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REP. ROY: Thank you from the bottom of my heart on that reminder to keep it tight. Okay. Our first person on the speak -- on the officials list -- now we give the first hour to the officials and then, if we need more time for them, then we begin to alternate back and forth between public and officials. Is a Barry Brumback from Southington? Barry? If we've got the name wrong please correct it for us.

Oh, before Barry starts, the usual obligatory, if there is any emergency, the doors you entered are the doors you leave by -- right behind you. If there is anything -- any blockage out there you can get out this door behind us to your left and follow the directions of the Capitol Police. They will lead you to safety. Thank you.

You're on. Please push your button. Thank you.

GARRY BRUMBACK: Thank you, Mr. Chairman, and members of the committee. My name is Garry Brumback and I'm the Town Manager for the town of Southington. And I want to thank you for this opportunity to -- to speak with you all this morning and testify. What I am here to testify to is the support of both the town of Southington and CCM, the Connecticut Conference of Municipalities, support of Senate Bill 254 which would provide a statewide approach to addressing phosphorous in Connecticut waterways.

Our situation in Southington is not unique to a lot of other communities in that currently the DEEP strategy for reducing phosphorous in our waterways is to place the entire burden on the municipalities and the taxpayers.

This bill would also help the municipalities in spreading that cost and that burden to people who are putting phosphate into our environment, not necessarily just those that are discharging it into the waterways. The cost is significant in the current DEEP approach and it could be as much as 18 to 30 million dollars for each municipality expected to remove all of the phosphorous from their -- from their waste water, discharge along with an ongoing cost of a half million to a million and a half per year in order to sustain that approach.

We are urging this committee to require the DEEP to accept this bill as a part of statewide approach to regulating phosphate -- phosphorous discharge and we would appreciate the -- the committee's also adding phosphorous to the -- to the grant program as a nutrient in order to allow for grants in the future and I appreciate the opportunity to speak again and I'm happy to answer any questions.

REP. ROY: Thank you. Senator Meyer.

SENATOR MEYER: Thanks for coming. I -- I just wanted to get your -- your knowledge and experience with phosphates in your town and the negative effects; what you've observed and so we can understand the importance of this bill.

GARRY BRUMBACK: Yes, sir. The -- the issue for us is really one of primarily discharged from our wastewater treatment facility. Currently there are no limits to discharging phosphorous into the waterway and we recognize as a town that there is a need.

The Quinnipiac River basin, which is the one that we discharge into is an impaired waterway

and -- and our town does not dispute the fact that we need to do something. Our concern is that by placing the entire burden on the wastewater treatment facility and its discharge, it is an extraordinarily financial burden on our town and it doesn't necessarily solve the whole problem.

What we're asking is this bill is a great step in taking phosphate -- phosphorous out of fertilizers, which are non-point sources that also significantly contribute to the amount. We're then having to eliminate it the wastewater treatment plant.

So what we're asking is that a holistic approach and a statewide approach would both spread the cost and probably be more effective in the long run. Thank you, Senator

REP. ROY: Thank you. Representative Backer.

REP. BACKER: Thank you, Mr. Chairman. Hi, good morning. I -- I caught the -- the last few -- the last minute or so of your testimony and I'm curious -- we know that phosphorous and freshwater is -- is problematic, there's too much of it there.

And this is in a call for -- a call to eliminate phosphorous completely from fertilizers or how -- how do you envision this working?

GARRY BRUMBACK: That is correct.

REP. BACKER: I'm not exactly sure that I think that's one of the -- one of the element -- one of the things that are -- would be lacking in soils that would -- in terms of farming might be problematic. I guess I'm going to have to get an education on that from soil scientists

here pretty quick as we move forward with this, but certainly I'm -- I -- we're aware of -- about the phosphorous getting into freshwater is a problem.

It's not a problem in seawater because it's not limiting factor there like nitrogen is, but in -- in the freshwater it is and -- and certainly in agreement that it's a control, its deposition, and its eventual runoff into the water, but not quite sure the impact it would have on legitimate agricultural efforts and if there's way to reduce that.

How much of it actually runs off? That's the kind of soil science I would like to have before we go to much further with this -- before we ban it completely from the -- from the fertilization process and maybe come up with some -- oh, here's that word -- regulations for application per acre or something of that nature. Thank you. If you know anything about it I would -- chime in. I would love --

GARRY BRUMBACK: I do not.

REP. BACKER: Okay. Because -- but you know you need it to grow stuff.

REP. ROY: Thank you. Senator Roraback.

SENATOR RORABACK: Thank you, Mr. Chairman. Just briefly to answer Representative Backer's concerns, the intent of this bill -- Representative Chapin and I introduced this bill. The intent is to prohibit the use of the application of phosphorous fertilizers in places where it does no good.

The intention is to exempt agricultural uses, to exempt recreational golf course uses

because golf course professionals are trained in the application of phosphorous and they won't do it unless it's absolutely necessary. So we're not trying to cast too wide a net. We're trying to catch a net which will make sure that it's not used gratuitously to no benefit to the lawn and to great detriment to the environment. That's where we're going. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments, from members of the committee? Seeing none, thank you very much, sir.

GARRY BRUMBACK: Thank you.

REP. ROY: Senator Frantz skipped on here? Yep, he did. Up here.

SENATOR FRANTZ: Good morning, I'm here to talk to you about bamboo.

And it works just as well as the graphite and carbon fiber doesn't it?

A VOICE: Exactly.

SENATOR FRANTZ: Good morning, Senator Meyer, and Senator Roraback, Representatives Roy and Chapin. Thank you very, very much for taking this bill up and -- and providing a public hearing for it. What House Bill, Scott Frantz 36th Senate District, which is, Greenwich and Stamford and New Canaan, two of the towns have waterfronts, of course. And I'm here in support of House Bill 5305 and what HB 5305 simply does is it eliminates the possibility of using bamboo to mark shellfish beds.

There was a very clear reason to have a more solid kind of material to mark the beds early on. I don't know how many decades ago they

Environmental Quality Deputy Commissioner Macky McCleary is not available today, so for any environmental quality bills, he would be happy to address those next week, but if they're environmental conservation bills I'll be happy to try to answer your questions.

SENATOR MEYER: Okay. Good. I think all the bills on the agenda basically come under the purview of your department and --

DEPUTY COMMISSIONER SUSAN FRECHETTE: Yes.

SENATOR MEYER: -- and, you know, your wisdom would be helpful to this committee. For example, there's a bill here before us today that -- that also refers to deer hunting and it permits deer hunting by the use of a pistol.

HB5261

DEPUTY COMMISSIONER SUSAN FRECHETTE: Yes.

SENATOR MEYER: Does the Department have a position on that?

DEPUTY COMMISSIONER SUSAN FRECHETTE: That is something that we support. As you know, the General Assembly authorized the use of hunting by pistols last session and this bill is a clarification of that law.

There are certain classes of pistols that can be used by hunters and this bill simply seeks -- seeks to clarify the use of those weapons.

SB 254

SENATOR MEYER: Okay. Another bill that -- of interest and some controversy is the bill that we were just hearing about phosphates, it would restrict the use of phosphates in fertilizers in certain circumstances. Does the Department have a position on that -- on that bill?

DEPUTY COMMISSIONER SUSAN FRECHETTE: That's a bill I will have to defer to my colleague, Deputy Commissioner Macky McCleary when he returns.

SENATOR MEYER: Okay. Okay. Thank you.

DEPUTY COMMISSIONER SUSAN FRECHETTE: You're welcome.

REP. ROY: Thank you. Any other questions or comments? Representative Myer -- Miner.

REP. MINER: Thank you, Mr. Chairman. And thank you for being here Commissioner --

DEPUTY COMMISSIONER SUSAN FRECHETTE: Yes, Representative Miner.

REP. MINER: I just wanted to clarify, I think the language in the statute states revolver? HB5261

DEPUTY COMMISSIONER SUSAN FRECHETTE: Yes.

REP. MINER: And I believe the language that's currently being considered, while it's an expansion of that language, it stays within the confines of a non-semi-automatic weapon?

DEPUTY COMMISSIONER SUSAN FRECHETTE: Yes, that's correct.

REP. MINER: Okay.

DEPUTY COMMISSIONER SUSAN FRECHETTE: That's correct.

REP. MINER: And I think there was some language that the agency may have proposed as a --

DEPUTY COMMISSIONER SUSAN FRECHETTE: We have --

REP. MINER: -- kind of a clarifying language I --

I mean, all this hunting has been going on for years, even decades and -- and where has it gotten us? We have more deer now than we ever had. So what is one going -- one day going to do? It's -- it's just not -- it's just not going to work. You're not going to control the deer population because like Laura said, for every deer that's killed there's increased fertility for the does. They can give birth to twins, even triplets instead of one single fawn.

So that -- I don't really think we need one more day of hunting. It's the only day anybody has to enjoy the state, the woods, the forest and if you do go through with Sunday hunting on private land eventually it's going to find its way in our state parks, in our state forests and it's going to get bigger and bigger and bigger just like these seasons got.

We're going to have --

REP. ROY: Thank you. Are there any questions or comments from members of the committee? Seeing none, Pat thank you very much. Gerald Gagnon. Go on. Okay. Senate Bill 254. This is on the restricting the application of fertilizers that contain phosphate. Our first speaker, Henry Talmage, and Mike Monaghan.

HB5305

HENRY TALMAGE: Good afternoon, Representative Roy, members of the committee. My name is Henry Talmage. I'm Executive Director of the Connecticut Farm Bureau, representing over 5,000 farm families from all types of agriculture across the state.

I come before you today to -- on Raised Bill Number 254 AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE and

Raised Bill 5305 AN ACT PROHIBITING THE USE OF BAMBOO STAKES TO MARK SHELLFISH GROUNDS.

The Connecticut Farm Bureau is concerned about the Raised Bill Number 254, while we certainly support the -- the careful use of fertilizers near wetlands and other critical environmental areas to protect our environment, we also recognize that fertilizers containing phosphorous are important to establish -- especially to establish root systems on newly planted crops.

I would say it -- in general, you know, farmers are very concerned about using the -- the scientifically based use of crop inputs and crop protectants especially because they have to pay for all of them. And want to make sure judicial use of inputs, are science based.

We are somewhat concerned, although this may not be targeted towards agriculture, concerned somewhat about the definition of established lawn and would like some clarification with that, with regard to how it might relate to some agricultural crops such as hayfields and/or turf production that is -- that may depending on how that definition is established or -- or could -- could fall into the idea that it would be considered an established lawn.

So in closing on that, the Farm Bureau would oppose that bill as written unless there could be clarification with regard to definitions and/or provide for an agricultural exemption.

With regard to 5305 AN ACT PROHIBITING THE USE OF BAMBOO STAKES TO MARK SHELLFISH GROUNDS, Farm Bureau opposes this bill as it removes the authority of the Commissioner to approve

the use of bamboo stakes instead of, the buoy system as -- as laid in the -- in the law.

Our understanding that there are operational concerns, in terms of, enforcement and monitoring that warrant the use of stakes epically to determine whether or not people are in the correct space and -- and when it comes to enforcement monitoring there is a reasons for that.

So -- so we would encourage that the defeat of that bill to allow the Commissioner that option. I'd be happy to answer any questions you might have.

REP. ROY: Thank you, Henry. Any questions, comments from members of the committee? Representative Mushinsky.

SB 254

REP. MUSHINSKY: Phosphate is a real problem for Connecticut freshwater bodies and waterways and -- and in fact my town is actually all agitated about phosphate removal requirements for the sewage treatment plants, and they would probably say why are you getting off from requirements to remove phosphorous and we have to do. That's -- if they were here they would say that. And, you know, that question comes up to me, is that if we exempt you then the requirements are higher on the municipalities. They now have to do more phosphorous removal in their treatment plans at tax payer expense because you are doing less. So that doesn't seem fair to me.

HENRY TALMAGE: So I -- if you might, I'll -- I would like to respond to that. What we're not advocating is that farmers can do whatever they want and just pollute to the -- to make the problem worse. The idea here is that decisions with regard to proper inputs and the

-- and the need for those which in general farming operations take into account that scientific base because they're interested in minimizing inputs and minimizing costs that -- that go with that and -- and so we're -- what we would like to see is that those -- that those kinds of decisions be based on -- on either site specific scientific need that can be demonstrated or some sort of way as opposed to a ban that just says -- and I think you may hear some con testimony later today with regard to certain practices or, in cases, where phosphate with fertilizers that contain phosphate may be necessary in order to carry out some desired outcome

Our -- our point here is that we -- we would like that to be based -- based on some scientific review. For example, perhaps soil tests that would indicate the need for or things along those lines. That -- that is -- is kind of our position that in any crop input or crop protectant that -- that those decisions be scientifically based.

REP. MUSHINSKY: Okay. That's perfectly legit to ask for a scientific basis. I think it's not legit to say we would like an agriculture exemption because if you get an exemption then, the law comes down harder on everybody else to make up for you exemption.

HENRY TALMAGE: So then it would be kind of -- you know, again the issue of -- of kind of how things are handled and whether there are -- are crop advisers or people like corporate extension who can help with -- with management plans or things what would in -- would be able to quantify the need for an, so forth. So I, you know, we're concerned with a blanket approach.

Recognizing, I think, that there is a difference between somebody who's managing a property that has to do it for profit and has to make money at it, maybe different than a homeowner who says, you know, one pounds good two pounds must be better and without kind of the understanding of how this impacts their surrounding environment. So to that end, I think we'd be interested in understanding -- yeah.

REP. MUSHINSKY: Okay. And then final question on Section One, are you worried that -- well, first of all are you -- do you apply phosphate to a hayfield?

HENRY TALMAGE: No, not in -- generally no. I think the -- the question was to do with just the definition of an established lawn. We've had some members who have raised the question as to, you know, if - it it's an attempt to regulate an agricultural activity by defining it as an established lawn based on what we see as established lawn that -- as the definition that there could be those who might say, well a hayfield is a -- is a grass crop that's multiply year that is regularly mowed two or three times a year and therefore might be -- might be lumped into a -- a -- an effort to -- - call it established lawn.

REP. MUSHINSKY: Okay. But you -- but through you Mr. Chairman. All this says is, you can't apply phosphate to an established lawn, and you're worried it includes hayfields, but if you don't apply phosphate to hayfields anyway, why does Section One even concern you?

HENRY TALMAGE: Well, and in the case of turf production for example, where they may be an - - especially the starting of a turf production where you have a turf farm who might be

growing a crop multiple a year, you might -- you might have real reason to do so. I think you're -- you're right that a hayfield is different than a turf farm, but it I -- I don't know the answer as to whether there would ever be an instant with regard to restoration or management practices with -- within a hayfield that might -- again based on science advocate the use of a -- of a fertilizer containing some phosphate so (inaudible) --

REP. MUSHINSKY: Okay. So I understand your main concern is the turf farms?

HENRY TALMAGE: Well, I think turf farms are an example that maybe more of an immediate issue, but -- yeah.

REP. MUSHINSKY: Okay. Got it. Thank you, Mr. Chair.

REP. ROY: Thank you. Representative Willis.

REP. WILLIS: Thank you, Mr. Chairman. And nice to see you.

HENRY TALMAGE: Good to you see. Thank you.

REP. WILLIS: I have a question about your concerns about the hayfields and the turfs if we could clarify that. If you had -- we had a statement in the bill regarding land under 490, wouldn't that sort of designate the difference between established lawn and hayfield?

HENRY TALMAGE: I'm sorry, using -- using 490 as --

REP. WILLIS: Using the standard --

HENRY TALMAGE: -- as a --

REP. WILLIS: Yeah.

HENRY TALMAGE: -- any land that's under 490 would be exempt from this? Is that what you're saying or?

REP. WILLIS: Yeah. If you were concerned about a hayfield being considered a -- an established lawn a way around that would say, to be -- to indicate that they would be exempted if the property's in 490.

HENRY TALMAGE: Well I -- I think and in some -- in some Legislation where we've tried to kind of differentiate between what we consider kind of real agriculture and somebody who's trying to get around something, there has been, you know, kind of applying things like the 490 test to see whether or not that would be a real agriculture.

I think we would be open to -- to that kind of approach if that's what you're proposing, but recognizing that not every farm has to be as part of 490, but -- but -- you know I just I guess maybe it goes -- maybe to the intent of this is to -- where it's coming from I think again, we would be in favor of a, you know, a scientific based schedule of application or something that would -- that would make it -- - we could justify it as opposed to -- so -- but I think we would be open to something along those lines.

REP. WILLIS: And I -- I don't know this, but I think I probably know the answer, but if you could clarify, is -- is turf can you put that in 490? Someone who's raising --

HENRY TALMAGE: Yes. That's an agricultural production crop.

REP. WILLIS: Okay.

HENRY TALMAGE: Non-food crop, but yes. It's a -- so --

REP. WILLIS: And -- and I would assume that it would use intensive fertilizers, right? So it would be --

HENRY TALMAGE: Well, again, fertilizers that are -- are --

REP. WILLIS: Phosphate based?

HENRY TALMAGE: Yeah, well, in the -- certainly in the -- in the establishment phase of root establishment and so forth, but like any agriculture input the goal is to use the minimum amount that's effective that is -- can be consumed by the plants and used with the plants without having -- I mean, this -- I think one of the misconceptions about agriculture is that farmers just throw product out on the ground and say hey, you know, let's see what happens.

And the reality, you know, all of these cost --inputs are extremely expensive. And -- and the judicious use of those are part of, you know, a business -- which is -- it's somewhat different than perhaps homeowners, in terms of the way, they manage inputs. So I think that ought to maybe be taken into account as we -- as we look at this and so -- but yes there are practices that would -- couldn't use -- certainly we would -- we would not favor the -- the total ban of fertilizers containing phosphorous because of that -- it is an important piece of the production tools that -- that farmers use.

REP. WILLIS: Thank you very much. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments? Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman. As a co-author of this bill I wanted you to know that we intentionally left it somewhat open ended, because it's not an issue we've heard before. So we're very grateful for your suggestions, but feel free to go back to your membership and tell them that one of the co-authors is probably picked up 100,000 bales of hay and he knows the difference between a hayfield and a lawn, so.

HENRY TALMAGE: Understood.

