizers and, as I say, that will allow this bill to move forward. It's something that I have thought about, talked with Margaret Miner about this morning. She has urged us to go with this important bill. It's got lots of bipartisan support, and therefore, I urge your approval of it.

THE CHAIR:

All right.

Will you remark? Will you remark?

Seeing none, all in favor of Senate "B", please say Aye.

SENATORS:

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Aye.

THE CHAIR:

Opposed?

Senate "B" passes.

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

The Department of Energy and Environmental Protection has asked us to indicate a legislative intent, and I want to just mention their request on legislative intent. They pointed out that -- that the agency, DEEP, has a current phosphorus plan that is the result of extensive negotiations with the federal Environmental Protection Agency that will be implemented by DEEP's issuing permits.

This bill is not intended, in any way, to stop or delay the issuance of those permits within appropriate limits. They have to do this to comply with the Clean Water Act.

So that, I want to state, at DEEP's request as a matter of legislative intent.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Roraback? Good afternoon, sir.

SENATOR RORABACK:

Good afternoon, Madam President.

I rise, Madam President, in support of the amendment. I'm going to offer a subsequent amendment to make a good bill even better, but this bill represents an integrated and comprehensive approach to coming to terms with the threat that phosphorus poses to our environment.

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Madam President, sewage treatment plants are up against federal requirements that are proving to be very costly and onerous. And while all of us would agree that clean water is a goal that should command all of our attention, the municipalities that are struggling with meeting the federal mandate are concerned that the costs are going to pose an extreme burden on their communities.

And, Madam President, this bill commits DEEP to working with the affected communities to devise strategies which will enable them to comply with the law in a way which doesn't bankrupt their finances. That's the first part of the bill.

The second part of the bill, Madam President, brings Connecticut in line with many of our neighboring states in beginning to deal with nonpoint sources of phosphorus pollution.

Phosphorus is a very helpful addition, under certain circumstances, but it is used much more widely than is necessary to achieve the benefits that it offers. Madam President, if you have an established lawn at your house, putting phosphorus fertilizer on it does nothing to help the lawn, and yet it does a great deal to harm the environment.

So what this bill simply does is to put Connecticut consumers on notice that they are free to use phosphorus-based fertilizers when they're helpful. But when they're not helpful, this law says don't use them because there's no benefit to your lawn, and there's potentially great harm to the environment.

Madam President, between December 1st and March 15th, the ground is typically frozen. What this bill says is don't dump phosphorus on the ground when the ground is frozen, because when a rainstorm comes along, all of what you've dumped on the earth washes into our rivers, lakes and streams. So we are very wise to limit the use of phosphorus in the winter months because it never ends up where we want it to end up, and it always ends up in places where it can do great harm.

The third part of the bill, Madam President, is going to help towns deal with the mandate by giving them the same treatment -- giving them the same treatment -- giving our

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sewage treatment plants the same treatment when they address phosphorus problems that they have enjoyed when they've addressed nitrogen problems.

When our communities have made capital investments to reduce the outflow of nitrogen in the discharge, the effluent from our sewage treatment plants, we have given them a kicker under the Clean Water Fund. We recognize that it's costly to deal with nitrogen, and we've given an extra helping hand to make sure the towns can get this job done in a way that their taxpayers can afford. This bill will give that same kicker when communities are addressing how to deal with the cost of removing phosphorus from the discharge at sewage treatment plants.

This is a good bill, Madam President, but we can make it a better bill. And to that end, the Clerk has an amendment, which is LCO 5395.

If the Clerk could please call the amendment, and if I might be allowed to summarize?

THE CHAIR:

Mr. Clerk, please call LCO 5395.

THE CLERK:

LCO Number 5395, Senate "C", offered by Senator Roraback and Representative Chapin.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

I move adoption.

THE CHAIR:

Motion is on adoption.

Will you remark, sir?