REP. CHAPIN: Thanks.

REP. ROY: I've probably handled one or two in my day. Any other questions or comments from members of the committee? Henry, thank you very much.

HENRY TALMAGE: Thank you.

REP. ROY: Next speaker Mike Monaghan followed by Rob Giampietro.

MIKE MORAGHAN: Representative Roy, Representative Chapin, distinguished members of the committee thank you for your time today. My name is Michael Moraghan. I'm the Executive Director of the Connecticut State Golf Association. I'm here today to speak about Senate Bill 254 AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE.

While I'm here in my official capacity, I just want to start with just share some person

information. At various times in my life I have contributed to any number of environmental organizations from Green Peace to the Nature Conservancy, and one such organization that I'm particularly interested in right now is Audubon International for the work that they do recognizing golf courses that follow the highest standards of environment stewardship.

My passion for environmental causes began when I first learned to play golf in Litchfield at a little nine hole golf course. Golf course where the Bantam River winds through it. This was where I first fell in love with nature and the natural world.

You see as a golfer, the first thing you learn is to be a good steward of the earth. If you take a divot you replace it. If you walk through sand, you rake your footprints behind you. If you, when your ball lands on the green, you repair the mark that it made. The idea is to leave the earth better for the next person to come along.

I believe that every golfer, whether they realize it or not, helps carry the flag of good environmental stewardship and every environmentalist, if they are not already a golfer, should be because golf embodies the best practices of environmental stewardship.

I believe that among industries in Connecticut, the golf industry is by the cleanest industry in our state. No other industry provides the vast amount of open green space and wildlife habitat, and most importantly and relevant to the bill that you're discussing today, golf courses provide the type of turf grass bio-filter that helps purify ground water. Healthy turf grass with

its dense root system is essential to water filtration and the economic liability of golf courses.

The Connecticut State Golf Association represents the interests of more than 200,000 citizens who play golf in our state. Thousands of those golfers reside in the districts represented by members of this committee. In fact, there are exactly 40 golf courses within the areas represented by members of the committee.

The golf industry should be promoted and encouraged, not restricted or discouraged. Toward that end, I ask you exempt golf courses from the proposed Legislation and instead, join with my organization to increase the number of courses in Connecticut that are certified by the Audubon International Cooperative.

Connecticut currently ranks seventh in the country in the percentage of courses registered with Audubon. It is our goal to have Connecticut be number one in the country with courses certified by Audubon. Thank you.

REP. ROY: Thank you. I played my first round at age 14 still haven't learned how to play the game. Any questions or comments from members of the committee? Representative Moukawsher.

REP. MOUKAWSHER: Thank you, Mr. Chairman. I happen to play golf and not very well, but you know there's a lot of environmental issues that affect golf courses and the water, you know, the availability of water. Some of regulations involving that -- can you tell me how much phosphorous is used as a fertilizer in -- in the golf industry.

I mean, if we were eliminated what would be the effect of -- I read your -- you know, I listened to your testimony, but I -- I didn't get sense of what it would it mean to the golf industry if phosphorous in fertilizer were prohibited.

MIKE MORAGHAN: If -- if you don't I'll defer to some of our other speakers who are ground-mists and scientists and golf course superintendents, who would use these products.

REP. MOUKAWSHER: Okay. And the other thing is when you talked about Audubon certification, what is that -- what -- what do you need to do be certified by Audubon? I know there, you know, at our course we have, you know, some habitats that are good for certain types of birds, even some bird houses for different, you know, I think even Hummingbirds we have some habitat, but what -- what goes into being certified by the Audubon Society?

MIKE MORAGHAN: Again, I'll defer to another speaker who I know has a golf course that has achieved Audubon's highest level of certification and that's Bull's Bridge up in Litchfield County. It does involve a management practice over a period of time of documenting practices and can involve everything from adding blue bird houses to how you manage all -- of the work you do on the golf course, but again I can -- I can defer to our representative from Bull's Bridge on that.

REP. MOUKAWSHER: All right. Thank you.

MIKE MORAGHAN: Thanks.

REP. ROY: Representative Mushinsky.

REP. MUSHINSKY: Thanks, Mr. Chairman. Same

question I asked the previous witness. If we let you off the hook, that means life is tougher for everyone else. If the science shows that you have phosphate leaving your premises and getting into the nearest waterway, should you not then be regulated for phosphorous?

I understand if it's not leaving your premises, but if it is and it's affecting -- causing allergy booms in the nearest lake or river why should we let you off?

MIKE MORAGHAN: Well, again, not to be dodging issues, but I think our next speaker is going to speak to that better than I can, but I -- I would -- my first reaction is to say that I think you'd find that phosphorous is not leaving the gold courses and therefore the weight of this would not be shared equally and that golf courses in other words are not the culprit here.

That the fact that the turf grass that's established to golf courses is a great filter system and does provide great wildlife habitat and I do know of studies that have been conducted where water was tested before it came into a golf course and after it left the golf course by a stream and the water leaving golf course was more pure than golf -- than the water that came into the gold course initially.

This was a study done by researchers at NC State. University Connecticut and Penn State in particular also have done excellent research on turf grass and -- and water filtration.

REP. ROY: Thank you. Representative Phil Miller.

REP. PHIL MILLER: Thank you, Mr. Chairman. Audubon International is a trade group that is specific to the golf industry, correct?

MIKE MORAGHAN: No, that's not correct.

REP. PHIL MILLER: It's not?

MIKE MORAGHAN: They're not specific to the golf industry, no.

REP. PHIL MILLER: Okay. Then -- then other similar industry? Well, my point is it should not be any way mistaken for Connecticut Audubon or National Audubon, now called Audubon Connecticut. They're totally different, correct?

MIKE MORAGHAN: My understanding of Audubon is there are lots of different chapters that have different priorities, different representations. I know Audubon initially was -- was their priority was -- were birds, initially.

REP. PHIL MILLER: But Audubon International has nothing to do with Connecticut Audubon and their stated conservation goals and their hundred plus year history of enacting those goals. So it's really not -- it has the same name. I think, for marketing purposes perhaps, but it's not the same.

MIKE MORAGHAN: I probably couldn't answer that question as the actual nature of Audubon International. I do know that their program is -- has been successful in -- in creating -- certifying golf courses that practice -- follow best practices for their environment.

REP. PHIL MILLER: Okay. Well, that -- that -- thank you. I appreciate it. Thank you, Mr.

Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Thank you very much. I apologize for mispronouncing Moraghan. Bob Giampietro followed by Scott Ramsey and John Garcia signed up as a duo.

SB254

ROB GIAMPIETRO: Good afternoon, thank you. My name is Rob Giampietro. I am a Certified Golf Course Superintendent at the Bull's Bridge Golf Club in South Kent, Connecticut.

I was the first employee at the club. I started in the summer of construction in 2002. The Bull's Bridge Golf Club is one of a small group of golf courses in the United States that has achieved with the Audubon International the silver signature sanctuary certifications.

What does that mean? Amongst other things it means we do a lot of water testing. The course is built on a mountainside and there's a 400-foot elevation change from our highest tee to the lowest green. As you can imagine the -- the establishment of turf on those elevation changes is very challenging.

This year we'll spend $36,000.00 on the water on the golf course. We test all the runoff that leave -- the water that leaves the golf course as all -- as well as all homeowners adjacent to the golf course.

In ten years of testing we have not found anything phosphorous or anything else for that matter leaving the golf course. During construction, we used phosphorous in a fertilizer blends to help establish the turf. One of the protocols for -- was starter fertilizer even in the areas of turf that are

adjacent to wetlands.

These are our buffer areas that we no longer enter or fertilizer or spray any chemicals in, but there was fertilizer used to get those areas established during the growing. And that constitutes about 20 acres of the property.

We test our soils on an annual basis on the golf course and since, the initial grow in no phosphorous has been applied to the golf course. We have however, applied other macronutrients which we have found deficient in the soil and those macronutrients are things like calcium, magnesium, potassium, and manganese all essential, for nutrients for turf grass growth.

Phosphorous is a nutrient that is held very tightly in the soil and in most cases phosphorous does not move unless the soil itself moves.

Golf course superintendents are well trained, well-educated individuals and we're some of the best stewards of the land. We are essentially scientists and apply fertilizers in a precise calculated method to our target plants.

With the ongoing budgetary constraints and expectations increasing our golf courses, we can't afford to make mistakes. Most golf courses may only use phosphorous-based fertilizers at one or two times a year and on maybe only two to three acres of -- of established turf.

This is used during a process called over seeding and usually only on greens. Some higher end private clubs may over seed their

fairways as well, which may constitute up to 30 acres of the golf course.

In closing, golf courses should be allowed to continue to use phosphorous and in a calculated and efficient way as the professionals applying these fertilizers are highly trained and are earning a living based upon a product they provide. Thank you.

REP. ROY: (Inaudible) Any questions or comments from members of the committee? (Inaudible).

REP. MUSHINSKY: Thank you. When you apply phosphate to your seeded area, is that -- is that in this time period from November 15th through April 1st?

ROB GIAMPIETRO: No, it's not.

REP. MUSHINSKY: So you're already exempt then, according to this bill.

ROB GIAMPIETRO: Well, but I'm here to speak on behalf of the use of phosphorous. When you're -- when you're over seeding a golf course you are -- you are applying it may be around Labor Day or you may do it in the spring, as well. And you're only using it as I said, it -- you know -- some of the wealthier private clubs may use it up to 30 acres at a golf course where they're trying to reestablish a certain form of grass in their fairways.

And it's most critical to the grass plant at -- when it germinates -- when it's very young and juvenile. After -- once it's established and has its own root system, it has a wonderful ability to etch the nutrients out of the soil on its own.

REP. MUSHINSKY: Okay. Well, there is a exemption

in here for a -- outside of the ban period, which is November 15th through April 1st, outside of that I think you're permitted.

ROB GIAMPIETRO: Okay.

REP. MUSHINSKY: If I'm reading this correctly. The author of the bill is here and he can tell me if I'm reading correctly, but it looks like that's the window of ban is lawn applications from November 15th through April 1st.

ROB GIAMPIETRO: I believe you're correct. Thank you.

REP. MUSHINSKY: So you're outside of that already so you're probably okay.

ROB GIAMPIETRO: Okay.

REP. MUSHINSKY: Thank you.

REP. ROY: Any other questions or comments from members of the committee? Thank you.

ROB GIAMPIETRO: Thanks.

REP. ROY: Okay. Scott (inaudible). Followed by Brian Herrington.

JOHN GARCIA: So my written testimony says good morning, but the deer stole the morning, so good afternoon, and thank you for the opportunity to speak here on behalf of the golf industry on Senate Bill 254. My name is John Garcia. I'm the immediate past-President of the Connecticut Association of Golf Course Superintendents. And I'm here to golf -- today to ask that golf courses be exempt from this proposed Legislation.

As proud and aware stewards of the environment

we agree that phosphorous eutrophication can be a severe issue in the degradation of the Connecticut's rivers, streams, ponds, and lakes. Steps should be taken to identify the sources of excessive nutrient leaching and measures put in place to limit this where it makes sense; however, we're yet to see any viable research correlating the proper fertilization of golf courses with excessive phosphorous loading in our water bodies.

As you all know phosphorous is one of the three macronutrients required by turf grass and is utilized in the holding and transferring energy for every metabolic process within the plant. Phosphorous is critical for the germination and new seedlings, as well as, a development of cell membranes particularly in the roots of the plants.

Once established, supplemental phosphorous applications are reduced and only applied as needed, in most cases typically when over seeding or recovering from damage from other -- some other pests.

Phosphorous is extremely immobile and binds to soil particles very quickly once applied and therefore rarely has the opportunity to move freely under or above a turf grass surface. It's for these reasons that most researchers believe that the majority of phosphorous loading is due to misapplication, such as accidental application to paved areas and the erosion of soils that are rich and bound up phosphorous.

In fact the EPA recommends that farmland incorporates turf grass buffers adjacent to water bodies to limit erosion of bare soils, thus limiting phosphorous eutrophication.

Recent industry studies show that nearly 90 percent of golf course superintendents have received a college degree with the vast majority majoring in turf -- in soil science, agronomy, or turf grass management. These professionals pride themselves on nurturing the properties they maintain, respecting and enhancing the environments that they work in and maximizing the resources of their employers.

The judicious use of plant protection -- protectants and fertilizers is imperative to maintaining turf grass vigor, playability, and performance. In most cases annual testing of irrigation water qualities, soil testing that determine deficiencies and tissue testing analysis are all integral parts of developing the management programs for nearly every golf course in our state.

The fertilizers available to golf courses are the most advanced and high quality fertilizers in the world. These products and the people that develop and sell them help superintendents utilize the best management practices, specifically to deliver the right product at the right rate at the time and then the right place. This provides for optimum plant health, protects the environment, and maximizes the financial resources of our owners and members.

So in closing, I again like to ask that you exempt the golf industry from this proposed Legislation and -- and offer that we would like to partner with DEEP in the near future to create a comprehensive best management practices for golf courses documented.

This document would be an all-encompassing

resource outlining what most golf courses are already doing and providing strategies for those that are not to improve upon the practices that they have in place. Our industry is proud of our environment stewardship and we believe that we are the model for the rest of Connecticut's green industry. Again, thank you for your time.

REP. ROY: Thank you. Any questions or comments from members of the committee? Representative Moukawsher.

REP. MOUKAWSHER: Thank you, Mr. Chairman. I mentioned that I play golf and I, you know, part of trying to learn how to play is that you read the magazines and things and there seems to be a trend now, or at least in some areas, of trying to take fairways on golf courses and make them not as -- not as green and lush and then being more natural, little harder surface, you know.

So I -- I, you know, I -- and -- and I read, you know, articles about certain portions that have done special recognition for using organic methods of fertilizing and how -- you know, I'm just wondering how much -- how necessary phosphorous is -- I -- I notice in some of the testimony it says under certain situations it's needed, but it does seem to be a trend away from fertilizers and towards more natural surfaces and harder surfaces that -- that, you know, run firmer.

Is there -- is that the trend? I mean, it seems to be that way.

JOHN GARCIA: It -- it is the trend and the way that golf courses are trying to get to that point are by -- by growing aerifying sliced seeding, over seeding with more -- with

heartier turf grass species, such as creeping bank grass for fairways, tees and greens. And those grass species, you know, the over-seeding process typically happens twice a year, maybe three or four times a year depending upon the individual property.

And those grass species are -- are more sustainable. They require less water, less -- less chemical inputs, less fertilizer inputs, but the only way that you can kind of turn the -- the page and get to -- to -- to have, you know, larger populations of these more desirable grasses is through over-seeding and -- and the required -- there's -- there's big requirements of phosphorous fertilizer in those instances.

On the case of organic based fertilizers I -- I think you'd be hard pressed to find a golf course that's not utilizing some sort of organic bio-stimulants in their programs. The problem is the majority of naturally occurring -- or organic fertilizers have some phosphorous in them that is impossible to remove.

So really if we ban phosphorous fertilization for golf courses you're going to take a lot of really good organic fertilizers out of the -- out of the tool shed of the golf course superintendent.

REP. MOUKAWSHER: Is phosphorous, I mean, is it a naturally occurring --

JOHN GARCIA: Mineral.

REP. MOUKAWHSER: -- mineral that would just be present --

JOHN GARCIA: Compost for instance is very -- most

compost material is very high in phosphorous and, you know, pelletized compost is one form of an organic base fertilizer. If you ban -- if you ban the use of phosphorous on golf courses we no longer have those products available to us and we'd be shifting into even more synthetic type products.

REP. MOUKAWSHER: All right. Thank you.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Senator Meyer.

SENATOR MEYER: You know the sponsors -- sponsors of this bill are -- are concerned about the runoff of phosphate into our waters. And one section of this bill and only one section deals directly with that and it's subsection C, which says that, "That no phosphates can be used on land that is located 20 feet or less from any brook, stream, river, lake, pond, or other body of water."

Given the fact that the -- what we're really trying to do is -- is avoid that phosphate runoff into our waters, would you agree that golf courses should be controlled by that provision?

JOHN GARCIA: I guess the issue there is that there -- there, you know, there typically are streams, brooks and ponds that run adjacent to fairways, tees and greens on golf courses and it would really be inhibiting the opportunity for those facilities to be able to maintain those areas to the levels that -- that they need to. You know phosphorous -- a couple of the other issues that are inherent to golf courses is that most of our putting services are built out of -- out of a sandy mix, which inherently are going to be lower -- have lower

(inaudible) exchange capacity to hold nutrients to them and are going to therefore have the less -- less minable, if you will, phosphorous available to those plants being grown on those surfaces.

So that's a difficult thing, but as far as phosphorous fertilization and runoff on a turf environment, there's some -- some research at the University of Wisconsin that says after the second rainfall or irrigation event, the phosphorous is either been taken up by the plant or is virtually immobile in the soil.

So unless you have basically a gulley washer of -- of a rainfall event, you know, within days -- within a day or two of a phosphorous fertilizer application the risk of runoff off of a turf surface is virtually zero.

SENATOR MEYER: Okay. Thank you.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Thank you very much. Our next speaker is Brian Herrington followed by Dr. Robert Kortmann.

BRIAN HERRINGTON: Good morning, Chairman, members of the committee. Thank you for the opportunity to submit the testimony on SB 254 today. My name is Brian Herrington. I'm with the Scotts Miracle Grow Company.

The Scotts Miracle Grown Company has been in the lawn and garden business for over 140 years and is over that time has become the largest marketer and distributor of lawn garden products for consumer use in that time.

Our company also operates the second largest residential lawn service in the United States, so this bill is very impactful to both ends of

our business. In addition to that that, we do have several operations in the state of Connecticut that support our lawn service business in Danbury and Windsor, as well as, a growing media plant in -- in Lebanon, so we feel like we have a vested interest in the state of Connecticut through our -- our numerous employees within the state.

We are supportive of the concept raised in SB 254 and this is why at the end of the year phosphorous will no longer be contained in our regular lawn maintenance products, phosphorous will only remain in our organic products and in our starter fertilizers and our repair products. This is something that Scott's Miracle Grow Company announced last year. So we are actually moving in this direction, but we are seeking some changes to the bill that would help support science based uses for -- for phosphorous.