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SENATOR RORABACK:

Madam President, until my constituent began to educate me about why this bill would be a good thing for our state, I didn't have a full appreciation of how complicated fertilizers and compost and soil amendments are. I think most of us, when we go to the grocery store and we see that something's organic and something's not organic, in our mind's eye, we have the notion, well, if it's organic, it's probably better for us. It's probably better for the environment and better for our health.

But, Madam President, when you are shopping for fertilizers, organic doesn't necessarily translate into being what's best for the environment. Madam President, there are certain organic fertilizers on the market which contain elevated levels of phosphorus. And again, if you need phosphorus, it's just what the doctor ordered. But if your lawn doesn't need phosphorus, the risks of using these products are great for the environment.

The experts at UConn, who study soil all day long, observe that phosphorus is a nonrenewable resource that is easily applied in excess when applied at rates typically recommended in organic lawn care programs. Excess phosphorus in soils can run off or leach into sensitive water bodies creating a pollution problem.

Madam President, the language which this Amendment seeks to delete is language which could leave the consumer with a false impression that using organic fertilizers is necessarily not going to harm the environment, and that's decidedly not the case.

We will be doing the environment a favor if we say to consumers, whether your fertilizer is organic or inorganic, if it contains phosphorus, please don't use it on an established lawn. And removing this language will clarify the importance of that message, so I urge support.

And I guess I'd ask, Madam President, that when the vote is taken on this amendment, it be taken by roll.

THE CHAIR:

Roll call vote will be ordered.

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Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

While I greatly admire Senator Roraback's sense of environmental advocacy in this amendment, I do have to, unfortunately, urge my colleagues to vote against it because this bill has been a negotiated bill on both sides.

In the -- in the House, it is being sponsored by Representative Chapin, a rank -- ranking -- ranking member of the Environment Committee. It's -- it's supported by the Speaker of the House of Representatives, Speaker Donovan, and by a large other group, and -- and we will actually cause this bill to -- to fail in the House. It probably won't even be called if we make any changes from the bill that's been negotiated.

And I want to urge you to understand that this is a strong bill without any further amendments. Connecticut is leading here with respect to restricting phosphorus in certain specific ways. So, again, I ask for your vote no on this amendment.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk will you please call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members have voted -- if all members have voted, the machine will be locked. Hold on a second. Oh, I think I might have locked it. I locked it. Sorry.  
Can we put that on? How do we do that? I don't know.

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Senator Hartley, just stay -- just stay for a moment and let's just see how we can change -- fix this, okay? The Senate -- the Senate will stand at ease. What?

(Chamber at ease.)

THE CHAIR:

Senator Hartley, would you like to vote?

Now, have all members voted? If all members have voted, the machine will be closed, for real.

Mr. Clerk.

THE CLERK:

For Senate Amendment Schedule "C",

Total Number Voting	35	
Necessary for Adoption	18	
Those Voting Yea		15
Those voting Nay		20
Those Absent and Not Voting	1	

THE CHAIR:

The amendment fails.

Will you remark?

Senator Meyer.

SENATOR MEYER:

Madam President, I'd like to return the yield to Senator Cassano.

THE CHAIR:

Senator Cassano, do you accept the yield?

SENATOR CASSANO:

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I accept the yield. If there is no further discussion, I would call for a roll call vote.

THE CHAIR:

Okay.

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

If I may, through you, to the proponent, I have one question.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

There happened to be an article in my hometown newspaper a few days ago about this issue. There was a meeting of municipal leaders, along with DEEP and EPA officials, and, of course, the -- the big issue was the focus on the phosphorus and its impact on the environment.

And one of the DEEP officials was quoted in the article as saying that he can do nothing about the federal standard. It is a federal standard, not a state standard. And I think it's something like 2 parts per million, whereas the current standard was 7 parts per million. So while this bill is, I think, a move in the right direction, I'm concerned about what flexibility or latitude we may have in terms of the state regulations and DEEP itself.

So my question to the proponent is, if we are indeed hamstrung in terms of federal regulations which are inflexible, how do you envision this process of, you know, working together will enable our communities to practically meet the standards imposed by the federal regulation and be able to afford it?

Through you, Madam President.

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Senator Cassano.

SENATOR CASSANO:

Yes. Thank you for raising that question. I know, particularly in your area, this is significant and that's why your city is, in fact, on this task force. We would expect that they would be working with those that are involved as far as the federal regulations and working with DEEP, and trying to reach compromise and a long-range solution, and that's a significant part of the first part of the bill.

So -- and being at the table is right where you need to be, and you are.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Through you, Madam President.

I think there's two issues here. One is what is the standard that's going to be applied, which apparently is a quantum leap from the current level, when it goes from 7 parts per million to 2 parts per million, then how are they going -- how is it going to be paid for?

And my -- I guess the question I'm having is, since this is a federal issue, I'm applauding that we're trying to work something out, but I just wonder whether the standard itself is subject to some flexibility.

Through you Madam President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yeah. And -- and like any federal regulation or any

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federal proposal, it is a proposal. This is why I think the existence of the committee and your presence on the committee is significant. The role of DEEP is significant. They have to make the case for us.

The standards, as -- as proposed so far, are extremely expensive, would be back breakers for most of our systems. And -- and so there has to be that room to negotiate and that's where our federal representatives, our members of the House and Senate, are going to have to be part of that process as well.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I have no further questions. I will just say that I am going to support this bill and vote for it. I have some real grave concerns about the cost of meeting the current federal standard and how it can be borne by the cities and towns, not only in my district, but in other areas of the state as well.

And I hope that this collaborative process that's envisioned in this bill can work towards a more practical and fiscally-sound approach to solving the problem and having a clean environment with acceptable phosphorus levels and be something we can afford.

THE CHAIR:

Thank you.

Will you remark?

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

I stand in strong support of this bill. Just to reiterate comments that I made yesterday, and thanks to Senator

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Cassano and Senator Meyer for their work on the bill.

This is beneficial to communities, and I believe that when we look at the section of the bill that asks for communities to come together with the State, this is an example of how state government should operate, and it's truly a best practice of communicating with municipalities. I stand in firm support.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

The Clerk has an amendment, LCO Number 5289. Will the Clerk please call the amendment?

THE CHAIR:

Mr. Clerk, will you call LCO 5289, please.

THE CLERK:

LCO Number 5289, Senate "D", offered by Senator Kelly, et al.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Madam President, I move adoption by roll call and seek leave to summarize.

THE CHAIR:

Motion is on adoption. You will have a roll call.

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Please continue, sir.

SENATOR KELLY:

Thank you, Madam President.

This amendment enjoys bipartisan support of the Environment Committee as well as the members of the Stratford Delegation. And what it deals with is Raymark Waste, who was a manufacturer of asbestos products for many years in the town of Stratford.

We've heard the long discussion with regards to a collaborative effort with regards to both the local, state and federal government, and together with that the cost of remediation. And what this amendment does it is seeks to further that collaborative effort by -- within agency appropriations, having DEEP prepare a report which would list all sources of revenue, the amounts of funds potentially available from such sources of revenue, the requirements for obtaining the funding sources, the department's recommendation concerning the pursuit of such sources of revenue, the reasons for such recommendations, and a proposed time line for pursuing funding from any such sources.

This would seriously help the town of Stratford deal with the issue of Raymark Waste, and it would help both the town and the State of Connecticut move forward together in the remediation of that material. So I would urge its adoption.

Thank you, Madam President.

THE CHAIR:

Will you remark?

Senator Meyer.

SENATOR MEYER:

Thanks, Madam President.

Senator Kelly, I'm going to respectfully ask you to withdraw this amendment on the following conditions.

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This -- this amendment, which is an important amendment agreed to by the Department of Energy and Environmental Protection, has not been caucused by our side.

And I have the representation of the majority leader that we -- you and I will do a joint amendment with respect to Raymark on another bill, so that this bill, this phosphorus bill, can go as is to the House below and not have any further confusion. Our -- our caucus can caucus it. We can add -- add it in a joint fashion to another bill, appropriate bill, and go with it in the next 24 hours.