The first being Section 1A, as currently constituted the bill only permits the use of phosphorous lawn fertilizers when a lawn is being started, but there are circumstances when phosphorous is needed. Over seeding is one. When an established lawn in order to maintain its health, people will over-seed their lawn to make sure they reinforce thin spots. So over-seeding when you're seeding grass needs phosphorous, and starter fertilizer is usually put down with the grass seed, and we feel that that should be an exempted use of phosphorous fertilizer.

In addition, when a lawn is deficient in phosphorous, this can be determined by a simple soil test. We think that an applicator -- if an applicator has a soil test it shows a phosphorous deficiency in the soil they should be allowed to use a phosphorous containing

fertilizer to correct that deficiency and keep the soil health.

In addition, we think there should be an exemption for organic products. As currently constituted organic products would only be allowed to be used when establishing a lawn. So if a person wanted an organic lawn care program, they would not be able to use organic lawn fertilizers because the phosphorous is naturally occurring in those instances, and it cannot be removed.

The other provision I would just like to talk about quickly, I've submitted written testimony so I just wanted to give you some highlights, it's Section 1D, with the -- we're asking that retailers not be required to post signs. What we are asking is for the state to move into -- to look at the new models that have been proposed in other states on -- on this issue of dealing with retail sale of phosphorous containing law fertilizers.

Most recently Virginia, Maryland, and New Jersey have moved to models where lawn fertilizers with phosphorous are regulated through the current registration process. So only products that are for exempted uses would be allowed to contain phosphorous, starter fertilizers, organics, would be the only two products and repair products with phosphorous in it.

And we would ask you to consider looking at that. This takes a lot of the burden off retailers and consumers for trying to communicate when the phosphorous fertilizer has to be used because these products are very specific as to when the product can be used in those exempted circumstances.

I'll wrap it up at this time. I have some additional points in my written testimony that I hope you will also take into consideration.

REP. ROY: Thank you. Any questions or comments from members of the committee? Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman. Regarding registration in those other states, I think in Connecticut the Fertilizer Act has similar requirements and that's in our Agriculture statutes, is that where it is in the other states? Do you know the answer to that?

BRIAN HERRINGTON: Yes. In most states it's the Department of Agriculture that's in charge of approving for sale in the state lawn fertilizer products. So in those states what we have done is they've inserted a section in the statue that a product could not be approved for sale with phosphorous unless it's a starter organic or a repair product.

REP. CHAPIN: Thank you. Thank you, Mr. Chairman.

REP. ROY: Senator Meyer.

SENATOR MEYER: What is the nature of -- of phosphorous that it's helpful in a starter lawn or repair situation, but not in an established lawn.

BRIAN HERRINGTON: Most soils in -- around the country for home lawns are -- have sufficient amount of phosphorous, but as the previous speakers have also alluded to, when you're planting seed the seed doesn't -- the plant doesn't have roots yet. So it's important that the phosphorous be brought to the seed so therefore, we have kept phosphorous in starter fertilizer so that when people are putting

down seed those -- those seeding's can be successful.

REP. ROY: Thank you. Any other questions or comments? Representative Mushinsky.

REP. MUSHINSKY: Thank you, Mr. Chairman. I understand it would be difficult to take it out of -- take phosphorous out of organic fertilizer, but as far as the water is concerned it doesn't matter if it's phosphorous from an organic material or phosphorous from inorganic material, it's still phosphorous and still going to cause an algae bloom. So what would be the scientific reason for giving you an exemption for organic phosphorous?

BRIAN HERRINGTON: I -- I -- the -- the only scientific reason is you can't remove it at this point, and I agree with you phosphorous is phosphorous and this is an issue we've dealt with in other states and -- and I mean, it's really up to the state. The organic market is a small and growing market, but provisions such as this would definitely limit and hurt that market, which is growing. And there is a lot of people who are interested in -- in using more organic products in their homes and in their yards. So I agree with you phosphorous is phosphorous, but it's something we like to raise the attention when these bills are brought because it is a market that's definitely going to be hurt by such a provision.

I know one of the things -- one of the best management practices out there when people are using organic products though is again, try and get a soil test and -- and really look at what you're putting down and when you're putting it down so you can help reduce that --

that extra phosphorous that you're putting down.

REP. ROY: Thank you. Any other questions or comments from members of the committee? If not, Brian thank you very much.

BRIAN HERRINGTON: Thank you, sir.

REP. ROY: Dr. Robert Kortmann followed by Tom McGowan.

ROBERT KORTMANN: Good afternoon. Thank you for the opportunity to speak to this issue. I've worked on this issue for somewhere over 35 years now. I'm a professional limnologist working in lake restoration, not only in Connecticut, but across the country and some international.

I would like to basically, cut right to the chase and get into Bill Number 254, Section 1A I -- I think there are some misunderstandings and perhaps rightfully, so perhaps some redefinitions or clarifications may be needed.

Section 1A prohibits the application of phosphorous containing fertilizer to -- and these are the key words -- established lawns and perhaps insertion of the word residential between those two words would clarify this sufficiently for many of the -- those speaking against this act.

Established lawns in Connecticut for the most part and there are exceptions do not require phosphorous. Phosphorous is required for root development, early stages of turf establishment, but an established lawn in Connecticut generally needs very little, if any phosphorous.

Section 1B and by established residential lawn, we're not talking about a crop. We're not talking about a harvested plant and frankly, I don't have an objection to not including putting greens and fairways, golf courses, the intent is to prevent the unnecessary application of phosphorous to landscapes that do not require it where it will runoff and cause impacts to our aquatic resources. And I can speak at lengths to those impacts if you would like.

Section 1B prohibits phosphorous containing fertilizer application seasonally -- perhaps I'll answer questions if time allows.

REP. ROY: Thank you. Representative Moukawsher, it's your first one.

REP. MOUKAWSHER: Thank you, Mr. Chairman. We heard testimony earlier that phosphorous tends to stay in the soil or -- or is not likely to leave an area of the soil that it's in unless there's some I suppose really heavy almost cataclysmic moving of the earth or something.

Is that -- is that the case in our (inaudible)? Because, you know, I -- I said I'm a golfer, but I've also been a fisherman for a long time and I've always been concerned about water quality and -- and, you know, you read about Chesapeake Bay, you read about areas that have, you know, great -- have been greatly impacted by, you now, fertilizer runoff. So could you explain how that --

ROBERT KORTMANN: Most -- most soils in Connecticut have a good attenuation capacity for binding with phosphorous that's way established lawns that have established root systems are capable of obtaining that phosphorous for their metabolic needs. Some soils do not have a

very good attenuation capacity. What we're really aiming at in 254 is the application of phosphorous when it is unnecessary for the turf that's -- it's being applied to.

REP. MOUKAWSHER: All right. But, the idea of this bill is to prevent phosphorous from migrating into water bodies where, you know, you get algaefication, you get, you know, you get, you know, too much fertilization of a lake, but whether you use it for an established lawn or -- let's say you use it on an established lawn, is it not going to bind with the soil? Is it going to be more likely to be moved by rainwater and things or just wondering what the process is for it to migrate into water? I mean --

ROBERT KORTMANN: Phosphorous concentration in sheet flow, over land flow during a rainstorm from a residential area will be very high relative to any background levels of phosphorous. That's the target of -- of this bill. It's -- it's not intended to restrict the professional use where it's needed indeed in my testimony I suggested soil test as a protocol for allowing phosphorous application, as well as the seasonality of it.

You know, few -- few professionals would be applying phosphorous between November 15th and perhaps little earlier than April 1 in a year like we're having, but it's intended to restrict the unnecessary tons of phosphorous that get put onto lawns where it's not needed. And will run off with the rainstorm runoff event.

REP. MOUKAWSHER: All right. So, you know, as I understand what -- what we're concerned about is in commercial fertilizer or -- or just in the applications of people with residential

lawns that are established they're actually adding phosphorous that isn't necessary that is not likely to stay there, it's in excess of it and that excess unnecessary is likely to travel into our water system.

ROBERT KORTMANN: Correct. One of -- one of the suggestions in my written testimony is to develop a procedure to allow the application of a phosphorous containing fertilizer when it's based on a soil test and a need.

The point is when it's not needed by the lawn and applied it's a very damaging to fresh water inland aquatic resources and those resources -- the impacts are pretty far reaching. It's water quality. It's habitat. It's diversity, you know, it's -- it's a broad range of impacts relate eutrophication.

I also included in my testimony a model ordinance that was drafted by the town of Columbia to impose a phosphorous containing fertilizer ban in a very specific vulnerable watershed area next to their lake and that was advised to be in conflict with Public Act Number 09229, which I think really the intent of 229 was to not have subsets of state government regulating agricultural uses for crops harvested, etcetera, but that language was written broadly enough so it -- it keeps a local municipality from developing an ordinance for a very specific geographic area with an identified scientific need.

REP. MOUKAWSHER: One other, you mentioned that you felt that golf course fairways and greens would be an acceptable exemption -- I think, you know, in so many words you were saying that, is that because it's likely that the phosphorous binds with the turf or is there something characteristic of golf courses that,

you know, doesn't concern you about phosphorous?

ROBERT KORTMANN: It's -- it's primarily my statement really goes to the intent of the restrictions in -- in this proposed Legislation. It's not intended for a place that's going to be managed by professional managers that are going to be doing inspections of turf and going to be doing soil testing and scheduling out the application of whether it's phosphorous fertilizer for root development or early green up high nitrate or an insecticide, you know, they're managing a turf for a professional use.

I see this bill being really intended for preventing the ubiquitous use of phosphorous-based fertilizers in places where it's not needed by people who are not informed about the impacts of phosphorous to their lawns.

A VOICE: (Inaudible)

REP. ROY: Any other questions or comments from members of the committee? Representative Larry Miller.

REP. LARRY MILLER: Thank you, Mr. Chairman. Good afternoon, sir. We keep talking about phosphorous in -- in fresh water. It has no effect on salt water?

ROBERT KORTMANN: Okay. In freshwater, it's specifically lakes, water supply reservoirs, bodies of water. Phosphorous is the key element that is in shortest supply relative to the needs of algae growing in the water. Okay. And because of that more phosphorous translates to more growth of algae, more organic matter oxygen demand, a whole host of additional consequences.

In streams, salt-water situations nitrogen tends to be more of the limiting substance to the productivity -- the primary productivity in a the system. So that varies somewhat.

My expertise is with inland fresh water systems and there phosphorous is a key to managing health ecosystem integrity.

REP. LARRY MILLER: Okay. If phosphorous gets into the Housatonic River, the Connecticut River, and the Thames River it eventually gets into the Long Island Sound. What effect does that have on marine life there or effect to the plants and algae in the Long Island Sound?

ROBERT KORTMANN: It's going to -- the -- the potential for impacts there will be more likely related to nitrogen loading. Phosphorous can increase productivity in phosphorous deficit portions of those environments, but I'm speaking more to the inland freshwater situation, the stimulation of Cyanobacteria blooms. The water quality impacts, both recreational lakes, water supply reservoirs, et cetera.

REP. LARRY MILLER: Thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Representative Phil Miller.

REP. PHIL MILLER: Thank you, Mr. Chairman. And thank you, doctor for your testimony. As a practicing limnologist, would you -- do you feel that here in Connecticut we have a problem with our ponds -- freshwater ponds and lakes being subjected to nutrient rich pollution?

ROBERT KORTMANN: Absolutely. Over the years if

you look back to some of the early work, Connecticut has a long rich history of limnology in this state. Hutchinson from Yale, Deivy, you know, Mett, we have hundreds of years of good observation. Just over the past 30 years, most of our inland water bodies have become more eutrophic, that means there's a higher level of primary productivity by phytoplankton now, than there was back then.

It also means that there's more loss of oxygen in deeper colder waters, it -- which translates to loss of habitat, and effects on food web. So, you know, I think we do have a real need to reduce nutrient loading specifically phosphorous to inland waters.

REP. PHIL MILLER: Then as a result of this nutrient rich pollution do we then see a proliferation of submerged aquatic plants, both native and non-native, that harm the vitality of the fresh water ecosystems?

ROBERT KORTMANN: We -- we tend to see more robust beds of aquatic macrophytes, more dense aquatic macrophytes, which are your rooted vegetation, but certainly will have even more of a profound effect on the open water productivity by the free floating phytoplankton, the algae.

Increased phosphorous means that the phosphorous nitrogen ratio decreases, and if the nitrogen phosphorous ratio decreases because of an increase in phosphorous, you not only have an increase in the amount of algae, you have a shift in the kind of algae to the Cyanobacteria that can fix nitrogen they're not dependent on, combined nitrogen.

The Cyanobacteria cost taste and odors in water supply reservoirs and an immergence --

an immerging concern and is a real concern are the cyano toxins produced by some of these organisms. So there are many impacts in inland lakes.

REP. PHIL MILLER: Okay. My question then is the nutrient rich pollution that ends up in our water bodies and becomes a water use issue is a land use issue because it comes from lawns typically am I -- is that correct?

ROBERT KORTMANN: That's correct. It -- much of the nature of the water body itself is strongly influenced by the terrestrial component of the aquatic ecosystem and by that most people call that water shed. It's not just a shed of water, it's an integral part of the entire ecosystem, but land based activities have profound effects on the structure and function of what happens in the water body.

REP. PHIL MILLER: And I have one final question. Have you seen places where bodies of water are treated chemically by homeowner's association or maybe even municipalities to combat this nutrient overload only to have to do that again and again because of industries which put chemicals on our lawns and its part of their marketing. Do you -- you see this happening throughout our state?

ROBERT KORTMANN: I -- I certainly do see more and more of the attempt at managing the symptoms and problems, rather than, managing the ultimate cause of -- of the problem. Okay. More copper sulfate applications because you get an increase in algae, knock that down with copper sulfate.

You knock that down the algae with copper sulfate, you also eliminate many of the tiny

organisms that graze on algae, so guess what? You're back in a few weeks managing the biomass of algae with copper sulfate. Same as tends to be true with herbicides.

I would not go as far as to say that, that is all directly related to the culprit lawn runoff from fertilizer. There are many sources of -- of phosphorous enrichment to lakes. Many of which are very difficult to reduce or eliminate. This is one that is controllable.

It's an application of -- of phosphorous compound to an area that doesn't need it for that intended application and at the same time it's very damaging to the ecological integrity of inland lakes and reservoirs.

REP. PHIL MILLER: Thank you, doctor. That's all I have for now. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Representative Mushinsky.

REP. MUSHINSKY: Thank you. We don't get too many limnologists up here so I want to take advantage. Do you think we should give a blanket exemption to either agriculture or golf courses in this bill?

ROBERT KORTMANN: The way I read the Raised Bill Number 254 it does not apply to a crop that is harvested. It's not intended for an agricultural producer. In the draft ordinance that was advised against by the towns counsel -- legal counsel in that there are definition that you may take a look at as far as, what is a lawn -- a residential lawn. It specifically says not a hayfield, not sod producing agriculture use. It's intended for the

residential lawn property.

So, you know, I don't think the bill was ever intended to restrict, you know, agriculture productivity or the golf course use which is, you know, under pretty good professional care, in most cases.

REP. ROY: Thank you. Any other questions or comments from members of the committee? (Inaudible). Our next presenter is Tom McGowan followed by Dr. Bruce Fletcher.

SB 254

TOM MCGOWAN: Good afternoon and thank you very much for the opportunity to be here. I am Tom McGowan. I am and have been the Executive Director of the Lake Waramaug Task Force for 37 years. And I'm on the Board of Directors of the Connecticut Federation of Lakes and both these organization support this bill very strongly. And we cooperated with Representative Chapin and Senator Roraback and they were good enough to submit this bill and I'm happy to report that Dr. Kortmann has been our scientific advisor at Lake Waramaug for -- since 1977.

And so we've been fighting phosphorous all those years and from all sources. And have spent over $4 million, easily, to try and control the inflow of phosphorous to our lake, which in the 30's was pristine, with 30-foot visibility, but by the 70's was down to three or four feet. And oxygen was being depleted and the whole situation changed. Property values were down; recreational values were being disturbed so on and so forth.

So, you know, I've spent a lifetime doing this and we've made a -- we've made a tremendous amount of progress. We've build wine waste lagoons. We've built dairy manure storage

facilities. We've restored a huge stabilization erosion projects on the feeder streams to the lake and on and on and on.

And as a result, the lake looks much better. We're back up to an average of eight to ten foot clarity during the summer versus three to four feet in the 70's. So this is a remarkable turnaround. And I won't go into the details, but I also had the lake started to kill itself. So much phosphorous was in that lake the oxygen on the bottom became depleted and when that happens the phosphorous that's trapped normally on the bottom when there's oxygen over the bottom is released from the bottom and the lake begins killing itself, and that happened at Waramaug.

Now we've been able to deal fairly effectively with that with inventions that Dr. Kortmann has come up with and has applied around the country. And we're very grateful for that.

What we haven't been able to do even with tremendous cooperation of homeowners, we had great support among our people at Lake Waramaug, that they loved their lawns so much when they go out and buy a bag of fertilizer they see a zero in the middle where it's phosphorous is, they say, well, that's not what I want. I need numbers there. And, you know, it's just not needed and -- and we -- we no matter what we say we can't get them off it.

So we think this Legislation is needed. We're -- we're delighted and we knew that Scott's was making this move anyway and the forward-looking companies are moving in that direction anyway, we need to get everybody on board. This Legislation will do that and I urge to -- to adopt it. Thank you very much.

REP. ROY: Thank you. Any questions or comments from members of the committee? Representative Moukawsher.

REP. MOUKAWSHER: Is -- I'm not as familiar with Lake Waramaug as I want to be --

TOM MCGOWAN: Second largest natural lake in the state and the most popular (inaudible) inland state park.

REP. MOUKAWSHER: That helps. Is it primarily all residential around there or is there any farms or --

TOM MCGOWAN: It is. There's a golf course, too.

REP. MOUKAWSHER: Okay. Do you find -- I mean, when you look to identify the sources of phosphorous, is it the residential lawns for the most part or I mean, does the golf course contributing to it? I mean, how do you see it?

TOM MCGOWAN: All sources. I mean, if you had to pick one, unfortunately it would be dairy farming because they apply manure on frozen ground and it runs off into the main feeder stream. And we've helped that dairy farmer by installing, as I said, these manure storage facilities, and so forth.

But if you go down the line, the lawns and lawn and -- and residential maintenance is a big factor in total. And the lawn itself is certainly a factor less so at Waramaug, than, it would be a suburban or urban lake. And I think this bill will help those lakes and ponds that are in suburbanized areas where lawns are far more replete, but it is a factor and, you know, we try and get people to

establish native planting buffers along the shoreline.

Again, they want the lawn down to the shoreline. That would be and that we've established model buffers so they can see what it would like and how they have a low lying natural vegetation. It won't block their view and so forth and so on.

So I think, don't underestimate the fact that if you pass this bill the educational value going into a store, seeing the sign that says that this phosphorous fertilizer is going to harm water quality it's going to get people's attention in a way that I never have been able to in a nice kind way that I act.

And -- and they are going to start thinking about these buffers and planting their shorelines a little bit differently and managing their property differently. And that's where we have to go to be successful.

REP. MOUKAWSHER: Thank you. Thank you very much.

REP. ROY: Thank you. Any other questions or comments? Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman. Thanks for coming up Tom, especially thanks for your work on behalf of Lake Waramaug, as well as invasive plants. So thank you for that.

TOM MCGOWAN: Thank you.

REP. ROY: Thank you. Any other questions or comments? Thank you very much, sir.

TOM MCGOWAN: Thank you so much.

REP. ROY: Dr. Bruce Fletcher followed by Tim

Phelan.

A VOICE: Bruce couldn't be here. He had to leave.

REP. ROY: He left. Okay. Tim Phelan followed by Marty Mador.

TIM PHELAN: Thank you, Representative Roy. Good afternoon Senator Meyer, other -- Representative Chapin, other members of the Environment Committee. I'm Tim Phelan, President of the Connecticut Retail Merchants Association. The Connecticut Retail Merchants Association is statewide trade association representing retailers throughout Connecticut.

HB 5116

I understand from your clerk you would like me to comment on two bills I think in -- in effort of time to try to combine my time up here. So I first want to make comments on Raised Bill 254 which I know is the bill you're on now, and I'd like to just associate our remarks with the previous speaker from Scott's.

I think the approach that Scott's is taking is one that as an industry -- as an association we would support. We -- we don't necessarily -- it's been our experience that on other issues that signs don't always work the way the intended sponsors would like them to, and that sometimes signs, along with labeling, can -- can lead to confusion and questions on issues that our associates may not be able to answer and there's always the issue of -- of compliance and I think Representative Scott's -- from Scott's who talked about other states that have -- that have moved in Legislation in this area that haven't required signs including, surrounding neighboring states of New Jersey and the east coast of New Jersey and Maryland.

So we would suggest you move in that direction, as well. And also, I want to just make very briefly make comments on -- on House Bill 5116, if that's okay, indulgence of the Chairs?

REP. ROY: It's okay.

TIM PHELAN: Okay. I just -- sir, I may -- we just have a very short and simple message as it relates to this bill which deals with the labeling of food packaging as it relates to -- to containing -- food packaging containing BPA.

Our concern with -- with the issue of -- with this bill is that, once again, we feel you're going be placing Connecticut retailers on an island by our self with respect to the rest of the country by requiring Connecticut specific labeling of food packaging.

In our opinion this raises the cost of doing business in our state, could lead to confusion and questions on the part of customers that our employees are not necessarily trained to answer. We and the retail industry on the front lines and on issues and have a direct to customer role and labels raise questions and the BPA issue, I'm you know is full of lots of unanswered questions in a very hotly debated issues.

And also the -- the cost of labeling also raises the question of suppliers and what suppliers may choose simply not to sell products in Connecticut.

And I finally will wrap it up by saying that many of our members are still absorbing, if you will, pardon the pun the BPA bill that --

course it's a little better today.

I have a clean canteen and up in my office I have a blue plastic canteen that has a sticker on it that says BPA free and I purposely went for that, and, you know, I'm not sure of the exact danger, but just that there may be a potential problem with it leads me and other consumers, I think, to look -- to go out of our way to find BPA free containers.

And I will patronize the store who has that even if it costs me a little bit more. So for whatever that's worth I just wanted to share, and I thank you for your testimony. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Thank you, Tim.

TIM PHELAN: Thank you.

REP. ROY: Marty Mador followed by John Murphy.

MARTY MADOR: Good afternoon, members of the committee. I'm Martin Mador. I'm the Legislative Chair for the Connecticut Sierra Club and by some coincidence I would like to talk about the same two bills that the previous speaker addressed.

HB5116

254 we believe is a necessary bill. We need to address issues of water quality. We've been trying for a number of years to try to get a bill which would establish vegetative buffers to make sure that substances migrating towards a water body don't get there.

We've not been successful in getting that bill passed in spite of several years of trying. So we don't have any requirement to establish

vegetative buffers. So we have to look at other ways of making sure substances that should not be in the water don't get there.

You've heard of a fair amount of testimony about the significance of phosphorous being added to the water. I have personal experience of taking my canoe and kayak into lakes that I really wanted to paddle and found out that because of the aquatic plant growth in the lake, I simply couldn't -- I couldn't get the boat to move. The -- the plant growth was just too substantive to do anything.

So we're impacting water quality here. We're -- we're sort of cancelling out the use of these lakes for recreational purposes because you just can't get a boat to move through there. I don't know maybe a propeller driven boat could, certainly a hand-paddled boat could not.

So I think the bill is reasonable in that it says we're not going to be applying phosphorous in times when the phosphorous has no advantage to growing a lawn. The bill is very reasonable in that respect it doesn't simply ban it outright, it just says don't apply it when it's not really going to do any good. And it does say don't apply within 20 feet of water which is sort of a way of addressing the -- the buffer issue that applying it there means a lot of this is not going to go into the lawn.

It's meant to help. It's going to simply go into the water. So this is -- this is another example of non-point source pollution which has been a lot of the focus of environmental issues for -- for a decade. Very appropriate bill and -- and we certainly endorse it.

from members of the committee? (Inaudible).

MARTY MADOR: Thanks.

REP. ROY: John Murphy and he will be followed by Mike Paine.

JOHN MURPHY: Good afternoon, Senator Meyer, Representative Roy, members of the committee. I would like to talk about two bills today if possible, while I'm here, Senate Bill 254 and House Bill 5116.

I'm here representing the Connecticut Citizen Action Group today and we're in favor of Senate Bill 254, the bill restricting the application of fertilizers that contain phosphate. I'm not going to repeat what other people have told you today about the use of phosphates, but I'm going to talk a little bit about the town of Coventry where I live.

We have Coventry Lake and 12 years ago the UConn Department of Agriculture and Resource Economics sponsored a study on our lake and what we found out 12 years ago is that the lake became unsafe for swimming and fishing. The property values around the lake would drop by 43 percent and drop our entire grandness valued by six percent.

Right now we are near the tipping point of 20 parts per billion of phosphorous eutrophication. We are at 15 parts per billion right now, 20 is the tipping point when things will really take off in a bad way.

We had the same problem in the Bolton Lakes region of Connecticut too where we have invasive other there and that the phosphorous is actually accelerating there taking over the lake and there's people that live in the --

both residences of Vernon and Bolton that are unable to swim in front of their cottages now and their lake front properties because there's just this proliferation of -- of invasive species.

So whatever can be done on this bill -- I heard earlier -- again, we're not after agricultural use of phosphates, this is about use of these banning the phosphate -- or getting the phosphate free fertilizer -- lawn fertilizers at lease in the water shed areas near lakes.

On House Bill 5116 again, I'm not an expert on this, but we've been part of the Coalition for Safe and Healthy Connecticut and this committee has led the way and is for the rest country on BPA and several different levels.

Now as we're finding out about BPA being used in the lining of aluminum cans and another food packaging we are looking to you again for leadership on this issue to -- to show the rest of the country that Connecticut cares about its citizens and with the deadlock we have with the federal government we really do need our Legislator to stand up and -- and take the lead on this, so that's my testimony.

REP. ROY: Thank you, John.

JOHN MURPHY: That's it.

REP. ROY: Any questions or comments? Representative Piscopo.

REP. PISCOPO: Thank you and good afternoon. I -- I was quickly wondering do you -- is there an association -- do you have a lake association around --

SB254

JOHN MURPHY: There are 12 different lake associations in Coventry.

REP. PISCOPO: Around the lake is it -- when you have your lake association meeting do you kind of get together and try and come up with some idea, you know, ask the landowners to keep --

JOHN MURPHY: Well, actually to answer they're -- they're learning to work together more. There's actually a group called the Coventry Lake Environmental Action Network and they are pulling together the lake association so they can understand why they need -- why we need to take action for people that live on the waterfront and reduce the use of lawn fertilizer, at least phosphate based one for (inaudible).

REP. ROY: Thank you. Senator Meyer.

SENATOR MEYER: John, I -- I remember when I first got here and was understanding the causes that were supported by the Connecticut Euro Action Organization and Mr. Sherwood -- Phil Sherwood came to me initially in 2005 and said on behalf of CCAG that we're going to attack lead, and CCAG has been a major supporter of going against bad materials and toxic materials in this period of time and I just want to thank you for the initiative and the fact you would be -- come here and testify today about it. It helps.

JOHN MURPHY: Thank you.

SENATOR MEYER: You can run for the -- for the Legislator by the way.

REP. ROY: I know where there's going to be an open seat.

JOHN MURPHY: Thank you for that.

REP. ROY: Any other questions or comments from members of the committee? Seeing -- Representative Phil Miller.

REP. PHIL MILLER: Thank you, Mr. Chairman. And thank you for your testimony. Did the -- the when you spoke of the people who can't access the swimming right in front of their cottage because of the submerged aquatic plants -- is that -- proliferated --

JOHN MURPHY: Yes.

REP. PHIL MILLER: -- from nutrient rich pollution we think and --

JOHN MURPHY: They believe that's what it's from.

REP. PHIL MILLER: Right. Have you tried any campaigns just out of curiosity to alert the homeowners and ask them to refrain from applying lawn substances in such proliferation or --

JOHN MURPHY: Again, in -- in the Bolton Lakes area there are neighborhood leaders that are -- have banded together and been learning about it as the plants have been getting worse and worse and have been trying to educate the rest of the neighbors around the lake about the use of phosphates and trying to get them voluntarily to not use phosphate based lawn fertilizers, yes.

REP. PHIL MILLER: Is it difficult seeing that you're up against an industry with huge marketing power and purveyors who have a profit sector applying these substances?

JOHN MURPHY: Curiously enough last week there was

one of the major lawn care companies who just did a mailing all around the lake trying to get people to sign up for their services. Part of it too is that there are seasonal people. They're not there right now to be able to talk them about, you know, by the time a lot of them start showing up for -- for the spring General Assembly will be out of session, but there is a neighborhood effort on the boat and lakes area to do some self-education on the issue, yes.

REP. PHIL MILLER: And my last question is, does the local municipality make leaf compost or other things like that that would be an alternative fertilizer for your citizens or anything like that?

JOHN MURPHY: In Coventry they do. I'm not aware of the Bolton Lakes area, what goes on over there. Again, there's people from Bolton and Vernon is two different towns that border on the lake and I'm not aware of anything that the towns do around new compost and fertilizer.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Seeing none, thank you, John. Our next speaker is Mike Paine and he will be followed by Kachina Walsh-Weaver. And we're moving on to a new topic, authorizing licensed veterinarians to euthanize -- nope, excuse me. 265, I'm sorry. AN ACT CONCERNING THE TAXATION OF REFUSE EXPORTED FROM CONNECTICUT.

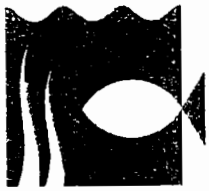
MIKE PAINE: Thank you, Representative. I was a little there for a minute. My name is Mike Paine. I represent the National Solid Waste Management Association and my company Paine's Incorporated a trash and recycling company located in the Farmington valley.

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT
PART 6
1743 – 2084

2012

Connecticut Fund
for the Environment



Save the Sound

Testimony of Connecticut Fund for the Environment
Before the Environment Committee

In support of S.B. 254, AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

Submitted by Jessica Morowitz, Legal Fellow
March 7, 2012

Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

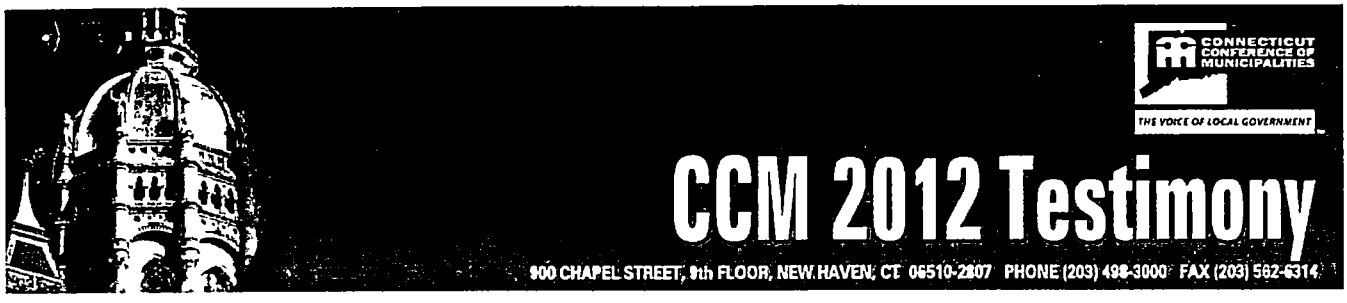
CFE strongly supports S.B. 254, An Act Restricting the Application of Fertilizers That Contain Phosphate. S.B. 254 is an important bill that will help protect and improve water quality in Connecticut.

Restricting the application of fertilizers that contain phosphate to lawns, especially in close proximity to water bodies, is critical to protecting water quality in Connecticut. This is due to the negative impacts associated with phosphorus pollution. Phosphorus pollution is caused by excess phosphorus entering water bodies from many different sources, one of which is lawns that are fertilized with fertilizers that contain phosphate. When high levels of nutrients such as phosphorus enter water bodies it stimulates algae growth, which in turn leads to decreased levels of oxygen in the water. This causes the quality of these water bodies to degrade and can harm aquatic life, wildlife and human health. Phosphorus pollution can be particularly problematic when it impacts drinking water sources. Not only do the algae blooms create problems for drinking water, some of which are untreatable, the chemicals used to treat drinking water can have negative health effects as well.

In addition to impacting human health and the environment, phosphorus pollution has an impact on the economy. Using additional chemicals to treat drinking water sources can be costly. Moreover, additional treatment chemicals can cause health impacts which in turn increase health care costs. Also, when water bodies become too depleted of oxygen, they can no longer sustain healthy fish and aquatic life populations. This can impact the livelihoods of those who depend on these waters to make a living, as well as tourism and recreation.

For the above stated reasons, CFE strongly supports S.B. 254, An Act Restricting the Application of Fertilizers That Contain Phosphate. CFE thanks the Committee for its attention to this important matter, and urges the Committee to vote favorably on this bill.

Connecticut Fund for the Environment and Save the Sound
142 Temple Street • New Haven Connecticut 06510 • (203) 787-0646
www ctenvironment org • www savethesound org



ENVIRONMENT COMMITTEE

March 7, 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.

SB 254 "An Act Restricting the Application of Fertilizers that Contain Phosphate."

This bill would place certain restrictions on the use of Phosphate-containing fertilizers in an effort to reduce the levels of Phosphorus in Connecticut waterways: *CCM supports this bill as a statewide approach.*

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.

STATEWIDE REGULATORY APPROACH NEEDED

CCM believes that a new mandate such as this, which will have huge fiscal implications, should emanate through either the regulatory or legislative process. The UAPA defines "regulation" as "each agency statement of general applicability, without regard to its designation, *that implements, interprets, or prescribes law or policy*." (emphasis added) § 4-166 (13).

Failure to follow the procedures for adoption of proposed regulations bypasses three important statutory directives for rulemaking:

a. Review of the proposed regulation by the Attorney General, in accordance with §4-169, C.G.S., as to legal sufficiency.

b. Review of the proposed regulation by the standing Legislative Regulation Review Committee, as required by §4-170, C.G.S.

c. Preparation of "a fiscal note, including an estimate of the cost or of the revenue impact on the state and any municipality," also required by §4-170, which is to be appended to the submission of the proposed regulation to the Legislative Regulation Review Committee.

INCREASE ACCESS TO CLEAN WATER FUNDING

In addition, ***CCM's 2012 State Legislate Agenda*** urges the General Assembly to **expand the use of Clean Water Fund grants and loans to include "nutrient" reduction requirements** above and beyond nitrogen. This will ensure that as any new mandated initiative comes forward, towns and cities are able to access the greatest level of grant-to-loan ratio possible in order to help offset costs.

♦♦ ♦♦ ♦♦

In closing, **CCM urges this committee to** (1) ***require that DEEP utilize the proper regulatory process*** for this new mandate and ensure that all parties, including the Legislative Branch, are able to participate in the discussion; and (2) amend the statutes to ***expand the use of Clean Water Fund grants and loans to include "nutrient" reduction*** requirements.

♦♦ ♦♦ ♦♦

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

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

CITIZENS CAMPAIGN FOR THE ENVIRONMENT

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Empowering Communities, Advocating Solutions

MEMO OF SUPPORT

Reducing Phosphorous Use on Lawns

HB 254

AN ACT Restricting the Application of Fertilizers that contain Phosphate

BACKGROUND

Phosphorus that is discharged to surface waters contributes to eutrophication, or nutrient enrichment, resulting in excessive growth of green plants, including algae. As these plants die off and decompose, they decrease oxygen levels, cause fish kills, disturb recreational opportunities, and increase the cost of sewage treatment. By the late 1960's, the scientific community determined that phosphorus was the primary cause of eutrophication of thousands of water bodies. As a result, phosphorus was removed from laundry detergent, which led to significant improvements to water quality in our lakes, rivers, and streams. However, in recent years, eutrophication has again become a problem, and the US Environmental Protection Agency asserts that phosphates in dishwashing fertilizers continue to be a major problem where they are not regulated.

JUSTIFICATION

Overloading of nutrients, including phosphorous, is the cause of 40 impairment concerns on Connecticut's list of impaired waterbodies. Phosphorus from lawn fertilizers significantly contributes to water quality impairments in the Long Island Sound. According to a study by the U.S. Geological Survey, concentrations of phosphorus in runoff from lawns in which phosphorus fertilizer was applied were twice the concentrations of lawns that had no fertilizer or phosphorus free fertilizer applied. In most cases, lawns do not need additional phosphorus to maintain healthy turf.

SUMMARY OF PROVISIONS

- Prohibits the use of phosphate fertilizer on established lawns. Established lawn is any area of ground that is covered with any species of grass for two or more growing seasons and that is customarily kept mowed.
- Prohibits the use of phosphate fertilizer on any lawn from November 15th- April 1st
- Prohibits the use phosphate fertilizer on any lawn located 20 feet or less from any body of water.
- Sellers will separately display non-phosphate & phosphate fertilizer.
- Sellers will display a sign in front of phosphate fertilizers.
- The Commissioner of Agriculture can adopt regulations to implement the provisions of this section.

CITIZENS CAMPAIGN FOR THE ENVIRONMENT SUPPORTS HB 254
REDUCING PHOSPHOROUS USE ON LAWNS

Citizens Campaign for the Environment is an 80,000 member non-profit, non-partisan advocacy organization that works to protect public health and the environment.

www.citizenscampaign.org

STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE

Testimony presented to the Environment Committee of

The Connecticut General Assembly

By the Connecticut Department of Agriculture

March 7, 2012

S.B. 254 AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

The Connecticut Department of Agriculture has some concerns about S.B. 254 as there could be confusion regarding the definition of an "established lawn" in the bill.

In Section 1. (a) of the bill an "established lawn" is defined as "...any area of ground that is covered with any species of grass for two or more growing seasons and that is customarily kept mowed." In addition Section 1. (b) prohibits the application of fertilizer "...that contains phosphate to any lawn during the period beginning November fifteenth and ending April first of the following year."

Phosphorus is needed by grasses immediately after germination and until a root system is established. Farmers use phosphorus at appropriate agronomic rates to stimulate growth. Connecticut farmers grow crops which can be classified as "grasses" under the bill such as orchard grass and timothy. Maize (corn) is in the same botanical family. These grasses are commonly grown for cattle feed, as hay is for horses and other livestock. These forages are extremely important to Connecticut agriculture. Grasses also include crops grown for grain and greenchop such as oats and millet which are presently grown in small quantities here in Connecticut.

It is important to note the availability of phosphate free organic fertilizers. There is a current movement toward organically produced crops and organically fertilized lawns and turf. While it is possible to produce traditional fertilizer that is free of phosphate, the agency is not aware of any certified organic fertilizer that is free of phosphate.

The second half of the month of March can be a critical time period for the application of fertilizer to hay land and turf farms and, depending on climatic conditions, some parts of the state may be prepping land for corn production. A prohibition on the use of phosphorus would be detrimental to crop production and ultimately detrimental to farmers.

Thank you for your consideration of the Department's written testimony.

165 Capitol Avenue, Hartford, CT 06106
Phone: 860-713-2503 Fax: 860-713-2516
An Equal Opportunity Employer

Sen. Ed Meyer
Rep. Richard Roy

I urge you to support S.B. 254, which would restrict the use of phosphorus in fertilizer for established lawns. This nutrient is unnecessary once turf has taken hold. The excess phosphorus ends up in groundwater and surface water. High levels of phosphorus contribute to the decline of Connecticut's lakes, ponds, rivers, and streams in many ways. They lead to excessive aquatic plant and algae growth, reduced water quality, and depleted oxygen levels, all of which are detrimental to the health of these water bodies and to the fish and humans that depend upon them. I understand that eleven other states already ban or restrict the use of phosphorus in lawn fertilizers and I encourage you to make Connecticut the twelfth in this enlightened list.

Sincerely,
Hugh Rawson
Roxbury

Testimony by Michael A. Milone
State Committee on Environment
Raised Bill No. 254
Tuesday, March 6, 2012

Honorable Committee Members, my name is Michael A. Milone, I am the Town Manager for the Town of Cheshire and I am writing in support of Raised Bill No. 254, an Act Restricting The Application Of Fertilizers That Contain Phosphate. I apologize for being unable to attend your hearing and presenting my testimony in person and appreciate your consideration of my comments.

The Town of Cheshire is embarking on a $31.3M upgrade of our Wastewater Treatment Plant, pending approval by our voters at referendum in November. Approximately $7.2M of this $31.3M upgrade is associated with phosphorous removal to meet the Department of Energy and Environmental Protection's (DEEP) phosphorous removal requirement as part of our pending National Pollutant Discharge Elimination System (NPDES) permit approval.

Raised Bill No. 254 is intended to reduce the effect that phosphate runoff has on the State's bodies of water by restricting the application of fertilizers that contain phosphate. While this legislation, if approved, would not eliminate nor reduce our $7.2M estimated capital expense for phosphorous removal, it has the potential to save Cheshire and other affected municipalities future operating expenses and possible additional capital costs.

The treatment of phosphorous will require an ongoing purchase of chemicals as part of this phosphorous reduction process. Consequently, the greater the amount of phosphate removed from our waterways prior to reaching our treatment plant, the lower our chemical expenses for the treatment process. Additionally, the State DEEP might eventually lower the allowable phosphate limits further; if this phosphate reduction can occur through reduction in runoff, it could likely mitigate future capital expense to retrofit the Treatment Plant.

Since this DEEP phosphorous requirement will have an immediate and unavoidable Capital and Operating budget impact on our Town, any initiative to limit future additional phosphorous treatment expenses will be beneficial. Such initiatives would also be advantageous to all other municipalities financially affected by this requirement.

Consequently, I support Raised Bill No. 254 and thank you for your Committee's favorable consideration of this legislation.

M:/Town Manager/Testimony by Michael Milone 3-8-12 re Raised Bill 254

CANDLEWOOD LAKE AUTHORITY
P.O. BOX 37 • SHERMAN, CONNECTICUT 06784-0037 • (860) 354-6928 • FAX (860) 350-5611

Public Hearing – March 7, 2012
Environment Committee

Testimony Submitted by the Candlewood Lake Authority
Larry Marsicano, Executive Director

In Support of
S.B. 254 – AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

The Candlewood Lake Authority supports S.B. 254 – "An Act Restricting the Application of Fertilizers that Contain Phosphate" as an important step in slowing the nutrient enrichment or cultural eutrophication process which has accelerated dramatically over the past 50 years due primarily to increased phosphorous loading. These harmful changes have been scientifically documented in Candlewood Lake and in many lakes and ponds in the State. Excessive phosphorous is harming our lakes and ponds in Connecticut, diminishing their environmental quality, recreation and economic values.

Since the 1970s scientists have learned that algae and plant growth in freshwater is limited by the availability of phosphorus (Schindler, 1977). There are a number of comparative studies looking at CT lake water quality and land use between the 1930s and 1970s, the 1970s and 1990s, and the entire span (Canavan & Siver, 1994; Field et. al., 1996; Siver et. al., 1996; Siver et. al., 1999). In general the studies showed that lake phosphorus levels were increasing and at a more rapid rate between 1970 and 1990. Those increases were always associated with decreased water clarity and other lake degradations. The lakes that saw the greatest degradation were also usually those with the greatest increases in development (residential, commercial, industrial) within the watershed; those that saw little or no change in phosphorus concentration or water clarity were those that were and remained in watersheds that were not highly developed.

Candlewood Lake was no exception. A study (Marsicano et. al., 1995) revealed that phosphorus levels in the State's largest and one of it most important lakes started increasing in the 1950s. The rate of increase in phosphorus concentrations accelerated between 1960 and 1980 and closely paralleled the development of the five

municipalities surrounding Candlewood Lake: Brookfield, Danbury, New Fairfield, New Milford, and Sherman.

The scientific data is crystal clear – as a society we are increasing the levels of phosphorus in our lakes at a rate far greater than they would increase without us. Those increases come with a price - loss of water clarity and increase in algae concentrations and in advanced cases increased algae blooms. Those blooms are often by Cyanophyta or blue-green algae which can result in increases in cyanotoxins which at high concentrations are a human health hazard. Other symptoms included anoxia, fish kills, and internal nutrient loading, which reduce water resource values for recreation and water supply in lakes and downstream waterbodies.
As a culture we utilize many phosphorus based products that impact our environment and are washed into our lakes with surface rain runoff. Some public actions have helped, such as the organized efforts that have succeeded in reduction or removal of phosphorus from cleaning products like laundry soap. Sewer treatment plants in Connecticut are now facing expensive treatment upgrades to meet new requirements for reducing phosphorus in their discharge.

Bill 254 will address the fertilizers we disperse in our lawns which are also contributing to increased phosphorus concentrations in lakes and streams. Lawn fertilizers are a phosphorus source we can greatly reduce as a community and we look to you for help in doing that. Reducing fertilizer applications to lawns and switching to phosphorus-free fertilizer formulations is a low-cost means to help Connecticut's water resources.

It is also noteworthy that phosphorus is a finite resource mined for the production of agricultural and lawn fertilizer. Phosphorus has been identified as a natural resource that faces future scarcity. Conserving our use of phosphorus helps preserve both water quality and phosphorus supply for future generations.

Despite the issues listed above and resulting educational efforts by environmental advocates, phosphorus is misused or overused by many consumers in the interests of lawn care. Recent research at Cornell University has shown that after a lawn is established, the addition of phosphorus does not affect overall turfgrass quality (Petrovic et. al., 2005). Greg Bugbee, who runs the Soil Testing Laboratory for the Connecticut Agricultural Experiment Station has reported that a vast majority of lawn soil samples he receives for nutrient analysis have phosphorus levels sufficient to sustain a healthy lawn.

By now I'm sure you know that if this bill were to be approved, Connecticut would be the twelfth state to pass similar legislation. It is important to note that many of the states that have passed it are those rich in inland water resources that are an important part of state economy. One of those States, Minnesota, has produced an excellent publication on this for the general public entitled PHOSPHORUS IN LAWNS, LANDSCAPES, AND LAKES. We encourage you to visit and review the document at http://www.mda.state.mn.us/Global/MDADocs/chemfert/reports/phosphorusguide.aspx.

We believe Candlewood Lake and all Connecticut lakes need the protection provided by Bill 254 for both environmental and economic reasons and we urge your approval of this legislation.

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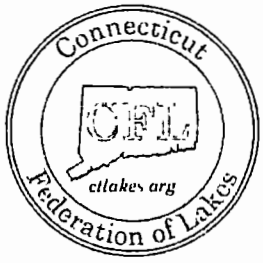

Connecticut Federation of Lakes

Officers:

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Mansfield

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Lebanon

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Brookfield

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New Britain

Bruce Lockhart
New Milford

Chris Mayne
East Haven

Tom McGowan
Litchfield

Connie Trolle
Morris

CFL
P.O. Box 216
Windsor, CT 06095

Public Hearing – March 7, 2012
Environment Committee

Testimony Submitted by the Connecticut Federation of Lakes
Larry Marsicano, President

In Support of
S.B. 254 – AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

The Connecticut Federation of Lakes supports S.B. 254 – "An Act Restricting the Application of Fertilizers that Contain Phosphate" as an important step in curbing nutrient enrichment (or cultural eutrophication) of our lakes and ponds which has accelerated dramatically over the past 40 years due primarily to increased phosphorous loading. Excessive phosphorous is harming our lakes and ponds in Connecticut, diminishing their environmental quality, recreation and economic values.

Since the 1970s scientists have learned that algae and plant growth in freshwater is limited by the availability of phosphorus (Schindler, 1977). There are a number of comparative studies looking at CT lake water quality and land use between the 1930s and 1970s, the 1970s and 1990s, and the entire span (Canavan & Siver, 1994; Field et. al., 1996; Siver et. al., 1996; Siver et. al., 1999). In general the studies showed that lake phosphorus levels were increasing and at a more rapid rate between 1970 and 1990. Those increases were always associated with decreased water clarity and other lake degradations. The lakes that saw the greatest degradation were also usually those with the greatest increases in development (residential, commercial, industrial) within the watershed; those that saw little or no change in phosphorus concentration or water clarity were those that were and remained in watersheds that were not highly developed.

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We believe Connecticut lakes need the protection provided by Bill 254 for both environmental and economic reasons and we urge your approval of this legislation.

Literature cited:

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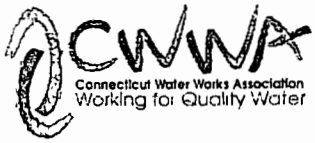


Testimony
Elizabeth Gara
Executive Director
Connecticut Water Works Association (CWWA)
Before the
Environment Committee
March 7, 2012

CWWA *supports* SB—254, AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE.

Excess phosphorus levels can stimulate algal growth in streams and lakes, which can lead to surface water raw water quality problems, such as taste and odor. It may also clog filters and increase the cost of treatment that is needed to maintain water quality.

Increasing phosphorus concentrations in reservoirs also increases the probability of cyanobacteria blooms, also known as bluegreen algae. This is important, not only because they are notorious taste & odor producers, but because cyanobacterial toxins are an emerging contaminant on EPA's drinking water candidate contaminant list.

Recently, scientists at the U.S. Geological Survey (USGS) have demonstrated how excessive levels of phosphorous can be carried from fertilized agricultural fields via groundwater to streams and waterways, which may adversely affect public water supplies. Phosphorus transport to streams had generally focused on surface-water pathways because of assumptions that phosphorus doesn't dissolve sufficiently into soil water to be carried via groundwater. As a result, phosphorous poses significant concerns to both groundwater and surface water supplies.

CWWA therefore supports efforts to reduce phosphate runoff by restricting the application of fertilizers that contain phosphate during certain periods of the year and promoting the use of non-phosphate fertilizers, where appropriate.

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. As purveyors of public water supplies, our members have an obligation to provide sufficient quantities of high-quality water at a reasonable cost to consumers of the communities served. As an association, CWWA and its members have a keen interest in laws and regulations that affect water utilities or supplies

Frank C. DeFelice
32 Cherry Lane
Durham, Connecticut 06422
Telephone: 860-690-2400
fcdefelice@aol.com

March 6, 2012

Environment Committee
Room 3200
Legislative Office Building
Hartford, Connecticut 06106

Re: Comments on Raised Bill No. 254: An Act Restricting the Application of Fertilizers that Contain Phosphate

Distinguished Members of the Environment Committee,

I am writing regarding *Raised Bill No. 254: An Act Restricting the Application of Fertilizers that Contain Phosphate.* While I understand the intent of this legislation, the language in the proposed bill is problematic from an Agricultural standpoint.

Specifically, the wording in *Section 1* which states: ***"any area of ground that is covered with any species of grass for two or more growing seasons and that is customarily kept mowed"*** would include, by definition, a hayfield.

This runs counter to our state's efforts to advance Agricultural and Farming initiatives. Connecticut has many productive hayfields; due in large part to its high equine population.

You may consider incorporating the *"as-of-right"* exemptions specified in **Section 22a-40(a) and (b)** of ***Chapter 440: Wetlands and Watercourses*** by reference. Alternately, your committee could develop similar language to provide relief to Connecticut's farms

Thank you for your time and consideration of the above points.

Sincerely,

Frank C. DeFelice

Connecticut Environmental Council

March 7, 2012

Opposed For Raised Bill 254
AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

To: The Honorable Edward Meyer, Co-Chair, The Honorable Richard Roy and members of the Environment Committee.

The Connecticut Environmental Council opposes Raised Bill 254, An Act Restricting the Application of Fertilizers that Contain Phosphate. However supports the intentions of the bill regarding clean water and would support the bill with the following four changes.

1. No application of phosphate will be made to an established lawn, unless a soil test by a soil testing laboratory shows the need for phosphate, and the application of phosphate will be no more than the maximum recommended by the soil test. A soil test is required every three years by a soil testing laboratory using approved testing methods.

2. Expand the source of phosphorous to include fertilizer, soil amendment or compost that contains phosphate.

3. Adjust the dates for no application of fertilizer, soil amendment and compost that contains phosphate beginning October 15th and ending March 15th of the following year. (This change reflects the DEEP's Best Management Practices for Turf.)

4. Change the language in part (d) to reflect the above changes.

Phosphorus may impact water through erosion and leaching. Erosion can be greatly reduced by establishing healthy lawns. The University of Connecticut finds that 75% of soil tests from homeowner lawns show a need for phosphorus as an essential nutrient for the growth and development of grass.

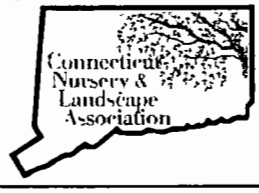
Soil testing should be required before application of any phosphorus fertilizer or organic soil amendments that contain phosphorus such as compost, alfalfa meal, cottonseed meal or other organic products that contain phosphorus. Lawn fertilizers are designed with phosphorus to be readily available to the plant by attaching to the soil. A typical one-time application of manure-based compost to lawns will apply about 350 pounds of phosphorus per acre, which is about six times the typical amount of phosphorus recommended by UConn's Soil Testing Laboratory for fertilizer phosphorus to lawns.

A strong, healthy, well established lawn area reduces erosion and leaching of phosphorus. Utilizing soil testing, application dates and consumer education through signage will have a positive effect on the environment.

Sincerely,

Edward Golinowski
President

17 Rivendell Road, Marlborough, CT 06447
CTEC@ctenvironmentalfacts.org
(203) 758-7297, (860) 228-1337 fax
www.ctenvironmentalfacts.org



P.O. Box 415, Botsford, Connecticut 06404. Phone 800-562-0610. Fax 203-261-5429.

Statement of
Bob Heffernan
Executive Director
Connecticut Green Industries Council
before the
Environment Committee
Connecticut General Assembly
on SB 254 • Regulating Phosphorus Fertilizers

March 7, 2012

While well-intentioned, Senate Bill 254 needs changes to align its goals with sound science and with a reasonable approach.

The bill must have a section that explicitly exempts agriculture.

The bill must also have a section that allows phosphorus-based fertilizers to be used when a soil test shows the soil is deficient in phosphorus. Such testing would have to be done by reputable soil testing firms approved by the Commissioner of Agriculture.

Our green industry has taken an active approach to educate our members on the wise use of fertilizers. For instance, we have an industry representative working with Save the Sound. I serve on the Connecticut Water Policy Council Advisory Group where we have been asked, and are working on, Best Management Practices (BMPs) for landscapers, nurseries, and property owners on the judicious use of water and soils.

Connecticut Department of
ENERGY &
ENRONMENTAL
PROTECTION

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Public Hearing – March 7, 2012
Environment Committee

Testimony Submitted by Commissioner Daniel Esty
Presented By Presented By Macky McCleary, Deputy Commissioner

Raised House Bill No. 254 - AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

Thank you for the opportunity to present testimony regarding Raised House Bill No. 254 – An Act Restricting the Application of Fertilizers that Contain Phosphate. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

DEEP supports this bill. Nutrients such as phosphorus and nitrogen are essential and naturally occurring elements for plant growth. However increased levels of these nutrients jeopardize water quality resulting in excessive algae and aquatic plant growth (eutrophication) which impairs aquatic life and recreational use and, in limited cases, cause health concerns. While sewage discharges are the leading source of nutrients to our waters, fertilizers and polluted runoff also contribute high levels of nutrients. Phosphorus in particular is the limiting nutrient in freshwaters.

In Connecticut, and nationally, nutrient enrichment is a significant water quality issue. The United States Environmental Protection Agency ("EPA") is requiring aggressive action by states to limit nutrients to surface waters. There are 21 freshwater bodies in the state where phosphorus is identified as the primary cause of water impairments and a threat to many other freshwaters. DEEP has been working with the USEPA on a statewide nutrient control strategy for our waters that not only includes wastewater treatment discharges but also fertilizer sources and polluted runoff. At least 11 states restrict phosphorus fertilizer use or sale including Maine, New Jersey, New York, and Vermont. The USEPA, Connecticut and the other New England states continue to work together, and with the fertilizer industry, to assess fertilizer formulas and best use practices for lawns to reduce excess nutrients to our waters.

This bill will assist in overall efforts to control excess nutrients and restore and maintain water quality. Research has shown that except for establishment of a new lawn, phosphorous is not necessary for sustainable lawn growth. The bill will restrict phosphorous to when it is necessary, provide a minimal protective area to reduce runoff to waters, and inform and educate the public about water quality concerns

The Department of Agriculture may have some concerns with the definitions in the bill. DEEP is happy to work with the Department of Agriculture, the Environment Committee and the proponents of the bill to resolve any such concerns.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 424-3401 or Robert LaFrance@ct gov

Written Testimony of
Michael Moraghan, Executive Director
Connecticut State Golf Association

Senate Bill 254, An Act Restricting the Application of Fertilizers that Contain Phosphate

Environment Committee
March 7, 2012

Good morning Senator Meyer, Representative Roy, Senator Roraback, Representative Chapin and the distinguished members of the Environment Committee my name is Michael Moraghan, I'm the Executive Director of the Connecticut State Golf Association. Thank you for the opportunity to speak with you today about **Senate Bill 254**, An Act Restricting the Application of Fertilizers that Contain Phosphate. While I am here in my official capacity with the Connecticut State Golf Association, I first want to share some personal information.

At various times in my life I've contributed to any number of environmental organizations – from Greenpeace to the Nature Conservancy. One such organization that I am particularly interested in right now is Audubon International - for their program that recognizes golf courses that follow the highest standards of environmental stewardship.

My passion for environmental causes began when I started playing golf as a kid in Litchfield, at a little 9-hole course that has the Bantam River winding through it. It was in this environment, that I fell in love with nature and the natural world.

You see, the first lesson any golfer learns is that you must be a good steward of the earth. When you take a divot you replace it. When you walk through sand you smooth your footprints behind you. When your ball lands on a putting green you repair its mark to maintain a smooth and unblemished surface. And when you're waiting your turn to play, you look for any other small areas that you can restore to a healthy condition.

I believe that every golfer, whether they realize it or not, helps carry the flag of environmental stewardship, and every environmentalist, if they are not already a golfer, should be – because golf embodies the best practices of environmental stewardship.

I believe that among industries in Connecticut, the golf industry is by far the cleanest industry in our state. No other industry provides the vast amount of open, green space and wildlife habitat, and most importantly, and relevant to the bill you are considering, golf courses provide the type of turf grass bio-filter that helps purify ground water. Healthy turf grass, with its dense root system, is essential to both water filtration, and the economic viability of the overall facility.

The Connecticut State Golf Association represents the interests of more than 200,000 citizens who play golf in our state. Thousands of those golfers reside in districts represented by members of this Environment Committee. In fact, there are exactly 40 golf courses within the areas represented by members of this committee.

The golf industry should be promoted and encouraged, not restricted or discouraged. Toward that end, I ask that you exempt golf courses from the proposed legislation, and instead, join with my organization to increase the number of courses in Connecticut that are certified by the Audubon International Sanctuary Program. Connecticut currently ranks 7th in the country in the percentage of courses registered with Audubon. Our goal is to make Connecticut #1 in the nation in its participation in the Audubon program. That effort will help protect our waterways, and our wildlife for future generations. Thank you for your time.

Written Testimony of
Rob Giampietro, CGCS at the Bull's Bridge Golf Club
Connecticut Association of Golf Course Superintendents

SB 254, An Act Restricting the Application of Fertilizers that Contain Phosphate
Environment Committee
March 7, 2012

Good morning Senator Meyer, Representative Roy, Senator Roraback, Representative Chapin and the members of the Environment Committee my name is Rob Giampietro, I'm the golf course superintendent at the Bull's Bridge Golf Club in South Kent. I appreciate the opportunity to offer testimony on Senate Bill 254, An Act Restricting the Application of Fertilizers that Contain Phosphates. In the way of background, I was the first employee at the club and have been there since construction began in 2002. We are one of a small group of golf courses in the country designated with the Audubon Silver Signature Sanctuary Certification. What does that mean? Amongst other things, a lot of water testing. The course is built on a mountain and has a 400' elevation change from the highest golf tee to the lowest golf green. That is to say the runoff during turf establishment was intense. We will spend $36,000 this year on water testing. We test all runoff from the golf course and all adjacent homeowner wells. In ten years we haven't had any problems with phosphorous or anything else for that matter.

During construction we used phosphorous in our fertilizer blends to help establish the turf. One of the protocols was starter fertilizer even in the roughly 20 acres of turf buffering wetlands which was hydro seeded. Once established no phosphorous has been applied.

We test our soils annually and at no time since the initial grow-in has a test shown a deficiency in phosphorous and therefore none has been added. Other nutrients we have had to add are calcium, magnesium, potassium, and manganese. Phosphorous is held extremely tightly in the soil and in fact in most cases the only way phosphorous moves is when the soil itself is moved.

Golf Course Superintendents are well educated professionals and the best stewards of the land we have. We are essentially scientists and apply fertilizers in a precise calculated method to the targeted plants. With the ongoing budgetary constraints and expectations increasing we can't afford to make mistakes. Most golf courses may only use a phosphorous based fertilizer during overseeding to help juvenile seedlings mature. This is only 2-3 acres. Some higher end clubs may overseed fairways as well which could be up to 30 acres.

Golf courses should be allowed the continual use of phosphorous in a calculated and efficient way as the professionals applying the material are highly trained and are earning a living based upon the product they provide.

I sincerely appreciate the opportunity to testify and I would be glad to answer any questions.

Written Testimony of

Scott Ramsay, Legislative Chair

Connecticut Association of Golf Course Superintendents

SB 254, An Act Restricting the Application of Fertilizers that Contain Phosphate

Environment Committee

March 7, 2012

Good morning Senator Meyer, Representative Roy, Senator Roraback, Representative Chapin and the members of the Environment Committee. My name is Scott Ramsay, I'm the Legislative Chair of the Connecticut Association of Golf Course Superintendents. I'm here today to testify on SB 254, An Act Restricting the Application of Fertilizers that Contain Phosphate. Phosphorous is an essential, organic element necessary for plant growth. Used properly it is essential for a healthy turf environment. Restricting the use of phosphorous would create many consequences, both known and unknown. I respectfully request that golf turf be exempt from these restrictions.

Today's turf managers are far more aware of the potential impact of the improper use of Phosphorous than compared to only a few years ago. Technology and information has changed the way we as professional turf managers look at our applications to turf. We can more accurately measure, test and research the interactions between our turf and the adjacent environment.

Industry is already ahead of this legislation. Phosphorous free blends are available and gaining in popularity. The economics of today's market will not allow for phosphorous to be added to a blend because it is "traditional." If you don't need it why pay for it? Gone are the days of, "they put three numbers on the fertilizer bag (N, P, and K) and I want my money's worth." Resources are becoming very expensive and the research shows that, Phosphorous is only required in certain situations. It is now a financial and environmentally sustainable approach to turf management today, only purchase and apply what the plant requires.

So why do we seek an exemption. Real life challenges have developed in other states and caused unintended consequences. There are scenarios and situations where Phosphorous is an absolute need. New seedlings, sand based turf systems and other recommendations based on soil testing to name just a few. Quantifiable needs can be tested and professional turf managers need this tool to respond to deficiencies.

Golf is relatively a very small component of the overall Phosphorous market place and the industry is aware of the environment around us and is already adjusting to a "needs based" Phosphorous usage program. Many studies have shown that the proper use of Phosphorous is beneficial, golf turf is not a culprit, and the latest research backs this message. The potential impact to golf turf far outweighs the perceived potential benefits.

Written Testimony of
John Garcia, Immediate Past President
Connecticut Association of Golf Course Superintendents

Senate Bill 254, An Act Restricting the Application of Fertilizers that Contain Phosphate

Environment Committee
March 7, 2012

Good morning Senator Meyer, Representative Roy, Senator Roraback, Representative Chapin and the distinguished members of the Environment Committee my name is John Garcia, I'm the Immediate Past President of the Connecticut Association of Golf Course Superintendents. I appreciate the opportunity to speak with you today regarding **Senate Bill 254**, An Act Restricting the Application of Fertilizers that Contain Phosphate.

I am here today to ask that golf courses be exempt from this proposed legislation. As proud and aware steward of the environment, we agree that phosphorus eutrophication can be a severe issue in the degradation of Connecticut's rivers, streams, ponds, and lakes. Steps should be taken to identify the sources of excess nutrient leaching and measures put into place to limit this where it makes sense. However, we are yet to see any viable research correlating the proper fertilization of golf courses with excessive phosphorus loading in our bodies of water.

Phosphorus is one of the three "macro-nutrients" required by turfgrass, and is utilized in holding and transferring energy for every metabolic process within the plant. Phosphorus is critical for the germination of new seedlings as well as the development of cell membranes, particularly in the roots of the plants. Once established, supplemental phosphorus applications are reduced and only applied as needed in most cases, typically when over-seeding, or recovering from damage from some other pest. Phosphorus is very immobile, and binds to soil particles very quickly once applied, and therefore rarely has the opportunity to move freely on or under a turfgrass surface. It is for these reasons that most researchers believe that the majority of phosphorus loading is due to miss-application, such as accidental application to paved areas, and the erosion of soils that are rich in "bound up" phosphorus. In fact, the EPA, recommends that farm land incorporate turfgrass buffers adjacent to water bodies to limit erosion of bare soils, thus limiting phosphorus eutrophication.

A recent industry study showed that nearly 90% of Golf Course Superintendents have received a college degree, with the vast majority majoring in Soil Science, Agronomy, or Turfgrass Management. These professionals pride themselves on nurturing the properties that they maintain, respecting and enhancing the environment that they work in, and maximizing the resources of their employers. The judicious use of plant protectants and fertilizers is imperative to maintain turfgrass vigor, playability, and performance. Annual testing of irrigation water quality, soil testing to determine deficiencies, and tissue testing analysis are all integral parts for developing the management programs for nearly every golf course in our state. The fertilizers available to golf courses today are of the most advanced and high quality fertilizers in the world. These products and the people that develop and sell them help the Superintendents utilize Best Management Practices, specifically to deliver the right product, at the right rate, at the right time, and in the right place. This provides for optimum plant health, protects the environment, and maximizes the financial resources of our owners and members.

So in closing, I would again like to ask that you exempt the golf course industry from this proposed legislation. We would like to partner with the DEEP in the near future to create a comprehensive "Best Management Practices for Golf Courses" document. This document would be an all encompassing resource outlining what most golf courses are already doing, and providing strategies for others to improve upon the practices that they already have in place. Our industry is proud of our environmental stewardship, and believe that we are the model for the rest of Connecticut's Green Industry.

Again, I thank you for your time and the opportunity to speak with you today.

Subject: Testimony SB 254 - An Act Restricting the Application of Fertilizers that Contain Phosphate

THE Scotts Miracle-Gro COMPANY

March 7, 2012

Joint Committee on Environment
Legislative Office Building
Hartford, CT 06106

RE: Memo for SB 254 – An Act Restricting the Application of Fertilizers that Contain Phosphate

Dear Members of the Committee,

Thank you for the opportunity to submit testimony on SB 254, an act that would restrict the use of lawn fertilizers containing phosphate in the State of Connecticut. The Scotts Miracle-Gro Company has been in the lawn and garden business for over 140 years becoming the largest marketer and distributor of lawn and garden products for consumer use in that time. Our company also operates the Scotts LawnService, the second largest residential lawn service

business in the United States.

We strive to put the consumer first which is reflected in our annual research and development investment to innovate products that are simple, safe, and sustainable. With operations in the State of Connecticut supporting various business units of our company we are vested in the State's future both as a place to operate as well as providing a high quality of life for our associates.

Scotts Miracle-Gro is supportive of the concept raised in SB 254 and this is why at the end of this year phosphorus will no longer be contained in our regular lawn maintenance fertilizers. Phosphorus will only be found in starter and repair products because grass seed needs phosphorus delivered directly to the seed when planted and organic lawn fertilizer because it occurs naturally and cannot be removed. Even with our current plans we have some concerns with the way the bill is currently drafted and hope you will be able to address them.

First, Section 1 only permits use of phosphorus lawn fertilizers when a lawn is being started. However, there are two circumstances when phosphorus is needed and one in which it cannot be removed from a product line and we feel that these situations should allow for an exemption.

- Organic products-Organic lawn care products have naturally occurring phosphorus in the plant and animal by products they are derived from. This phosphorus cannot be removed from those products. Without an exemption the organic market would be relegated to use only when starting a lawn. Organic lawn fertilizers are a small growing market and such limitation could severely hurt the category.
- Over seeding-In order to keep lawns healthy seeding is an important part of the lawn care maintenance process. When seed is applied it does not have roots and cannot obtain the phosphorus in the soil thus phosphorus must be delivered to the seed. Without an exemption for the use of phosphorus when seeding an application of seed to an established lawn would be in jeopardy of failure.
- Soil deficiency-Some soils are deficient in phosphorus and such a deficiency can only be corrected by adding phosphorus to the soil. The lack of phosphorus can lead to unhealthy grass prone to disease or weed infiltration. This can be detected through a simple soil test.

Second, the application timing restrictions are too broad for the regional weather variations experienced in the state. Many parts of the state can begin feeding lawns in March and do not need to wait until April. We would ask that you reduce the timing restriction in Section 1 (b) to December 1 and March 1 with the caveat that fertilizer could not applied to frozen ground. This change would permit application when spring begins earlier, as we are seeing this year, but not permit application when the winter is late or starts early because of the frozen ground caveat.

Third, we would ask that retailers not be required to post signs in the lawn fertilizer aisle under Section 1 (d) because we feel easier mechanisms exist to address the concern of phosphorus lawn fertilizer sale and display. Several states, Virginia- Maryland-and New Jersey, have moved to a model where lawn fertilizers could not be registered with phosphorus unless they were intended for use when seeding, repairing a lawn, or unless it was an organic product. These would be the exempted uses if the changes previously outlined above are made. As stated above theses are specific circumstances and the intended product use is clearly communicated to the consumer on the package. In addition, signs burdensome for the in store sales force thus exposing retailers to fines. Keeping signs in the aisle can be a challenge as these products are maintained outdoors and would be exposed to the elements. A system where the phosphorus products are regulated through the state registration process would provide a streamlined approach to addressing phosphorus lawn fertilizer concerns while removing the burdens on retailers and consumers.

Fourth, in Section 1(c) we ask that Connecticut recognize applicator technologies that allow for precision applications along hard surfaces and waterways. Drop spreaders, rotary spreaders with deflector technology and targeted spray liquids allow applicators to apply without getting fertilizer in waterways and hard surfaces. We propose that the legislature consider a provision lowering the buffer to three feet when an applicator uses one of the referenced technologies. Eleven of twelve states with phosphorus lawn fertilizer restrictions have recognized these technologies and permitted reduced buffers.

Lastly, we would request the implementation date be moved to January 1, 2013 to allow retailers and manufactures as well as applicators to properly implement the law without confusion. The fall is still a busy season and trying to implement such regulations mid-season would be difficult for all affected. A January 1, 2013 allows businesses to implement the new law and plan a consumer communication strategy in a more coherent manner.

Our company appreciates being part of the dialogue in Connecticut and working collaboratively to address all concerns and finding solutions that benefit all those involved in these efforts. Thank you again for your time and efforts on these important issues. Please do not hesitate to contact me if you have any further questions.

Sincerely,
Brian Patrick Herrington
Government Relations Manager
The Scotts Miracle-Gro Company

www.scottsmiraclegro.com
Please consider the environment before printing this e-mail.

Testimony of Robert (Bob) Kortmann, Ph.D. March 7, 2012

Speaking in favor of:

Raised Bill No. 254

AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

Section 1. a. prohibited= phosphate-containing fertilizer to *established lawn*.

b. prohibited= phosphate-containing fertilizer application *between Nov 15 and April 1*

c. prohibited= phosphate-containing fertilizer application within *20 feet of a watercourse.*

d. *Merchant Requirements*; Separation and Signage.

e. Commissioner of Agriculture may adopt regulations for implementation.

f. *Civil Penalty* of $500.00 for violation.

The Science is clear on this Issue. Phosphorus is not needed on an established lawn, and is damaging to lake and reservoir ecosystems.

- **Phosphorus addition is very rarely needed on an *established lawn.***
- **Phosphorus is the primary material that *accelerates the eutrophication* of inland waters, with an array of consequences including water quality and habitat degradation, and algae blooms (especially Cyanobacteria which can produce taste and odor compounds and potent cyanotoxins). Other factors influence *what kind* of algae grows and *how much accumulates*, but it is phosphorus that limits *how much algae grows*.**
- **There are a variety of phosphorus sources to lakes and reservoirs. Many are difficult to control. Application of P-containing fertilizer is a source to inland waters that is controllable.**

- **Phosphorus-free lawn fertilizers are readily available from several competing manufacturers.**

One suggested modification/addition to the Raised Bill No. 254 is to provide a procedure to account for the rare situation where a phosphorus deficiency exists on an established lawn. Perhaps through the "Commissioner of Agriculture Regulations", a soil test by a certified lab, or other means.

Currently, it is difficult for communities to manage specific Connecticut Watersheds to reduce phosphorus runoff due to application of P-containing lawn fertilizer, largely due to the broad language in Connecticut Public Act No. 09-229. A "Draft Ordinance" prepared by Columbia, Connecticut to protect its lake resource was very well crafted to prohibit application of P-containing fertilizer to established lawns in a specific, vulnerable watershed overlay zone. It included well defined exclusions (vegetable gardens, etc.). It included an exception for establishing a new lawn via seed or sod (when P is needed for root development). However, legal counsel advised the Town that the Draft Ordinance did not comply with Public Act No. 09-229.

Attached:
Draft Ordinance: Town of Columbia
ORDINANCE TO DISCOURAGE THE GROWTH OF ALGAE IN COLUMBIA LAKE

Public Act No. 09-229
AN ACT CONCERNING MILK PRODUCERS, MILK AND MILK PRODUCTS, AGRICULTURAL NOT-FOR-PROFIT ORGANIZATIONS AND THE MODERNIZATION OF CONNECTICUT FERTILIZER LAW.

"No political subdivision of the state shall enact or attempt to enforce any ordinance or regulation respecting the registration, packaging, labeling, sale, storage, distribution, *use or application of a fertilizer...*"

Testimony of Robert (Bob) Kortmann, Ph.D. March 7, 2012

Summary

- Phosphorus application to established lawns is not needed by the lawn, with rare exceptions that could be addressed.
- Phosphorus-free lawn fertilizer products are now readily available, from several competing manufacturers.
- Phosphorus is the plant nutrient that causes eutrophication of inland lakes and reservoirs, with a variety of adverse habitat and water quality impacts.

Raised Bill No. 254: AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE will help to protect the quality and ecological integrity of Connecticut's Inland Water Resources, while not having an adverse impact on residential turf management.

An alternative to passing of Raised Bill No. 254 is to clarify the intent of PA 09-229, and to enable a "Political Subdivision of the State" to enact a local ordinance that restricts P-containing fertilizer application to an established lawn in a specific and vulnerable watershed area.

ATTACHMENTS:

Draft Ordinance: Town of Columbia
ORDINANCE TO DISCOURAGE THE GROWTH OF ALGAE IN COLUMBIA LAKE

Resume: Robert (Bob) Kortmann, Ph.D.

Testimony of Robert (Bob) Kortmann, Ph D. March 7, 2012

TOWN OF COLUMBIA ORDINANCE TO DISCOURAGE THE GROWTH OF ALGAE IN COLUMBIA LAKE

DRAFT 09/19/11

SECTION 1. Purpose

This ordinance has been developed with the purpose to discourage the growth of algae in the waters of Columbia Lake by regulating the use of Lawn Fertilizers containing phosphorus in the areas designated as Lake Protection Zones 'A,' 'B,' and 'C.' as defined in the Town of Columbia Lake Watershed Management Plan.

SECTION 2. Definitions

As used in this Ordinance, the following terms are given definitions as follows:

- Lawn: means noncrop land planted in closely mowed, managed grasses, including, but not limited to, residential and commercial residential property, parks, and recreation areas.. Turf does not mean hayland, hay or some other form of agricultural production.
- Lawn Fertilizer: means any fertilizer whether distributed by a property owner, renter or commercial entity, distributed for a non-agricultural use on Lawns. Lawn Fertilizer does not include fertilizer products intended primarily for gardening, tree, shrub and indoor plant application.
- Town or The Town: means municipal government of the town of Columbia, Connecticut.
- Violation: means failure to comply with and adhere to the rules and regulations set forth in this Ordinance

SECTION 3. Lawn Fertilizer Use Restriction

A person shall not apply a Lawn Fertilizer containing more than zero percent phosphorous to Lawns located in Lake Protection Zones 'A,' 'B,' and 'C' as defined in the Town of Columbia Lake Watershed Management Plan, except under the following condition:

Condition 1: the property owner or an agent of the property owner is attempting to grow a new Lawn via seed or sod procedures.

SECTION 4. Conflicts

In any case where this article or any regulation enacted herein is found to be in conflict with any provision of the Public Health Code or any State Statute, Provision or Regulation, the more restrictive shall apply.

SECTION 5. Enforcement / Penalties

Any property owner found in Violation shall be issued a $250 fine made payable to the Town. A fine shall be assessed for each Violation. Fine amounts may be increased at the discretion of the Columbia Board of Selectmen.

SECTION 6. Right of Appeal

Any property owner who has been found in Violation and has been issued a fine by a representative of the Town shall have the right to appeal said fine to the Town Administrator. He/she shall review the matter upon consultation with appropriate Town staff and render a decision on the matter to the appellant.

SECTION 7. Effective Date

Upon ratification by a Columbia Town Meeting, this Ordinance shall become effective fifteen (15) days following the publication in a newspaper having general circulation in the Town.

Ordinance # _____ Adopted at a Town Meeting Held on (Date)

Published on (Date) in the (Newspaper)

Ordinance # _____ becomes effective on (Date)

Robert W. Kortmann, Ph.D.

1974 B.S. Cook College - Rutgers University –High Honors/ Cook Scholar
Environmental Science and Education; Comprehensive Science Teaching Certificate
1977 M.S. University of Connecticut - Limnology - Plant Ecology
1981 Ph.D. University of Connecticut - Limnology - Ecology

Dr. Kortmann is the founder and principal investigator of Ecosystem Consulting Service, Inc. and directs all research, consulting, and implementation projects. His undergraduate training included a comprehensive environmental science curriculum, advanced biological sciences, and education certification. While at Rutgers, Dr. Kortmann conducted an honors research project dealing with the chemistry of aquatic systems in agricultural watersheds, research regarding intertidal zonation as effected by navigation, and coral reef research at the East Indies Laboratory, St. Croix. Dr. Kortmann was a George H. Cook Scholar and graduated with high honors from Cook College-Rutgers University in 1974.

Dr. Kortmann completed his graduate training at the University of Connecticut. His master's and doctorate programs were interdisciplinary, with work in the Department of Biological Sciences, School of Engineering, and Natural Resources. Dr. Kortmann's research focused on the chemistry of lake-watershed ecosystems, mathematical models, and eutrophication.

Dr. Kortmann and E.C.S., Inc. have conducted cooperative research projects with Environmental Engineering Companies, Water Utility Companies, University of Connecticut, Kent State University, Canada Ministry for the Environment, and Regulatory Agencies. Dr. Kortmann has been an invited participant at AWWA-RF Workshops, AWWA-WQTC Sunday Seminars, and has received several research publication awards. Dr. Kortmann taught aquatic biology and chemistry at the Hartford Graduate Center (R.P.I.), published a handbook on lake management (IWR- US Department of the Interior) and a variety of journal articles, and made presentations at numerous international professional meetings. Dr. Kortmann and ECS,Inc. have performed lake and reservoir restoration projects throughout the United States, Canada, and as far away as Sao Paulo, Brazil.

Innovations:

- Invented a dialysis method to analyze the chemical content of sediment-interstitial water
- Invented/developed Hydrologic Flow Routing technologies (U.S. Patent)
- Invented/Developed Layer Aeration Technology (U.S. Patent) (Environmental Technology Innovation Award for Layer Aeration from the EPA)
- Invented/Developed DownFlow Oxygenation Technology (U.S. Patent)
- Winter Thermal Treatment Techniques
- Non-Chemical Disinfection Technology (Patent Application in prep)
- Pneumatic Diffuser Apparatus (Patent Application in prep)
- Wind, Solar, and Wind-Solar Hybrid Aeration and Circulation Methods (Patent Pending)

ECS,Inc. received the Lake Restoration Project Award for innovative restoration techniques employed at Lake Waramaug, CT (Hypolimnetic Nutrient Inactivation with no chemical addition).

Selected Publications:

Kortmann, R.W. 1980. Benthic and atmospheric contributions to the nutrient budgets of a soft-water lake. *Limnology and Oceanography* 25(2): 229-33.

Kortmann, R.W. 1981. Functional relationships between nutrient dynamics, oxidation-reduction capacity, and eutrophication in a soft-water lake. *University of Connecticut. Ph.D. Dissertation.*

Kortmann, R.W., G.W. Knoecklein, C.H. Bonnell, 1994. Aeration of Stratified Lakes: Theory and Practice. *Lake and Reservoir Management Journal*, 8(2):99-120.

Kortmann, R.W. and P.H. Rich, 1994. Lake Ecosystem Energetics: The missing management link. *Lake and Reservoir Management Journal*, 8(2):77-97.

Kortmann, R.W., "Managing Reservoir/Watershed Systems", *WaterSearch*, Vol. 5. Summer, 1987. AWWA.

Kortmann, R.W. 1988. Utility of Layer Aeration for Reservoir and Lake Management. *Lake and Reservoir Management Journal* 4(2):35-50.

Kortmann, R.W. "Raw Water Quality Control: An Overview of Reservoir Management Techniques". *Journal New England Water Works Association*, April 1989.
Awards: Dexter Brackett Meritorious Paper Award, *New England AWWA*
Quarternary Transatlantic Award-1990 *Institution of Water and Env.Management* (England).

Kortmann, R.W. 1990. Thermal Stratification in Reservoirs: Causes, Consequences, Management Techniques. Proceedings *AWWA-WQTC*, San Diego, November 1990.
Invited Contribution to AWWA Sunday Seminar.

Kortmann, R.W. Lake ecosystem energetics: The ecology of raw water quality management.. *AWWA-1994 WQTC*, Nov. 6-10, 1994. pp. 1897-1925. San Francisco, CA.

Kortmann, R.W. 1994. Oligotrophication of Lake Shenipsit by Layer Aeration. *Lake and Reservoir Management Journal*, 9(1)94-97.

Kortmann, R.W. 1984. The utility of a hydrograph flowstage phosphorus loading model. Lake and Reservoir Management - Practical Applications. *Lake and Reservoir Management Journal* pp. 173-179.

Jokinen, E.H., J.Guerette, and R.W. Kortmann, 1982. The natural history of an ovovivparous snail, Viviparus georgianus (Lea), in a soft-water eutrophic lake. *Freshwater Invertebrate Biology* 1(4): 2-17.

Kortmann, R.W., D.E. Henry, A. Kuether, and S. Kaufman. 1982. Epilimnetic nutrient loading by metalimnetic erosion and resultant algal responses in Lake Waramaug, Conn. *Hydrobiologia* 92: 501-10.

Kortmann, R.W. and D.D. Henry, 1987. "Mirrors of the Landscape: An Introduction to Lake Management". Conn. *Institute of Water Resources*, US Dept. of the Interior, Univ. of Conn., Storrs, CT. 103 pp.

Kortmann, R.W. 1988. Utility of Layer Aeration for Reservoir and Lake Management. *Lake and Reservoir Management Journal* 4(2):35-50.

Kortmann, R.W. 1989. Putting Stormwater to Maximum Use. *LakeLine* April 1988

Kortmann, R.W. 1994. Lake Waramaug 1975-1993...What we've learned. *Lake and Reservoir Management Journal,* 9(1):65-71.

Kortmann, R.W. 1994. Oligotrophication of Lake Shenipsit by Layer Aeration. *Lake and Reservoir Management Journal*, 9(1)94-97.

Research Grants Awarded

Institute of Water Resources - University of Connecticut *In vitro* florimetry for water supply reservoir monitoring. Research Participants: University of Connecticut, Regional Water Authority, Ecosystem Consulting Service, Inc. Grant co-Authored by: Peter H. Rich, Ph.D. and R.W. Kortmann, Ph.D

USEPA Research Grant: Section 314: Clean Water Act: Phase III Mechanisms of Restoration at Lake Waramaug, CT, Innovative Hypolimnetic Management Approaches.
Research Participants: Kent State University, University of Connecticut, ECS, Inc.
Grant Authored by: R.W. Kortmann, Ph.D
EPA Region I Clean Lakes Project Award 1992

Selected Major Projects

- Annual Management of Source Water Reservoirs- Connecticut Water Company 1982-present
- Annual Management of Source Water Reservoirs- Aquarion Water Company 1994-present
- Oklahoma Water Resources Board- Consultant for Reservoir Management and Restoration
- Projecto Guarapiranga- Limnological Consultant to the World Bank Project, Sao Paulo, Brazil
- Lake Waramaug Restoration Project 1979-present
- Hypolimnetic Aeration- City of Norfolk, VA Reservoirs; Hodgson Reservoir, Revenna, OH
- Layer Aeration: Lake Oswego, Oregon; Wanaque Reservoir, North Jersey District Water Supply Commission; Glendola Reservoir, NJ American Water Company; Brick Township NJ Reservoir; Oradell Reservoir, United Water Company; Pennichuck Water Supply Reservoirs, NH; Ledyard Reservoir, Groton, CT; Bear Creek Reservoir, Lakewood, CO; City Lake, Tuscon, AZ; Culver Lake, NJ; Lake Rockwell Reservoir, Akron, OH; Glen Reservoir, SCCRWA, CT; Third Lake, IL; Minersville Reservoir, PA; Truro Reservoir, Nova Scotia, Canada.
- Flow Routing Projects: Lake Rockwell Reservoir, Akron; Pennichuck Water Supply Reservoirs; Coos Bay Reservoirs, Coos Bay, Oregon; Reservoir 6, MDC, CT;

Professional Memberships

American Water Works Association (AWWA)
AWWA Sections: Connecticut, New England, NY, Chesapeake, Virginia, New Jersey
North American Lake Management Society (NALMS)
American Society of Limnology and Oceanography (ASLO)
American Fisheries Society
Past Member: **State Advisory Board - Institute of Water Resources** – CT

CCAG

30 ARBOR ST SUITE 6N ■ HARTFORD, CT 06106 ■ (860) 233-2181 ■ Fax (860) 233-2189 ■ E-Mail ccag@ccag net ■ Website www ccag net

Testimony of John P. Murphy and the Connecticut Citizen Action Group on behalf of SB 254, AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

Senator Meyer, Representative Roy, members of the committee – my name is John Murphy and on behalf of the Connecticut Citizen Action Group's 20,000 plus member families, I am here today to testify in favor of SB 254.

Phosphates in lawn fertilizers accelerates the process by which a body of water becomes overloaded in dissolved nutrients that stimulate the growth of aquatic plant life usually resulting in the depletion of dissolved oxygen, known as eutrification. This results in massive blooms of aquatic plants, both native and invasive.

A study prepared by the UCONN Department of Agricultural and Resource Economics and sponsored by DEP's Bureau of Water Management with a grant from the U.S. EPA Clean Lakes Program in 2000 concluded if Coventry Lake became unsafe for swimming and fishing, lake association property values would drop by 43 percent and drop the entire town's Grand list value by 6 per cent.

Coventry is near the tipping point of 20 parts per billion of phosphorus for eutrophication with 15 ppb in 2010, reported in a study by the Coventry Lake Environmental Action Network. As a Coventry resident, I am concerned about heading off the problem now before we are dealing with the problems that the Bolton Lakes are enduring.

Residents of Bolton and Vernon who live on the lakes are reporting that in some areas they cannot swim anymore due to invasive aquatic plants that are taking over rapidly, with phosphates being one of the reasons. Today you have heard of other lakes suffering from the same problems.

SB254 should ban the use of phosphates in lawn fertilizers used in watersheds. Property owners on lakes should also be encouraged to reduce the size of lawns by planting shrubs and trees. This will discourage waterfowl from landing on the lawns and spreading phosphates and invasive plants into our lakes. Thank you.

TESTIMONY BY THOMAS A.J. MCGOWAN, EXECUTIVE DIRECTOR OF THE LAKE WARAMAUG TASK FORCE, INC IN FAVOR OF S.B BILL 254 An Act Restricting the Application of Fertilizers that Contain Phosphate

For the past 37 years I have worked with the private non-profit Lake Waramaug Task Force, Inc. and the towns of Washington, Warren and Kent bordering Lake Waramaug to restore the lake's water clarity and quality which had reached a low point in the mid 1970's – the victim of accelerated lake eutrophication.

Without man's intervention eutrophication is a slow moving natural process whereby a lake over eons ultimately fills in and returns to swamp and finally land. However man, especially over the past century, has changed the game for the worse. The clearing of forest land, construction and use of homes, farms, roads, all impervious surfaces, lawns and septic systems, etc. all combine to accelerate water runoff, erosion, phosphorus (phosphate) and other nutrient loading and thus greatly increase the rate of eutrophication

By the 70's Waramaug, previously a crystal clear lake with 30 feet of visibility, was rated eutrophic by the Ct. Agricultural Experiment Station. On a scale of 1 (best) to 4 (worst) it was a 3! During the summer of the 70's the earmarks of advanced eutrophication were all to obvious The entire lake had become grossly discolored from excessive algae growth and lake clarity had been reduced to 3 to 4 feet. Its shores were clogged with decaying algae, often looking like an oil slick, greatly diminishing its treasured scenic and recreational values, as well as property values.

In response the Task Force was formed and after considerable study and consultation with experts we learned the main culprit in the decline of the lake was the influx of excessive amounts of phosphorous. Naturally in a lake there is water, sun light and nitrogen - all it needs to become a hydroponic garden is phosphorus. With too much phosphorus the lake grows more and more microscopic plants (algae) and weeds.

As these plants die off they absorb oxygen and sink to the bottom. After many years of this process oxygen in the lake bottom layer is depleted. When this happens during the summer comes the "double whammy". In the absence of oxygen (anoxic) the phosphorus that had been trapped in the lake bottom sediment is released into the lake water. Eventually this bottom released phosphorous builds up and begins to feed more algae growth in the mid and surface layers of the lake. When this occurs as it did at Warming in the 1970's the lake began killing itself!

All this because of excess phosphorus Over these decades the Task Force has reduced phosphorus flow to the lake from its many sources. This work was done with funds raised by the Task Force, with State and federal grants and financing from lake towns and other private sources.

To reduce phosphorus flow to the lake we constructed dairy manure storage facilities, a wine waste lagoon, stabilized major stream and lake shore erosion sites and installed

three sedimentation catchment basins in the lake feeder streams from which collected eroded soil is cleaned out at intervals.

Continually we have assisted lake towns in the enactment of local regulations improving the control of construction related soil erosion, to protect lake shorelines, upgrade failing septic systems and to encourage use of low impact development techniques that capture and treat phosphorus rich stormwater runoff before it reaches the lake.

We created a model native shoreline planting buffer strip and encourage shoreline owners to install native plantings in place of lawns and to not rake leaves or lawn clippings into the lake.

In the lake, under the guidance of Dr. Robert Kortmann, we established and continually improved innovative water circulation systems that have greatly helped suppress the upward movement of phosphorus from the lake bottom, to fix the phosphorus in the lake with its natural iron, to improve habitat for algae eating zooplankton and cold water fisheries. For 25 years we have stocked the lake with brown trout to reduce the excessive and harmful population of zooplankton eating alewives in the lake.

We have done much more and all of this work has paid off. Today the lake's water clarity has improved significantly. But even at Waramaug we still have more to do, including reducing the use of phosphorus in lawn fertilizers where it is not needed.

Unfortunately despite an ongoing educational effort we have not been successful in weaning lawn loving landowners from the use of phosphorus based lawn fertilizers. The primary function of phosphorus in lawn fertilizer is to support new root growth and it is generally not needed on an established lawn. Used widely in a lake watershed it becomes a contributing factor to the level of phosphorous flowing to the lake and feeding algae and weed growth

One pound of phosphorus put into a lake can support the growth of 10,000 pounds of algae and weeds! So it is imperative that we make every effort to reduce every bit of phosphorus we can from reaching our lakes.

S.B. 254 will do just that. Fertilizer companies, many of which in recent years have begun to manufacture 0 phosphorus lawn fertilizer, all will need to provide this product in Connecticut. Lawn chemical companies will not be using phosphorus for established lawns. Stores will be required to clearly label and sell 0 based lawn fertilizer for established lawns -- but can still sell phosphorus fertilizers for new lawns and lawn repair. The bill's store posting requirements will educate consumers and make them keenly aware of the importance of using 0 based phosphorus lawn fertilizer.

With the passage of this simple bill you will be taking a very important step helping all Connecticut lakes slow down the accelerated eutrophic decline they are suffering. So too you will help save these priceless scenic and recreational resources and protect an important part of Connecticut's commercial and property tax base.

Connecticut Chapter
645 Farmington Ave.
Hartford, Connecticut 06105
www.connecticut.sierraclub.org
Martin Mador, Legislative Chair

Environment Committee
March 7, 2012

Testimony In Support of
SB 254 AA Restricting The Application Of Fertilizers That Contain Phosphate
HB 5116 AA Requiring The Labeling Of Food Packaging That Contains Bisphenol-a

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

SB 254

This bill simply provides that phosphate not be applied to established lawns, not to any lawn from Nov. 15 through April 1, and not in immediate proximity to a water body.

Phosphorus is as problematic to fresh water as is nitrogen is to Long Island Sound. Excess phosphorus encourages rapid growth of aquatic plant life, degrading water quality and choking off the water column.

I have taken my canoe and kayak to lakes which were choked by excessive plant growth. It was simply not possible to paddle; the lakes had lost all recreational value for boating.

Avoiding applying phosphorus to lawns which no long need it, or in winter months when it will not promote lawn growth, is sound environmental policy. It will help keep our lakes and ponds healthy and accessible.

HB 5116

This legislature has in recent years passed a number of measures to protect us from harmful chemicals. With the continuing failure of the federal Toxic Substances Control Act(TSCA), we must continue to look to the states for effective measures.

The accumulated evidence clearly shows that exposure to Bisphenol-A has serious medical implications, and that it should be avoided. We began that process three years ago with the passage of HB 6571, Public Act No. 09-103, limiting exposure to children, but exposure to BPA otherwise will continue. This bill simply requires package labeling. It is righ-to-know legislation. It will allow someone who wishes to avoid any contact with the chemical to do so. Without the labeling requirement, this would not be possible. This bill imposes no onerous requirement, and deserves to be passed.

Connecticut Farm Bureau Association
775 Bloomfield Ave., Windsor, CT 06095-2322
(860) 768-1100 ∘ Fax (860) 768-1108 ∘ www.cfba.org

March 7, 2012

Testimony in Opposition to:

Raised Bill No. 254 AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

Raised Bill No. 5305 AN ACT PROHIBITING THE USE OF BAMBOO STAKES TO MARK SHELLFISH GROUNDS

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

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The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Meyer, Representative Roy, Members of the Environment Committee,

Raised Bill No. 254, AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE

The Connecticut Farm Bureau is concerned about provisions contained in Raised Bill No. 254. While we support the careful use of fertilizers near wetlands in order to protect our environment we also know that fertilizers containing phosphorus are important to establish root systems on newly planted crops. It appears the intent of this bill is not targeted toward agriculture but the definition of "established lawn" in Section 1 is of particular concern. For example, would a hay field that is cut two or three times a season or a crop of turf grass be defined as an "established lawn" as it is an area of ground that is covered with a species of grass for more than two growing seasons and is customarily kept mowed? The Connecticut Farm Bureau opposes the Bill as written unless the Bill is amended to clarify this definition or provide an agricultural exemption.

Raised Bill No. 5305 AN ACT PROHIBITING THE USE OF BAMBOO STAKES TO MARK SHELLFISH GROUNDS.

The Connecticut Farm Bureau opposes Raised Bill No. 5305 as it removes the authority of the Commissioner of Agriculture to approve the use of bamboo stakes in lieu of the buoy requirements outlined in Section 1. It is our understanding that the use of bamboo stakes in some instances is preferred as it can make monitoring and enforcement efforts easier for regulators and neighboring producers. We feel it is important to allow the Commissioner to approve the use of bamboo stakes where warranted.

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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2012

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Representative Widlitz.

REP. WIDLITZ (98th):

Thank you, Mr. Speaker.

I request that this item be moved to the consent calendar.

SPEAKER DONOVAN:

The motion is to place this item on the consent calendar.

Is there objection? Objection?

Hearing none, the item is placed on the consent calendar.

Will the Clerk please call Calendar 545.

THE CLERK:

On page 33, Calendar 545, Substitute for Senate Bill Number 254, AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATES, favorable report by the Committee on the Environment.

SPEAKER DONOVAN:

Representative Richard Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, Mr. Speaker.

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

SPEAKER DONOVAN:

The question is on acceptance and passage.

Will you remark further?

REP. ROY (119th):

Thank you, Mr. Speaker.

The Clerk has a strike-all amendment. Number five -- LCO 5435. I would ask the Clerk to please call the amendment and I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 5435, previously designated Senate "A."

THE CLERK:

LCO 5435, Senate "A," offered by Representatives Backer, Chapin, et al.

SPEAKER DONOVAN:

Is there objection to summarization?

Hearing none, Representative, you may proceed.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, this report that -- the report shall include all the information on the Raymark Superfund site in the town of Stratford and will list such searches as revenue, the amount of funds potentially available from the sources and a proposed timeline for pursuing funding

for those such sources.

I move adoption.

SPEAKER DONOVAN:

Question is on adoption.

Care to remark further? Care to remark further?

If not, all those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Care to remark further on the amendment -- on the bill as amended? Care to remark further on the bill as amended?

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

I move that this item be placed on the consent calendar.

SPEAKER DONOVAN:

The motion is to place this item on the consent calendar.

Any objection?

Hearing none, the item is placed on the consent

calendar.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, I'm about to call the items again that are on the consent calendar, but I would like to alert the Clerk to two bills that we will be taking off the consent calendar. They are Calendars 380, and Calendars 431. HB5333 SB130 Those are Calendars 380 and Calendar 431.

SPEAKER DONOVAN:

Will the Clerk please call Calendar 204.

THE CLERK:

On page 6, Calendar 204, Substitute for House Bill Number 530, AN ACT CONCERNING THE BOARD IN CONTROL OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION, favorable report by the Committee on Government Administration and Elections.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

With that, let me -- I was looking to just list the calendar numbers again that we are planning to put on the consent calendar before I move them. I'll be doing this

in numerical order by calendar number.

They are Calendar Number 71, Calendar 204, Calendar 205, Calendar 287, Calendar 292, Calendar 330, Calendar 402, Calendar 407, Calendar 412, Calendar 417, Calendar 425, Calendar 426, Calendar 442, Calendar 458, Calendar 460.

Calendar 463, Calendar 492, Calendar 495, Calendar 499, Calendar 500, Calendar 501, Calendar 506, Calendar 507, Calendar 508, Calendar 512, Calendar 515, Calendar 516, Calendar 530, Calendar 538 and Calendar 545.

And I'd also like to add to that -- I'm sorry. I omitted one which is Calendar 275.

SPEAKER DONOVAN:

The question before us is passage of the bills on today's consent calendar.

Will you remark? Will you remark?

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

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting the consent calendar by roll call. Members to the Chamber, please.

HB5025
HB5368
HB5326
HB5539
HB5146
SB328
HB5534
HB5555
SB157
SB232
SB339
SB340
SB41
SB98
SB116
SB196
SB97
SB188
SB234
SB237
SB299
SB347
SB371
SB391
SB345
SB383
SB384
SB29
SB354
HB5321
SB254

SPEAKER DONOVAN:

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

Please check the roll call board to make sure your vote has been properly cast.

If all the members have voted the machine will be locked. The Clerk will please take a tally.

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those Voting Yea	150
Those Voting Nay	0
Those Absent and Not Voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Will the Clerk please call Calendar 443.

THE CLERK:

On page 20, Calendar 443, Senate Bill Number 60, AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

JOINT
STANDING
COMMITTEE
HEARINGS

PLANNING AND
DEVELOPMENT
PART 4
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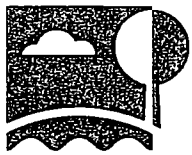
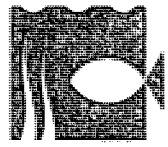


Connecticut Fund for the Environment

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



Save the Sound

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:

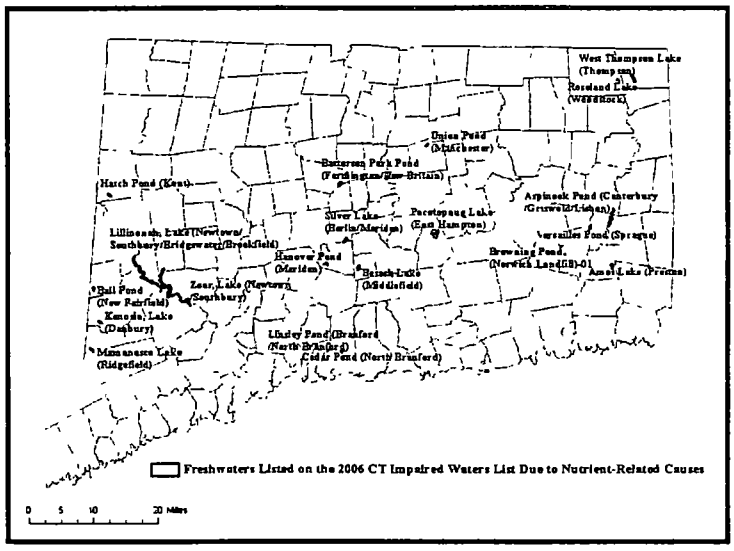
Save the Sound, a program of Connecticut Fund for the Environment submits this testimony in *support* of Raised SB 440. If passed, this legislation would explicitly permit phosphorous upgrades to be eligible for Clean Water Fund support and set a minimum 30%/70% grant to loan ratio for those phosphorous 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.



Additionally, while phosphorus' effect on freshwater systems is known, concerns about its impact on Long Island Sound are growing. For example, phosphorus inputs to Long Island Sound salt marshes could be accelerating decomposition, reducing the accumulation of organic matter and contributing to salt marsh drowning.

2. **Upgrades to existing sewage treatment plants are necessary & must be funded**

Steps to curb phosphorus have been taken. Connecticut has limited phosphorus in detergents and is considering a bill this session to limit phosphorus in lawn care (see SB 254). However, one of the most direct methods to cut phosphorus in the state's waterways is to limit phosphorus discharged at sewage treatment plants. These upgrades are needed to guarantee healthy water quality statewide, and are not a choice.

To ensure compliance with the Clean Water Act, EPA and CTDEEP are rightfully requiring that municipalities upgrade water pollution control facilities (WPCF) to remove excess phosphorus. Currently, CTDEEP has identified 34 WPCF that will require phosphorous upgrades; these range from minor to major projects. This action will aid in delisting waterbodies from the 303d list and protect other nutrient impacted waterbodies from worsening.

While, 22a-478(a) provides generic Clean Water Fund eligibility for water quality projects, SB440 would provide explicit intent to fund phosphorous removal, providing it with a priority status comparable to nitrogen. This is an important designation as competing interest weigh on the limited funding available through the Clean Water Fund. Furthermore, SB440 provides a funding schedule that would provide at least a 30% grant and 70% low-interest loan for those eligible phosphorous projects selected through the Clean Water Fund Priority List, somewhat easing the mandate's burden on municipalities.

3. **The Clean Water Fund, and these phosphorous upgrades are good for the economy**

The vision for healthy Connecticut waters that sustain a vibrant wildlife population, promote the local fishing and dining industry and support tourism with open and clean rivers and beaches has the added benefit of producing high quality jobs. While these are projects that ultimately protect human health and the environment, like the $8 billion/year economic-driver Long Island Sound, they are also short and long term job producers and enhancers. Authorizations and allocations for the Clean Water Fund from FY 2008 through FY2013 are expected to have created or retained over 23,000 jobs in design, engineering, and construction. And once projects are complete and water quality improved existing industries and tourism can begin to grow additional job capacity.

Thank you for your consideration

Sincerely,

Leah L. Schmalz, Dir. of Legislative & Legal Affairs; Save the Sound, a Program of CFE
t: 203.787.0646; lschmalz@savethesound.org

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GENERAL ASSEMBLY
SENATE

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What the amendment does is when there is a project being done and the subcontractors don't pay their workers or they accumulate bills that they have not paid, the main contractor, overall contractor will not be responsible for the subcontractor's failure to pay those wages or pay the bills. That the contractor may bring a civil action in Superior Court to recover against such subcontractors. I move adoption, Madam President.

THE CHAIR:

The motion's on adoption. Will you remark? Will you remark? If not, all in favor of the amendment please say aye.

REPRESENTATIVES:

Aye.

THE CHAIR:

Opposed? The amendment passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, we move that the bill as amended be referred to the judiciary committee.

THE CHAIR:

Seeing no objections so ordered.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page number three, calendar 269 substitute for Senate Bill number 254, AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE. Favorable report

of the committee on environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Good evening, Madam President. Nice to see you.

THE CHAIR:

Same here, sir.

SENATOR MEYER:

I move acceptance of the committee's joint and favorable report on this bill and move for passage of the bill.

THE CHAIR:

Motion's on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

I will. Madam President, the Clerk has an amendment. It's LCO 5435 and I'd ask that he please call it.

THE CHAIR:

Mr. Clerk, will you please call LCO 5435.

THE CLERK:

LCO number 5435, Senate A offered by Senator Meyer, Roraback, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

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

THE CHAIR:

Motion's on adoption. Will you remark please?

SENATOR MEYER:

Colleagues this is a great evening to be passing this bill. The environment committee noticed about five or six years ago a super fund site in Stratford and it's been our endeavor unsuccessful until tonight to decontaminate that site. And through the good initiatives of Senator Kelly and the environment committee in the past the Department of Energy and Environmental Protection has now come to our aid and this bill is passing with the agency's consent and will hopefully lead to the decontamination of that site.

So that is in summary what this strike all amendment does. And I hope those of you who are interested in this bill will address it as well. Thank you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Madam President, thank you very much. And I'd like to thank Senator Meyer for his leadership on this issue and also the cooperation of my fellow Senator from Stratford, Senator Gomes and also Senator Musto. What this does is it creates an opportunity to create a report that give the Town of Stratford a game plan to help remediate the Raymark waste in town by identifying the funding sources, determining what type of information's necessary to obtain that funds and then to put a timeline in place to execute on the plan. I think it's a good idea -- good start.

We look forward to the collaboration and cooperation of the Department of Environmental and Energy and I urge its adoption. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark? Senator Gomes.

SENATOR GOMES:

Thank you, Madam President. I rise to support this bill. Raymark properties have been a nightmare for us for years on remediation and this bill will help to alleviate some of it. I want to thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark? Those in favor of the amendment please say aye.

REPRESENTATIVES:

Aye.

THE CHAIR:

Opposed. Amendment's passed. Senator Meyer.

SENATOR MEYER:

Yeah, good -- you're ahead of me. This will have to go to a vote and not a consent so that we get it downstairs as quickly as possible.

THE CHAIR:

Right. well we need get the -- you want the bill, right?

SENATOR MEYER:

Yes.

THE CHAIR:

But right now if there's no objection, Mr. Clerk will you call for a roll call vote and the machine will be opened.

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 closed. Mr. Clerk, will you call the tally please.

THE CLERK:

Senate Bill number 254 as amended by Senate Amendment Schedule.

Total Number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, would move that calendar 269, Senate Bill 254 as amended be transmitted immediately to the House of Representatives.

THE CHAIR:

Seeing no objection, so ordered, sir. Mr. Clerk.

THE CLERK:

On page 30, calendar 61, Senate Bill number 75, AN ACT CONCERNING A CONNECTICUT MADE MARKETING CAMPAIGN. It's amended by Senate Schedules A and B. Favorable report of the committees on commerce, appropriations, finance and planning and development.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Good evening, Madam President.