So I make -- I make that representation, and -- and respectfully request that you withdraw it so that we don't have to take it to a vote here until it's properly added to another bill.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Madam President, may we stand at ease?

THE CHAIR:

Absolutely sir.

(Chamber at ease.)

THE CHAIR:

Sorry, Senator Kelly, I was talking to Leda.

SENATOR KELLY:

That's quite all right, Madam President.

I will withdraw the amendment.

THE CHAIR:

Thank you, Senator Kelly.

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So Senate "D" was withdrawn. Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

I guess with this bill, third time is a charm -- is a charm, and we almost didn't get it out on a third time. This is the easiest, toughest bill we ever had to get out of this Chamber.

Madam President, I had spoken about -- in favor of this bill, and I had made some comments, and I am going to just quickly recite those comments. But those comments the last time we were here, I want to address onto this bill, which is -- the purpose of this is to get DEP and the stakeholders together to come out with a better scientific method to study the phosphorus that's in the water, number one. Number two is to come out with the most economical method to achieve the purpose, which is to reduce the amount of phosphorus.

Madam President, this is a mandate from the feds -- from the federal government that we're forced to deal with without really knowing where they're going, and DEP, in an effort to keep good relationships with the federal government, is creating standards and not guaranteeing that these standards are the standards that are going to be in place.

So I think by having this bill, it gets everyone together for a consensus of what is the best manner and best method to achieve the purpose as stated by the federal government, and I look for passage.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Cassano.

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SENATOR CASSANO:

Thank you, Madam Chair.

If there is no objection, I would ask that it be put on consent.

There is objection, I believe?

THE CHAIR:

I think we'll do a roll call.

SENATOR CASSANO:

Roll call vote, please.

THE CHAIR:

Mr. Clerk, would you please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call vote has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll  
call has been ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted?

The machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

Senate Bill 440 as amended by Senate "B",

Total Number Voting:	36
Necessary for Adoption:	19
Those Voting Yea:	36
Those Voting Nay:	0
Those Absent and Not Voting:	0

THE CHAIR:

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The bill passes.

Points of personal privilege?

Senator McKinney. Good afternoon, sir.

SENATOR MCKINNEY:

Thank you, Madam President.

Madam President, I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Madam President, if you look around all of the people in the Senate Chamber today, you will notice one person who has the largest smile on his face. The people who -- who leave us always come back with the biggest smiles. It is a -- a great sight to welcome back Morgan O'Brien who was with our caucus forever as our lead counsel.

When I was first elected, Madam President, Morgan came into my office and sat down with me with with masons and our legislative rules, and all of the things that he thought a young, ambitious, loud-mouthed Republican state Senator should learn. And so when I get up to make points of order and other arguments, you can blame Morgan for all those things, because I wouldn't have learned any of that without Morgan. He was an exceptional lawyer, a good friend, and a great servant for the State of Connecticut and I hope we get to give him our usual warm welcome.

THE CHAIR:

Morgan, it's wonderful to see you back here in the Chamber. Retirement looks good on you.

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President. While everyone knows Morgan,

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not everyone knows his partner in crime. Madam President, traveling with Morgan today is one of Litchfield's leading citizens, an individual named Tom Hogan. Tom, could you please stand?

Tom has served the community of Litchfield in many capacities, not the least of which is one of its -- as a member of its Board of Selectmen. And Tom and his wife, Judy, contribute to the well-being of our community in countless ways, not the least of which is getting Morgan safely back and forth to the capital, making sure that he stays out of trouble. So, Tom, I'd like to welcome you and encourage the members to give you our customary warm welcome.

Thank you, Madam President.

THE CHAIR:

Tom must have really a big job if he can get Morgan back and forth safely. That's really good.

Will you remark further?

If not, Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would move that Calendar 282, Senate Bill 440 as amended be immediately transmitted to the House of Representatives.

THE CHAIR:

Seeing no objections, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might return to an item passed temporarily earlier on calendar Page 1, Calendar 116, Senate Bill 282.

THE CHAIR: