

PA13-129

HB5725

House	2168-2180	13
Planning & Development	211-216, 322-338, 384- 386, 418, 419, 437-451, 508-522, 525-526	60
Senate	4007-4010, 4143-4144	6
		79

H - 1156

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 7
2024 - 2369**

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HOUSE OF REPRESENTATIVES

219
May 1, 2013

Will the members please check the board to determine if your vote is properly cast.

If all the members have voted, the machine will be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 853 in concurrence with the Senate.

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Absent and not voting	4

DEPUTY SPEAKER BERGER:

The bill passes.

Will the Clerk please call Calendar Number 343?

THE CLERK:

Calendar Number 343, Favorable Report of the Joint Standing Committee on PLANNING AND DEVELOPMENT, House Bill 5725, AN ACT CONCERNING THE STATE-WIDE PHOSPHORUS REDUCTION PLAN.

DEPUTY SPEAKER BERGER:

Representative Rojas.

REP. ROJAS (9th):

Thank you, Mr. Speaker.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER BERGER:

Motion for the Chamber's Joint Committee's favorable report and passage of the bill.

Will you comment further, Representative?

REP. ROJAS (9th):

Thank you, Mr. Speaker.

What the bill requires to do is it requires the Department of Environmental and Energy -- DEEP is probably easier -- to work with the specified times in the -- in the bill to evaluate and make recommendations on a state-wide strategy to reduce phosphorus inland wetland titles.

Mr. Speaker, the Clerk is in possession of an Amendment, LCO 6108. I asked that it be called and I'm given leave of the Chamber to summarize.

DEPUTY SPEAKER BERGER:

Motion before the Chamber is (inaudible) LCO is 6108. Will the Clerk please call.

THE CLERK:

House Member A, LCO 6108, introduced by Representative Rojas, et al.

DEPUTY SPEAKER BERGER:

hac/gbr
HOUSE OF REPRESENTATIVES

221
May 1, 2013

Representative Rojas.

REP. ROJAS (9th):

Thank you, Mr. Speaker.

What the amendment does is simply change the effective date from a report that'll be due back from the Working Group from January 1, 2014, to October 1, 2014.

I move adoption.

DEPUTY SPEAKER BERGER:

Motion before Chamber is adoption of House Amendment, Schedule A.

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

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

One question to -- through you, to the proponent of the amendment.

DEPUTY SPEAKER BERGER:

Representative Rojas, prepare yourself.

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

Through you, Mr. Speaker.

Why was the date moved from January to October and will that affect any of the towns who may be dealing with the EPA at the present moment from getting what they need done?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Rojas.

REP. ROJAS (9th):

The date change was made through agreement between representatives of the municipalities and the Department of Environmental Protection.

Through you.

And it will not impact.

Through you.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

I will support the amendment.

DEPUTY SPEAKER BERGER:

Will you remark further on House Amendment A?
Will you remark further on House Amendment A?

hac/gbr
HOUSE OF REPRESENTATIVES

223
May 1, 2013

If not, I will try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER BERGER:

Ayes have it.

Amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Aman of the 14th, sir.

REP. AMAN (14th):

Thank you, Mr. Speaker.

Yes, I stand to urge my colleagues to support this. Last year we did pass a bill requiring certain information to be determined by DEEP and it was supposed to be done along with the communities that are directly impacted by the phosphorus changes of the reduction and what this bill simply does is it takes last year's bill and puts a time limit on it and says you do have to get back to us with a report that

states how the State is going to address this problem and it also requires DEEP to work collectively with municipalities that are directly involved.

So I think it does serve the needs of the municipalities and hopefully, by next October we'll have a better State plan of how to handle the phosphorus issue.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Representative Fritz of the 90th.

REP. FRITZ (90th):

Thank you, Mr. Speaker.

I will urge strong support for this bill. We went through many machinations last year trying to get the phosphorus situation straightened out and let me tell you, I represent two towns that are adversely affected by the change by -- from the EPA on the phosphorus levels.

And we're talking millions and millions of dollars and, in this economy, I have no clue and as I -- and I'm sure most of you don't -- can figure out where a municipality is going to be able to garner that kind of money to take care of this situation. So

hac/gbr
HOUSE OF REPRESENTATIVES

225
May 1, 2013

by at least looking at a study where we'll find a way and get it done.

It's very important for us who are now affected or now, shall I say underlined by, it's not to say that all of won't be underlined with regard to phosphorus before the EPA is finished.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

I rise in support of the bill. The goal of phosphorus removal is to remove Connecticut water from the Federally-impaired waters' list under the Federal Clean Water Act. And states, like Connecticut, are obligated to meet the Federal law and scientists have determined that phosphorus removal will be necessary to fix impaired waters.

And at present, as Representative Fritz has said, my colleague from Wallingford, it is expensive for towns to remove the phosphorus. I do believe the cost

hac/gbr
HOUSE OF REPRESENTATIVES

226
May 1, 2013

will be reduced in the future, as advanced in technology produce cheaper ways to address phosphorus removal. Collaboration will be necessary and helpful, to reach a solution for all the towns and achieve clean water results in the most cost-efficient -- cost-effective manner, so I urge your support for the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Mr. Chairman.

A quick question to the proponents review, please.

DEPUTY SPEAKER BERGER:

Representative Rojas, please prepare yourself.

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I'm looking through the summary and the bill and I remember this coming through last time. I guess my -- my question deals with the goal of the bill. To address phosphorus non-point source pollution and, you

know, for those who know or environmental law, non-point source has a meaning, as does point source. So my question, through you, is what, if anything, is going to be done through this effort to address point source -- point source phosphorus pollution, if anything?

Through you.

DEPUTY SPEAKER BERGER:

Representative Rojas.

REP. ROJAS (9th):

Through you, Mr. Speaker.

There's nothing in the bill that directly addresses point -- point pollution. I think because point pollution is oftenly (sic) more easily identifiable as opposed to non-point pollution.

Through you.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, sir, and through you.

So non-point source sources. What's been done to date, if anything, to identify the prime sources of non-point source pollution sources of phosphorus?

Through you.

DEPUTY SPEAKER BERGER:

Representative Rojas.

REP. ROJAS (9th):

Through you, Mr. Speaker.

That's actually the intent of the legislation is to put all the parties at the same table with the -- to try to identify and provide recommendations as to how I -- how to identify that non-point source pollution.

Through you.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I also note state of the purpose of the bill is also, perhaps anyway, to comply with EPA standards for phosphorus reduction. Again, similar question. My understanding, and -- and the gentleman can correct me if I'm wrong, that the EPA's authority, with respect to phosphorus reduction deals with point source pollution, not non-point -- non-point source pollution. So I'm trying to figure out how those two potential conflicts actually come together through this bill, if the gentleman could explain.

hac/gbr
HOUSE OF REPRESENTATIVES

229
May 1, 2013

Through you.

DEPUTY SPEAKER BERGER:

Representative Rojas.

REP. ROJAS (9th):

Through you, Mr. Speaker.

That was not something that came up in our discussions as we were debating the bill, so I cannot provide him an answer to it.

Through you.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And -- and I really just raise these issues. I'm going to support the bill. I think it's a good idea. I think everyone agrees. It just it -- it concerns me when -- when issues like sources of pollution, either from point sources or non-point sources, kind of get drifted off the path and run through different committees and kind of arrive sometimes at the same place and sometimes they arrive in conflict, so I raise those issues just for food for thought.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill as amended?

Will you comment further on the bill as amended?

Representative Mushinsky, for the second time.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

In -- in response to the previous question, the bill covers both types. The bill covers a state-wide response to phosphorus non-point source pollution and also approaches for the municipalities to use, including guidance for treatment plant upgrades, and that is where the point source of phosphorus is, so by mentioning both sources, I think we're covering everything in the bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

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

If not, will staff and guests please come to the Well of the House? Will members please take your seats? The machine will be open.

THE CLERK:

hac/gbr
HOUSE OF REPRESENTATIVES

231
May 1, 2013

House of Representatives is voting by roll. The
House of Representative is voting by roll. Will
members please return to the chamber immediately.

DEPUTY SPEAKER BERGER:

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

Will the members please check the board to
determine if your vote is properly cast.

If all the members have voted, the machine will
be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 5725, as amended by House A.

Total Number Voting 145

Necessary for Passage 73

Those voting Yea 145

Those voting Nay 0

Absent and not voting 5

DEPUTY SPEAKER BERGER:

The bill, as amended passes.

Would the Clerk please call Calendar Number 421?

THE CLERK:

Calendar 421, favorably reported Joint Standing
Committee on JUDICIARY HOUSE BILL 6571, AN ACT

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 1
1 – 336**

**2013
INDEX**

COMMITTEE

testimony is Representative David Zoni.

Good morning.

REP. ZONI: Thank you. Chairman Cassano and Chairman Rojas, Vice Chairman Osten, Vice Chairman Fox, Ranking Members Fasano and Representative Aman and members of the planning and development committee, my name is David Zoni. I represent the 81 district serving the people of Southington. I respectfully ask for your support on House Bill 5725, AN ACT CONCERNING A STATWIDE PHOSPHOROUS REDUCTION PLAN.

As you know many Connecticut communities are being asked to implement the Department of Energy and Environmental Protection's plan to reduce phosphorous emissions from their waste treatment facilities. Public Act 12-155 passed by the General Assembly in 2012 and signed by Governor Malloy has moved this issue forward in a positive and productive direction.

The reduction of phosphorous from America's waterways is part of the U.S. Environmental Protection Agency's effort to make improvements to our aquatic ecosystems. Some Connecticut communities are being asked to shoulder a disproportional and costly burden to address what clearly is a statewide problem and whose amelioration will certainly produce a statewide benefit.

DEEP's implementation of the phosphorous reduction strategy for inland nontitle waters affects over 40 Connecticut communities potentially costing millions in modifications and upgrades to their waste water treatment facilities. The estimated cost for my community alone is over \$18 million.

COMMITTEE

H.B. 5725 in conjunction with Public Act 12-155 would aid affected communities by addressing additional issues that surround over -- overall phosphorous reduction efforts. These issues include but are not limited to nonpoint source pollution, the development of scientifically based results commensurate with the investment costs associated with compliance, as well as comprehensive strategies for clean water solutions that don't require treatment facilities to implement upgrades on a fragmented basis.

Last but not least, the development of a collaborative model including a cost effective strategy that will ensure clean water goals developed by the U.S. EPA can be met without overburdening our municipalities. Connecticut's affected municipalities including Southington truly desire effective and reasonable solutions that will benefit all stakeholders while meeting the goals of the DEEP and the U.S. EPA. I believe that H.B. 5725 along with Public Act 12-155 will move us closer to these goals.

I had planned on having my town manager, Gary Brumback here with me today. He is intimate on this issue and has submitted written testimony. He's unable to be with us today. I'll try to answer any questions you may have but thank you for your time concerning this issue.

REP. D. FOX: Thank you, Representative.

Yes, Senator.

SENATOR FASANO: Thank you. Folks from Wallingford which is a town I represent out here as well and I know all you guys have been put into this. Last year what this committee did and then it went through the House and the Senate

COMMITTEE

was to take a bill that we redrafted and say municipalities are to get together with DEEP at a number of meetings and come to a collaborative, joint decision on how to deal with it. One would be what testing procedures to determine the phosphorous levels in the rivers because there was old data arguably being used.

Number two, to determine if it was more upstream than low stream and all these different issues. My understanding is the DEEP has not -- not had that meeting with just the towns -- affected towns. Is that an accurate statement?

REP. ZONI: I can't speak to that certain. I believe there has been meetings that have taken place. I know my Town Manager's attended several meetings with DEEP's Deputy Commissioner, McCleary so --

SENATOR FASANO: With the whole group?

REP. ZONI: I'm not sure if the whole group was present or not and he's not here to answer that question.

SENATOR FASANO: Okay.

REP. ZONI: So I can't speak to that specifically.

SENATOR FASANO: I know there was a forum that was I held that I attended -- two forums down at DEEP offices and I attended both of those but that wasn't for the towns. That was open to anybody and everybody including municipal officials.

And I know there were some meetings with towns with respect to consent orders relative to violations and my understanding that those meetings had nothing to do with the bill that

COMMITTEE

we had put out there which was to get everyone together. To the best of your knowledge do you know of any document that your Town Manager represented to you in talking to DEEP that talked about new testing procedures, levels of phosphorous that were acceptable, efforts in how to achieve those levels? Are you aware of any document being presented to you?

REP. ZONI: I'm not aware of a document to that degree but it may exist. I will check into it. I will get back to you if it does exist and make sure it's submitted to the committee.

SENATOR FASANO: Okay. Are you aware of any writings that you've received from DEEP indicating any new testing procedures to determine the level of phosphorous in our rivers?

REP. ZONI: I am not.

SENATOR FASANO: All right. Now some of the big issues as I understand them was that the levels that they were asking municipalities to go to - - for instance Meriden I believe was a town that was asked to go to a particular level, spent a lot of money to get to that level and they were told well you have to go lower. And those are the issues we wanted to avoid.

And they spent a lot of money to get to that level and now they're told they had to go lower and those are the issues we're trying to avoid. It's also my understanding that the ruling from the feds were that we need to clean up the rivers. It was the State who determined phosphorous was the area we wanted to concentrate on. Is that a fair statement as far as you know? I don't mean to put you on the spot.

COMMITTEE

REP. ZONI: I--

SENATOR FASANO: If you don't know that's fine.

REP. ZONI: I really can't say. I know it's a collaborative effort between the EPA and the DEEP to complete phosphorous reduction.

SENATOR FASANO: Okay.

REP. ZONI: I'm not sure the -- the exact -- you know who's driving the bus so to speak. I believe it's the EPA but I could be wrong.

SENATOR FASANO: Thank you, Sir. Okay. Okay. Thanks.

REP. ZONI: The DEEP is in charge of setting the goals for Connecticut.

SENATOR FASANO: Right and they're answering to the EPA. And I think the EPA's issue was you have to make your rivers healthy.

REP. ZONI: Right.

SENATOR FASANO: And I think that we kind of -- as I understand it the phosphorous is one of the ways of doing that but maybe another speaker could clarify that for me. Thank you.

REP. ZONI: Yeah. I'm sure they can. Thank you.

REP. D. FOX: Yes, Senator.

SENATOR CASSANO: Yes, just out of curiosity are others here for this same bill? I'm thinking maybe before or after one of our screening meetings maybe if we can get DEEP to let us know what they have done and how much progress they have made and where they are it might help us communicate here.

SENATOR FASANO: It would. I mean Wallingford folks are here and I can tell you I've been dealing with them and I don't believe that they're -- I stand corrected in front of them -- but I don't think there's been a meeting with the -- our bill dictated that DEEP is to meet with those communities that are adversely affected and that they're going to come up with a plan.

And it's my understanding other than the consent orders that various towns are having with the State there's not been this general meeting to talk about the plan. And -- but that's my understanding at least in the Town of Wallingford and maybe it will clarify it more.

REP. ZONI: Chairman Cassano, I would say there are other people here that work with this issue on a day to day basis representing their communities. My Town Manager couldn't be here but they are here and those detailed questions I'm certain they would be able to answer them.

SENATOR CASSANO: Good. And maybe Rob LaFrance may come in during the process and maybe clarify this as well. All right. Thank you. That would be helpful.

REP. ZONI: Thank you so much.

SENATOR CASSANO: We may do that follow up later.

REP. D. FOX: Thank you. Further questions?

Thank you, Representative.

Next up is Senator McKinney followed by Representative Berger.

SENATOR MCKINNEY: Good morning, Chairman Cassano,
and Chairman Rojas and members of the planning

HB 5724
SB 620

COMMITTEE

And you would see it where it's -- even though it's not in the existing development it could be lined -- a checkered line this is where we're going with our master sidewalk plan so everything is interconnected with a long range safety issue and a long range plan of how the town's being developed. So I see no difference whether it's new development or old development.

REP. D. FOX: Are there any other questions? No.

Thank you for your testimony.

TIMOTHY MALONE: Thank you.

REP. D. FOX: Dennis Waz followed by Robert Beaumont followed by Lori Pelletier.

DENNIS WAZ: My name is Dennis Waz. I'm the Public Utility Superintendent for the City of Meriden. Thank you for the opportunity to comment in support of House Bill 5725 which calls for a collaborative model to be used in developing a statewide strategy to comply with EPA standards to reduce phosphorus loading in inland nontitle waters.

Recognizing the enormous compliance costs associated with achieving the phosphorous limits set by the State Department of Energy and Environmental Protection the Connecticut General Assembly adopted Public Act 12 155 to create a process to develop cost effective approaches for reducing phosphorous levels based on updated water quality and proper scientific methods.

Other viable alternatives to reducing phosphorous should be explored to ensure the residents and businesses are not needlessly subjected to ongoing significant increases in

COMMITTEE

sewer bills. It is widely acknowledged that the phosphorous limits are essentially a moving target and that the EPA will revisit the limits within a few years or limits may be revised based on additional modeling that DEEP anticipates undertaking. This imposes an unfair and costly burden on the affected municipalities such as Meriden.

For example in 2008 when the City of Meriden was upgrading its waste water treatment plant we were advised to upgrade to the 0.7 milligram per liter phosphorous limit which we did. Unfortunately after the upgrade was completed Meriden staff as well as representatives from other plants on the Quinnipiac and Naugatuck Rivers were invited to the DEEP office and advised that the EPA did not accept a DEEP program for phosphorus removal and DEEP therefore developed new interim strategy for phosphorous removal which lowered Meriden's limits from 0.1 milligrams per liter to -- I'm sorry, from 0.7 milligrams per liter to 0.1 milligrams per liter.

In order to comply with DEEP's proposed discharge limits which are even more stringent for the City of Meriden than for surrounding towns, the City will have to invest an additional \$13 million to upgrade the water pollution control facility. It would also add approximately \$600,000 to the annual operating budget. This places an untenable burden on the residents and businesses during a very difficult economic time.

We have been participating in productive negotiations with DEEP relative to the proposed limits in the NPDES printouts and appreciate their time in working with us to address various issues relative to permit issues. We do believe however that a collaborative process

COMMITTEE

that involves the effective municipalities will help ensure the State works with the municipalities to develop a more workable approach to phosphorous reduction.

In addition we support language that would increase the reimbursement level for phosphorous reduction projects from 30 percent to 50 percent. And also ensure that cities like Meriden that have been subject to ongoing plan upgrades will be eligible for clean water funds under the point system DEEP utilizes to award grants.

The City of Meriden supports the collaborative model outlined in the attached document to ensure that we can move forward with a meaningful dialogue about how to achieve statewide compliance with phosphorous reduction goals to improve water quality in the most cost effective manner possible. I thank you for the opportunity to present testimony today and would entertain any questions you may have.

REP. D. FOX: Thank you for your testimony.

Senator Fasano.

SENATOR FASANO: I just wanted to thank you for coming up here. I've been using Meriden quite a bit when I was talking about it. So it is true that you did some changes to your plant and now you have to go even lower so you've got to spend additional money.

Let me ask you, when we passed Public Act 12 155 which said that cities including Meriden would work with DEEP collaboratively to evaluate and make recommendations of a statewide strategy to reduce phosphorous and it goes on not relative to your permits which are something different, how many meetings have you

COMMITTEE

had with DEEP, Danbury, Meriden, Waterbury, Cheshire, Southington, and Wallingford sitting at a table to come to a resolution with respect to reduction of phosphorous levels?

DENNIS WAZ: There has not been a meeting to date.

SENATOR FASANO: So there's been no meeting to talk about the approaches or testing or methodology or scientific analysis with DEEP relative to Public Act 12-155?

DENNIS WAZ: There has not been any meetings.

SENATOR FASANO: And all of the conversations with DEEP I'm gathering were relative to your permits that are being renewed. Is that the idea?

DENNIS WAZ: .That is correct.

SENATOR FASANO: And when you're doing your renewal permits was the idea that they were asking you to enter into consent orders in that you're in violation so they wanted a consent order or were they doing fresh new permits?

DENNIS WAZ: The initial discussion was with consent orders and the -- during the print negotiations that changed to just regular permit issuance.

SENATOR FASANO: Okay so they jumped off the consent order and went to regular permit issues. Under the regular permit issues was there a trigger that said I'm going to give you a permit but by such and such a date you've got to be at some level?

DENNIS WAZ: Yes.

SENATOR FASANO: And what was that if you recall? What was that level that they asked you to be

121

February 13, 2013

law/gbr PLANNING AND DEVELOPMENT

10:00 A.M.

COMMITTEE

at?

DENNIS WAZ: The -- the interim level currently is going to be 0.7 milligrams per liter.

SENATOR FASANO: Which is where you are now under your 2008 --

DENNIS WAZ: Correct.

SENATOR FASANO: -- renovations.

DENNIS WAZ: Correct.

SENATOR FASANO: And what's the trigger for -- when and how much was that trigger later on?

DENNIS WAZ: They still are maintaining the 0.1 milligram per liter discharge limit.

SENATOR FASANO: And when was that -- when would you have to reach that?

DENNIS WAZ: That would be in 2022.

SENATOR FASANO: See this is what's wrong and this is what irks me. We put out a bill that said the DEEP when they asked for that .01 percent phosphorous level that that was unacceptable by this committee. That we said as Legislators you cannot do that to our towns. You're hurting them. We passed this bill and said get together with them and make it make sense.

And what they did was to subvert our bill, to subvert our law, to subvert what the Legislature wanted to do. They took you guys and Wallingford and probably others and said I'm going to stick in your permit or you don't get a permit which you need a permit, some level that we all questioned a year ago or two and they're going to stick it in your permit

COMMITTEE

and make you reach this level no matter what it costs you, no matter what the science says it is or isn't.

It's a figure that they came out with and that's what's wrong. That's why I submitted this bill along with a bunch of other legislators because that is not the issue. The issue is we want to reduce phosphorous but we're not going to send our towns broke and if it's that big an issue tell DEEP to come up with the money, give it to our towns and we'll reach the level but you're not going to sit there in DEEP's office and say we want this level but the State's not going to venture one nickel into our municipalities. That's wrong.

And they knew that's why we changed it and what they're trying to do is rope you in and other towns to enter into a permit with an unrealistic number that's going to cost a godly sum that no constituent knows about until they get hit with a bill from you guys and their bill goes up.

And what I found more offensive was when they're negotiating these with you and others they wouldn't let a legislator in the room. And if a legislator came in the room they would say there would be no negotiations. I find that horrific and disrespectful. And that's why I'm hot on this topic and they're not going to get away with it because we will pass legislation that says they cannot reduce the level to the level that they suggest because they're not going to do this.

They are going to face the music and sit here in front of our committee and explain what they're doing and where they're going but they're not going to tell us how to legislate. I'm not taking it out on you but I feel sorry

COMMITTEE

for you guys because in 2008 you spent a ton of money to reach that level that they told you to reach and then they moved the goal post then they should pay for it.

Let OPM come up with the money, let DEEP take it out of the budget. I don't care where it comes from but it should not come from the people of Meriden. That's what's wrong. And you guys are being hit back and forth with DEEP. And I don't like the fact that a year ago I passed this -- we passed this and not one meeting took place.

Their two infomercials down at DEEP and not one meeting took place. And I'm calling them out on it and so are a bunch of other legislators who are very unhappy with this because this is going to hit everybody. I appreciate the fact that you're coming here and I appreciate what you testified to. Thank you so much.

DENNIS WAZ: Thank you.

REP. D. FOX: Thank you, Senator Fasano. I appreciate your passion for this.

Are there any other questions for the witness?

Thank you.

DENNIS WAZ: Thank you.

REP. D. FOX: Robert Beaumont followed by Lori Pelletier followed by Bonnie Stewart.

ROBERT BEAUMONT: Good afternoon. For the record my name is Bob Beaumont. I'm the Chairman of the Wallingford Public Utilities Commission and I am here to support H.B. 5725. Just a couple comments before I get to the testimony which I have submitted. Senator Fasano is certainly

COMMITTEE

correct there were two presentations by DEEP. They were basically PowerPoint presentations nicely done.

They gave some lip service to Public Act 12 155. The last of those two meetings was back in early December. It is now some two months later. There has been additional information that has been sent to DEEP in the meantime. And other than -- my understanding other than getting -- you know two towns getting permits namely Southington and Meriden as you just heard, there's been really no other communication.

We have not had any meetings with any of the -- you know with the towns as collectively with DEEP in the last two plus months and we've not heard from them. To that end I feel that you know certainly I want to thank you for the opportunity to comment on -- in support of H.B. 2 -- 5725 which as you know does ensure the statewide phosphorous reduction plan will be developed with the State Department of Energy and Environmental Protection and with the affected municipalities using a collaborative model. And the key to this is the collaborative model.

Last year this committee was successful in winning passage of Public Act 12-155 which provides an important mandate for collaborative efforts by DEEP and the regarded towns to evaluate and make recommendations on a statewide strategy to reduce phosphorous loading in inland nontitle waters to comply with EPA standards.

H.B. 5725 provides a valuable framework within which to carry out the objectives of Public Act 12 155. It sets forth the process by which the DEEP and the affected municipalities will work

COMMITTEE

together and the key here is which -- where they will work together to explore cost effective approaches for reducing phosphorous levels based on updated water quality and proper scientific methods.

We are hopeful that this may assist municipalities in exploring opportunities to utilize less expensive treatment methods and determine whether such methods are successful in reducing phosphorous to minimize the need for costly plant upgrades. The Town of Wallingford and a number of other communities are faced with enormous compliance burdens with DEEP's proposed permit requirements relative to phosphorous discharge limits.

According to DEEP's data some 45 entities in Connecticut will be affected by the new discharge standards. For Wallingford, Cheshire, Southington and Meriden, the four towns along the Quinnipiac River compliance with the proposed permit limits would require a total capital investment of approximately 58 million. That's assuming they don't move the goal post again.

A total increase in plant operating costs for those towns in the range of 1.9 million for year and the result in rate increases that would range from 23 to 40 percent per town.

In Wallingford's case alone the initial capital cost would be in the range of 19 million with a resulting 32 percent rate increase which I believe cannot be suffered by our customers. To achieve the goals outlined in Public Act 12 155 the Town of Wallingford supports the use of a collaborative model comparable to the model used to negotiate the State's stream flow regulations as outlined in the attached document.

As to -- as participants in the stream flow negotiations the Town of Wallingford recognizes that a collaborative model was extremely useful in negotiating complex regulations in a respectful thoughtful manner and this process would prove effective we believe in achieving the goals of Public Act 12 155. The collaborative approach to developing a statewide phosphorous reduction plan would also be helpful in addressing the following issues that relate to both the Quinnipiac River basin and the basins in which the other regulated cities and towns are located to determine whether significant reductions in point source discharges of phosphorous are in fact the most cost effective means of improving stream quality.

Also, whether other scientific methods used in other states would provide the regulated communities with more flexibility in achieving water quality in a more cost effective manner. In other words to attempt to reduce the burdens on the municipalities and the residential and business customers while getting the job done. What timeframe is necessary to provide municipalities with sufficient time to develop and implement compliance plans? Another item, what efforts should be made to ensure that the regulated communities are not subjected to piecemeal approaches to implement water quality standards that will necessitate ongoing additional plan upgrades and increased sewer fees for residents and businesses?

These are just some of the items that need to be addressed in a collaborative manner. And looked at not just between Wallingford and DEEP but Wallingford, Meriden, Southington, and all the other towns that are affected by this to come up with a statewide -- logical statewide

COMMITTEE

plan. That is what is necessary. And that is what I thought 12-155 was all about. And that seems to have not been taken particularly seriously I would have to say.

There was lip service given to it in the two PowerPoint presentations that we saw back in late November and early December by -- that DEEP put on. But so far it's been lip service. We therefore support H.B. 5725 which would allow the State to develop a comprehensive workable framework for achieving phosphorous reduction.

In addition given the cost with compliance we urge the committee to incorporate provisions in the bill to increase the percentage of phosphorous reduction project costs eligible for reimbursement under the clean water fund from the current 30 percent to 50 percent. Please note, this would assist us in complying with the phosphorous standards but would not diminish the need for a collaborative process to develop a statewide phosphorous reduction plan.

And thank you very much giving me the opportunity to make comment with regard to this and I'll certainly be most happy to answer any questions.

REP. D. FOX: Representative.

SENATOR FASANO: Thank you, Mr. Chairman.

Bob, thanks for coming up. I appreciate it. So what I asked the gentleman from Meriden I'll ask you. Did you have any meetings with the four towns and DEEP with respect to the scientific analysis done for phosphorous or the method used?

COMMITTEE

ROBERT BEAUMONT: No, Sir.

SENATOR FASANO: Was there any meeting or effort with DEEP to meet with all the towns in 12 155 to talk about how to proceed to reduce phosphorous long term?

ROBERT BEAUMONT: No, Sir.

SENATOR FASANO: Was there a meeting to talk about what that level should even be?

ROBERT BEAUMONT: That's up for discussion.

Well okay but --

ROBERT BEAUMONT: But no there hasn't -- there have not been any meetings with regard to same and there really -- actually in the last two months since -- since the PowerPoint presentations were made by DEEP as I said earlier in the testimony there has been no communication from DEEP with respect to any of the comments that were made subsequently to that during the comment period. We have heard nothing. And --

SENATOR FASANO: They have moved off like Meriden. DEEP no longer is asking for a consent order. Right?

ROBERT BEAUMONT: That is correct.

SENATOR FASANO: Now they're just doing the permit. And do you have the same trigger mechanism that Meriden has that you've got to get to a certain level at some date in the future?

ROBERT BEAUMONT: We have not seen the MPDS permit for Wallingford at this point or at least we haven't as of the time we left this morning. It's possible it's been sent. No we have not -
- we have not seen anything of that ilk.

Our understanding is that there will be a time period similar to what Mr. Waz suggested that Meriden would have for us to be able to comply. Our compliance level is .2 milliliters which effectively based on the verbiage in that ruling comes down to point -- virtually comes down to .1.

SENATOR FASANO: Okay so if you're asked to go to .1 just explain that for a second because I think that's important for the committee because I forgot about that. If you're asked to go to .1 you actually have to go to .7 or something or .07 or something. Explain it to me.

ROBERT BEAUMONT: Okay. The way it -- the way it appears and there have been earlier discussions here that the way it appears is that it would go to .7 today perhaps and then within X number of years -- at this point it looks to be about seven or eight -- between seven and nine years. It would -- you would have to be down to the .2 or the .1 whichever was deemed to be construed to be appropriate.

That is not to say that during that time period you wouldn't have in theory be able to have the opportunity to go ahead and through various scientific work be able to make determination - - or help to make a determination for what the really the proper level does need to be. And in fact is it really the point sources that are really causing the bulk of it as DEEP would tend to lead us to believe, as opposed to the nonpoint sources?

And certainly there are -- there is question I believe as to whether the nonpoint sources in fact do contribute significantly more than that which they've been credited for. They say -- that is an open question. But it's easy -- I

COMMITTEE

think it's easy to go ahead and pick on a town because that's a bodiless, somebody you can reach out to very easily whereas the nonpoint sources are definitely far more distributed and it's a little bit more difficult to go ahead and nail each and every single one of them if you will.

And what impact does it have if you know, if upstream things are done what's the impact downstream. I -- there -- there's just a whole range of issues that need to be looked at here which need to be done on a collaborative manner between the regulatory agencies and the towns.

SENATOR FASANO: Well the -- and that's the point of 12 155 was to have this meeting.

ROBERT BEAUMONT: It's true.

SENATOR FASANO: Because I don't think any -- any of the towns are against phosphorous reduction --

ROBERT BEAUMONT: Absolutely not.

SENATOR FASANO: -- procedures. They just won't admit -- because it's also my understanding that even if you were to reach that .01 -- is it .1 or .01?

ROBERT BEAUMONT: It's point -- it's point -- it's .1 that Meriden in their MPDS permit at this point. It is anticipated that I believe that we would be looking at .2 but the way the verbiage is in there effectively is .1. We'd have to base the design for .1.

SENATOR FASANO: And my understanding is DEEP wouldn't' even say that that's the bottom line. In other words --

ROBERT BEAUMONT: Well absolutely not.

SENATOR FASANO: -- it could go even further.

ROBERT BEAUMONT: Absolutely not.

SENATOR FASANO: So you could do all this work --

ROBERT BEAUMONT: The next step -- the next step beyond that, Senator, would be almost a quantum leap because you'd be going -- if you were to have to go down then to what the technology in theory can go ahead and get to today which I believe is .05 and it may even be slightly lower.

But .05 we had just for Wallingford -- keeping in mind that .2 or .1 would be somewhere in the range of 19 to 21 million that we would have to expend. It was -- it was estimated at that time last year that it would be something in the range of 56 million to go ahead and take it down to .05.

SENATOR FASANO: And I want to say Representative Fritz called me this morning. She had an injury at home so she's going to be out for quite some time. Yes she had a fall but she's fine. But she was very concerned about this for Wallingford because she's also very much engaged in this conversation. And her concerns are the same and I think you know them but for the record I wanted to make that clear. And once gain I just get bothered by the fact that what DEEP did to circumvent what we did with their bill was to try to get a permit out that requires you guys to meet the goal that they set when we went and passed into legislation.

They're sort of doing a quasi-regulatory fashion and when they know that most legislators have an issue with that. So I thank you. I thank you for coming here and

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STANDING
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**PLANNING AND
DEVELOPMENT
PART 2
337 - 680**

2013

COMMITTEE

testifying and I appreciate the work that you do for the town.

Thank you, Mr. Chair.

SENATOR CASSANO: One quick follow up question.

ROBERT BEAUMONT: Yes, Sir.

SENATOR CASSANO: You're talking 17 million. I had 20, 25. What percentage is the State putting towards financing any of this?

ROBERT BEAUMONT: All right. I believe as of -- with 12-155 I believe the percentage in there was put in at 30 percent if I -- if you know. That is where that was at at that point. Prior to that it had been less than that prior to last year, Senator. What is being requested here is part of 5725.

This year it would be going from 30 to 50 which would still leave a significant amount of money. I mean in our case you're talking something in the range of nine to ten million extra that we would have to come up with.

SENATOR CASSANO: Right.

ROBERT BEAUMONT: Which still increase the rates to our customers dramatically.

SENATOR CASSANO: But I believe probably when your plant was built, Manchester is another example, they were built either with generally mostly federal funding or the two percent loan and that was the extent of it is what you had to pay?

ROBERT BEAUMONT: There was a significant amount of federal funding that came into play when we built this back in the late 80s. Yes, Sir.

SENATOR CASSANO: Then we switched to two percent so you could get basically a two percent loan.

ROBERT BEAUMONT: Yeah.

SENATOR CASSANO: And that was a heck of a lot cheaper than we're looking at 30 to 50 percent.

ROBERT BEAUMONT: Yes. Yeah it's -- it's -- nobody is arguing the fact -- and as I said a year ago and it was mentioned here earlier today -- nobody's arguing the fact that something in all likelihood does need to be done with regard to the phosphorous levels. But as I said a year ago at what cost? What is cost effective? What is realistic?

And you know that's -- that's the thing that I think sometimes the regulators tend to forget about is that you and I and every one of the taxpayers or customers in these towns have to pay this.

SENATOR CASSANO: Thank you. That's been helpful. And it's 20 percent there in the legislation so obviously we've got some work to do on this committee and I promise you we will do it.

ROBERT BEAUMONT: Okay. Thank you, Sir.

SENATOR CASSANO: Okay.

REP. D. FOX: Anyone else like to speak on this one?

Thank you.

BONNIE STEWART: Good afternoon. My name's Bonnie Stewart and I'm Vice President of the Connecticut Business and Industry Association and I'm here to comment on several property tax measures before the committee today. In

SB463 SB784

HB6233 SB783

COMMITTEE

fiber optic network that is part of this whole grant is still being built out there and I think that -- that does it.

The other piece of it is the Governor's Bill institutes a commission that would oversee that and ensure that education and municipalities do get their access.

SENATOR CASSANO: Thank you very much.

Is there anyone else?

Seeing none, thank you very much.

JACK McCOY: Thank you.

SENATOR CASSANO: Representative Mushinsky.

SB705

REP. MUSHINSKY: Thank you, Mr. Chairman and stalwart members of the P and D committee who are still here. I'm speaking in support of proposed Bill 5725, AN ACT CONCERNING THE STATEWIDE PHOSPHOROUS REDUCTION PLAN.

I support the bill but caution the planning and development committee to avoid prescribing the specific method and membership of collaboration and recognize that phosphorous removal is a federal requirement that cannot be waived. This bill is a follow up to last year's bill, Senate Bill 440 which became Public Act 12-155.

And the new law included a -- a description of a collaborative approach to the problem of removing phosphorous from sewage treatment discharges which is a necessary step to achieve clean water but is expensive for the municipalities.

The goal of phosphorous removal is to remove Connecticut water bodies from the federally

COMMITTEE

impaired waters list under the federal Clean Water Act and states are obligated to meet the federal law. And scientists have determined that phosphorous removal will be necessary to fix impaired waters both in south central Connecticut where I live and also in the Greater Danbury area.

At present it is expensive for towns to remove the phosphorous. Two of the levels needed to stop algae blooms which deplete oxygen in water ways as the algae decays. So the cost of the phosphorous removal is driving the need for continued collaboration. I believe this cost will be reduced in the future as advances in technology produce cheaper ways to remove the phosphorus.

Collaboration is helpful to reach a solution for the towns to achieve clean water results in a most cost effective manner but we should be careful in the committee to not limit -- avoid limiting the number of participants in collaboration for a great many constituencies are affected by water pollution and clean water and the requirement cannot be negotiated away in collaboration because it comes directly from the federal Clean Water Act.

Solutions that achieve clean water and are cost effective will likely involve both technical and financial assistance. In the technical realm the Town of Cheshire is already using an experimental process on a miniature sized level which is achieving excellent results at a much lower cost.

In the area of financial assistance last year's law improved the grant to municipalities for phosphorous removal to 30 percent. And with my colleagues from the area we have filed a bill this year to increase that to 50 percent, the

COMMITTEE

same as the grant for municipalities with combined sewer overflow pollution problems.

So I urge support for continued collaboration but request that the committee avoid changing last year's law, avoid limiting who can participate as many constituencies are affected by polluted water. And I also wish the committee to recognize that the mandate to remove phosphorous is federal law and is not likely to change so that collaboration should be recognized as a partnership effort to remove -- to achieve and not avoid federal law.

And finally I'd like to respectfully thank my cosponsors for their continued efforts to implement a phosphorous reduction plan. And I see you have on the agenda -- I didn't bring prepared testimony but you also have Senate Bill 705 expanding powers of municipal storm water authorities. I'd also like to go on record in support of that.

As urban areas become more paved and as storms become more intense under the effects of climate change we will need the tools found in this bill to reduce the amount of water pollution reaching Long Island Sound. So I would also urge your support for that Bill 705. And thank you.

REP. ROJAS: Thank you for your testimony. Does anybody -- anybody who's left have any questions?

Well I'm talking about for Representative Mushinsky.

All right. Thank you.

REP. MUSHINSKY: Okay.



Rivers Alliance

of Connecticut

23P

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TO: Sen. Steve Cassano and Rep. Jason Rojas, Chairmen,
And the Members of the Planning and Development Committee
FROM: Rivers Alliance of Connecticut
RE: Public Hearing
DATE: February 13, 2013

HB 5725

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 500 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents

SB 705, AA Expanding Powers of Municipal Stormwater Authorities (in favor).
This concept bill has a different title but uses the same language as House Bill 5477 (AA Providing Stormwater Authorities with Certain Corporate Powers). Both bills have distinguished sponsors. Both bills aim to give state stormwater utilities the means to establish predictable revenue, based on use, and the flexibility to provide incentives for reducing stormwater runoff.

Rivers Alliance has participated in many, many meetings and workshops over a dozen years addressing how municipalities can manage stormwater so as to minimize negative effects on the state's waters. A variety of models and programs have been considered. The most effective appears to be a utility model, similar to water and wastewater utilities. This model has been espoused by Connecticut Fund for the Environment/Save the Sound for a number of years, and has gradually emerged as the model of choice for Connecticut. CFE has provided detailed, extremely helpful testimony on Bill 705.

Stormwater in our region is by some measures the chief cause of contamination of upland streams, major rivers, and, of course, Long Island Sound. It is frequently filthy with animal waste, motor oil, pesticides, and debris. As storms become more extreme, town public works crews cannot keep up with the mess. Effective stormwater utilities are much needed, and we hope that this legislation will help expand their use beyond the present pilot programs to all towns and cities. Of course, the cost of controlling and cleaning stormwater can be minimized by encouraging protective buffers of natural vegetation. (But you know that.)

HB 5725, AAC The Statewide Phosphorus Reduction Plan (opposed).

This bill appears to be asking for a do-over of Section 1 of Public Act 12-155 (AAC Phosphorus Reduction in State Waters), which reads:

Section 1. (*Effective from passage*) The Commissioner of Energy and Environmental Protection, or the commissioner's designee and the chief elected officials of the cities of Danbury, Meriden and Waterbury and the towns of Cheshire, Southington and Wallingford, and the chief elected official of any other municipality impacted by the state-wide strategy to reduce phosphorus, or such chief elected officials' designees, shall collaboratively evaluate and make recommendations regarding a state-wide strategy to reduce phosphorus loading in inland nontidal waters in order to comply with standards established by the United States Environmental Protection Agency. Such evaluation and recommendations shall include (1) a state-wide response to address phosphorus nonpoint source pollution, (2) approaches for municipalities to use in order to comply with standards established by the United States Environmental Protection Agency for phosphorus, including guidance for treatment and potential plant upgrades, and (3) the proper scientific methods by which to measure current phosphorous levels in inland nontidal waters and to make future projections of phosphorous levels in such waters

This 2012 Act requires a collaborative evaluation of statewide phosphorus management (which seems to be the same as what is proposed in RB 5725, which is before you.) In PA 12-155, *all* impacted towns are invited to participate. The language was painstakingly negotiated with a range of stakeholders, including municipalities, environmental groups, and agencies. The mandated process is already underway. We urge the Committee to let that process go forward, and to reject RB 5725.

Thank you very much for your attention. We would be happy to help in any way if the committee so wishes.


Margaret Miner,
Executive Director



CITY OF MERIDEN
DEPARTMENT OF PUBLIC UTILITIES

11P

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David P. Lohman
Director of Public Utilities

Dennis Waz, Superintendent Water/Wastewater
Francis Russo, WPCF Manager/Chief Operator

Testimony
Dennis Waz
Public Utilities Superintendent, City of Meriden
Before the
Planning & Development Committee
February 13, 2013

RE: HB-5725, An Act Concerning a Statewide Phosphorus Reduction Plan

Thank you for the opportunity to comment in support of HB-5725 which calls for a collaborative model to be used in developing a statewide strategy to comply with EPA Standards to reduce phosphorus loading in inland non-tidal waters.

Recognizing the enormous compliance costs associated with achieving phosphorus limits set by the State Department of Energy & Environmental Protection (DEEP), the Connecticut General Assembly adopted Public Act 12-155 to create a process to develop cost-effective approaches for reducing phosphorus levels based on updated water quality data and proper scientific methods

Other viable alternatives to reducing phosphorus should be explored to ensure that residents and businesses are not needlessly subjected to on-going significant increases in sewer bills. It is widely acknowledged that the phosphorus limits are essentially a moving target and that EPA will revisit the limits within a few years or limits may be revised based on additional modeling that DEEP anticipates undertaking. This imposes an unfair and costly burden on the affected Municipalities, such as Meriden.

For example, in 2008 when the City of Meriden was upgrading its wastewater treatment plant, we were advised to upgrade to the 0.7 mg/l phosphorus limit, which we did. Unfortunately, after the upgrade was completed, Meriden Staff, as well as Representatives from other Plants on the Quinnipiac and Naugatuck Rivers, were invited to the DEEP office and advised that the EPA did not accept the DEP program for phosphorus removal and DEEP, therefore, developed a new "interim" strategy for phosphorus removal which lowered Meriden's limit from 0.7 to 0.1 mg/l

In order to comply with DEEP's proposed discharge limits, which are even more stringent for the City of Meriden than for surrounding Towns, the City will have to invest an additional \$13 million to upgrade the Water Pollution Control Facility and would also add approximately \$600,000 to the annual operating budget. This places an untenable burden on residents and businesses during a very difficult economic time.

We have been participating in productive negotiations with DEEP relative to the proposed limits in the NPDES Permits and appreciate their time in working with us to address various issues relative to the Permit issuance. We do believe, however, that a collaborative process that involves the affected Municipalities will help ensure that the State works with Municipalities to develop a more workable approach to phosphorus reduction.

In addition, we support language that would increase the reimbursement level for phosphorus reduction projects from 30% to 50% and also ensure that cities like Meriden that have been subject to on-going plant upgrades will be eligible for Clean Water Funds under the point system DEEP utilizes to award grants.

The City of Meriden supports the collaborative model outlined in the attached document to ensure that we can move forward with a meaningful dialogue about how to achieve state-wide compliance with phosphorus reduction goals to improve water quality in the most cost-effective manner possible.

Public Act 12-155 (SB-440)**AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS****Proposed Framework for Collaboration**

Public Act 12-155 requires the Department of Energy and Environmental Protection (DEEP) and the chief elected officials or their representatives of Cheshire, Danbury, Meriden, Southington, Wallingford, Waterbury, and any other impacted municipality, to collaboratively evaluate and make recommendations on a statewide strategy to reduce phosphorus loading in inland nontidal waters to comply with EPA standards. The strategy must include:

1. A statewide response to address phosphorous nonpoint source pollution;
2. Approaches for municipalities to use to comply with EPA standards for phosphorous reduction, including guidance for treatment and potential plant upgrades; and
3. The proper scientific methods for measuring current phosphorous levels in inland nontidal waters and making future projections of phosphorous levels in these waters.

In order to achieve these goals, we recommend that the DEEP adopt a framework for collaboration comparable to the model used to successfully negotiate the state's stream flow regulations. This model enabled negotiations on a very complex and controversial subject to move forward in a productive, informative and respectful manner.

This model is also consistent with DEEP Commissioner Daniel Esty's vision for the agency – to promote environmentally sustainable policies that are compatible with economic development and job growth – which allowed stakeholders to find the necessary balance to negotiate stream flow regulations. This approach recognized that government and the regulated community must work together to develop policies that make sense from an environmental standpoint as well as an economic one. We urge DEEP to utilize a collaborative model that would include the following components:

1. **Use of Third Party Neutral:** Utilize a third party neutral to assist the participating parties in identifying areas of common ground, framing areas of agreement and contention and in helping the group reach consensus where possible. Each participating group should also be invited to share their concerns about the other groups' position, motivation and arguments and allow the group to discuss those concerns, providing participants with greater understanding and appreciation for the positions of each participant. This helps develop greater trust among participating groups that everyone at the table is committed to resolving these issues in a thoughtful manner.
2. **Organizational Meeting to Agree on Procedures and Topics:** Each participating group identifies a limited number of individuals to attend an organizational meeting to discuss and agree upon the ground rules for the discussions (number of participants, format for discussions, etc.) and to identify the topics for discussion. We believe that, in order to succeed in achieving the goals set forth in PA 12-155, these topics must include the following:

- o The range of available scientific approaches with which to evaluate the role of nutrients in stream impairment.
 - o The methods to be used to measure the success of phosphorous reduction activities.
 - o The establishment of reasonable expectations for determining what level of phosphorous reduction can be attained in a cost-effective manner.
 - o The consideration of all contributing sources of phosphorous and the development of a comprehensive plan for addressing these sources in a cost effective and balanced manner.
3. **Agreement on Process:** Ultimately, the group would decide the number of core participants representing each perspective with some groups rotating in an expert participant or two as needed for specific discussions. "Observers" who do not otherwise have a role in the meeting would not be permitted.
4. **Informative Discussions:** Participants would be encouraged to circulate materials or proposals among the group and/or engage in any pre-meeting discussions to help in framing issues, developing options, and giving one another a chance to review and consider proposals before the meeting date.
5. **Regular Meetings:** The group would meet on a regular basis and work through specific issues on a case by case basis and create language that reflects the consensus of the group.

Clearly, a process in which state agencies, lawmakers and interested parties work together in partnership is a powerful tool for developing thoughtful, balanced policies that benefit the environment and make economic sense for our communities.

We believe that a collaborative model such as this is necessary to fully achieve the goals of Public Act 12-155.

12P



Town of Wallingford, Connecticut

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Testimony
Robert N. Beaumont
Chairman – Wallingford Public Utilities Commission
Before the
Planning & Development Committee
February 13, 2013

RE: HB-5725, An Act Concerning the Statewide Phosphorus Reduction Plan

Thank you for the opportunity to comment in *support of HB-5725*, which ensures that a statewide Phosphorus Reduction Plan will be developed with the state Department of Energy & Environmental Protection (DEEP) and affected municipalities utilizing a collaborative model.

Last year, this committee was successful in winning passage of Public Act 12-155, which requires DEEP and representatives of Cheshire, Danbury, Meriden, Southington, Wallingford, Waterbury, and any other impacted municipality, to collaboratively evaluate and make recommendations on a statewide strategy to reduce phosphorus loading in inland nontidal waters to comply with EPA standards.

This process was adopted by the Connecticut General Assembly to help ensure that DEEP and the affected municipalities work together to explore cost-effective approaches for reducing phosphorus levels based on updated water quality data and proper scientific methods. We are hopeful that this may assist municipalities in exploring opportunities to utilize less expensive treatment methods and determine whether such methods are successful in reducing phosphorus to minimize the need for costly plant upgrades.

The Town of Wallingford and a number of other municipalities are currently faced with enormous compliance burdens associated with DEEP's proposed permit requirements relative to phosphorous discharge limits. According to DEEP's data, some 45 entities in Connecticut will be affected by the new discharge standards. For Wallingford, Cheshire, Southington and Meriden, the four towns along the Quinnipiac River, compliance with the proposed permit limits would require a total capital investment of approximately \$58 million, a total increase in plant operating costs of \$1.9 million per year and resultant rate increases that would range from 23% to 40% by town. For Wallingford alone the initial capital cost would be \$19 million with a resulting 32% rate increase.

We are currently in the process of negotiating permits with DEEP and understand that the process outlined under Public Act 12-155 does not impact these negotiations. We appreciate DEEP's efforts to work with us to address concerns as part of the permit negotiations.

To achieve the goals outlined in Public Act 12-155, the Town of Wallingford supports the use of a collaborative model comparable to the model used to negotiate the state's stream flow regulations, as outlined in the attached document. As participants in the stream flow negotiations, the Town of Wallingford recognizes that a collaborative model was extremely useful in negotiating complex regulations in a respectful, thoughtful manner and this process would prove effective in fully achieving the goals of Public Act 12-155.

A collaborative process will allow DEEP and other stakeholders to examine 1) emerging data regarding phosphorus levels, 2) the linkage between in-stream levels of phosphorous and water quality impairment; and 3) the impact on water quality that might be achieved through a significant reduction in non-point sources of phosphorous. For example, the USGS recently presented information on historical phosphorus levels in Connecticut's streams and rivers. The data showed that for all but one river, the Naugatuck, phosphorus concentrations and loads have continued to decline since 1974, even with increased population growth. In addition, DEEP presented information regarding their plans to collect new data from 2012 to 2015 to evaluate aquatic life response to cultural eutrophication in streams and rivers. This is data that would be useful to discuss in developing a statewide phosphorus reduction strategy.

A collaborative approach to developing a statewide phosphorus reduction plan would also be helpful in addressing the following the issues that relate to both the Quinnipiac River basin and to the basins in which the other regulated cities and towns are located:

- Whether significant reductions in point source discharges of phosphorous are the most cost-effective means of improving stream quality;
- Whether other scientific methods used in other states would provide the regulated communities with more flexibility in achieving water quality standards in a more cost-effective manner (to reduce burdens on municipalities and residential and business customers);
- What timeframe is necessary to provide municipalities with sufficient time to develop and implement compliance plans; and
- What efforts should be made to ensure that the regulated communities are not subjected to piecemeal approaches to implement water quality standards that will necessitate ongoing additional plant upgrades and increased sewer fees for residents and businesses.

We therefore **support HB-5725**, which would allow the state to develop a comprehensive, workable framework for achieving phosphorus reduction.

In addition, given the costs associated with compliance, we urge the committee to incorporate provisions in the bill to increase the percentage of phosphorus reduction project costs eligible for reimbursement under the Clean Water Fund from 30% to 50%. Please note that this would assist us in complying with the phosphorus standards but would not diminish the need for a collaborative process to develop a statewide phosphorus reduction plan.

Public Act 12-155 (SB-440)**AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS****Proposed Framework for Collaboration**

Public Act 12-155 requires the Department of Energy and Environmental Protection (DEEP) and the chief elected officials or their representatives of Cheshire, Danbury, Meriden, Southington, Wallingford, Waterbury, and any other impacted municipality, to collaboratively evaluate and make recommendations on a statewide strategy to reduce phosphorus loading in inland non tidal waters to comply with EPA standards. The strategy must include:

1. A statewide response to address phosphorous nonpoint source pollution;
2. Approaches for municipalities to use to comply with EPA standards for phosphorous reduction, including guidance for treatment and potential plant upgrades; and
3. The proper scientific methods for measuring current phosphorous levels in inland non tidal waters and making future projections of phosphorous levels in these waters.

In order to achieve these goals, we recommend that the DEEP adopt a framework for collaboration comparable to the model used to successfully negotiate the state's stream flow regulations. This model enabled negotiations on a very complex and controversial subject to move forward in a productive, informative and respectful manner.

This model is also consistent with DEEP Commissioner Daniel Esty's vision for the agency – to promote environmentally sustainable policies that are compatible with economic development and job growth – which allowed stakeholders to find the necessary balance to negotiate stream flow regulations. This approach recognized that government and the regulated community must work together to develop policies that make sense from an environmental standpoint as well as an economic one. We urge DEEP to utilize a collaborative model that would include the following components:

1. **Use of Third Party Neutral:** Utilize a third party neutral to assist the participating parties in identifying areas of common ground, framing areas of agreement and contention and in helping the group reach consensus where possible. Each participating group should also be invited to share their concerns about the other groups' position, motivation and arguments and allow the group to discuss those concerns, providing participants with greater understanding and appreciation for the positions of each participant. This helps develop greater trust among participating groups that everyone at the table is committed to resolving these issues in a thoughtful manner.

2. **Organizational Meeting to Agree on Procedures and Topics:** Each participating group identifies a limited number of individuals to attend an organizational meeting to discuss and agree upon the ground rules for the discussions (number of participants, format for discussions, etc.) and to identify the topics for discussion. We believe that, in order to succeed in achieving the goals set forth in PA 12-155, these topics must include the following:
 - The range of available scientific approaches with which to evaluate the role of nutrients in stream impairment.
 - The methods to be used to measure the success of phosphorous reduction activities.
 - The establishment of reasonable expectations for determining what level of phosphorous reduction can be attained in a cost-effective manner.
 - The consideration of all contributing sources of phosphorous and the development of a comprehensive plan for addressing these sources in a cost effective and balanced manner.
3. **Agreement on Process:** Ultimately, the group would decide the number of core participants representing each perspective with some groups rotating in an expert participant or two as needed for specific discussions. "Observers" who do not otherwise have a role in the meeting would not be permitted. The group may decide to create subgroups that will conduct focused discussions on specific issues. However, any decisions on those issues would be made by the group as a whole.
4. **Informative Discussions:** Participants would be encouraged to circulate materials or proposals among the group and/or engage in any pre-meeting discussions to help in framing issues, developing options, and giving one another a chance to review and consider proposals before the meeting date.
5. **Regular Meetings:** The group would meet on a regular basis and work through specific issues on a case by case basis and create language that reflects the consensus of the group.

Clearly, a process in which state agencies, lawmakers and interested parties work together in partnership is a powerful tool for developing thoughtful, balanced policies that benefit the environment and make economic sense for our communities.

We believe that a collaborative model such as this is necessary to fully achieve the goals of Public Act 12-155.



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

2A
 pg 1

Representative David Zoni
 81st Assembly District
 Southington

Legislative Office Building
 Hartford, Connecticut 06106
 860-240-8585 or 800-842-8267
 David.Zoni@cga.ct.gov

Representative David Zoni
 81st District, Serving the people of Southington, CT
 Planning & Development Committee
 February 13, 2013

Chairman Cassano, Chairman Rojas, Vice-Chairwoman Osten, Vice-Chairman Fox, Ranking Members, Senator Fasano and Representative Aman and members of the Planning & Development Committee, my name is David Zoni and I represent the 81st district serving the people of Southington, Connecticut. I respectfully ask for your support on House Bill 5725, An Act Concerning a Statewide Phosphorus Reduction Plan.

As you know, many Connecticut communities are being asked to implement the Department of Energy & Environmental Protection's (DEEP) plan to reduce phosphorus emissions from their waste treatment facilities. Public Act 12-155, passed by the General Assembly in 2012 and signed by Gov. Malloy, has moved this issue forward in a positive and productive direction

The reduction of phosphorus from America's waterways is part of the US Environmental Protection Agency's effort to make improvements to our fragile aquatic ecosystems. Some Connecticut communities are being asked to shoulder a disproportional and costly burden to address what clearly is a statewide problem and whose amelioration will certainly produce a statewide benefit

DEEP's implementation of the "Phosphorus Reduction Strategy for Inland Non-Tidal Waters" affects over 40 Connecticut communities, potentially costing millions in modifications and upgrades to their wastewater treatment facilities. The estimated cost for my community alone is over 18 million dollars.

HB-5725, in conjunction with Public Act 12-155, would aid affected communities by addressing additional issues that surround overall phosphorus reduction efforts. These issues include, but are not limited to, nonpoint source pollution, the development of scientifically based results commensurate with the investment costs associated with compliance, as well as comprehensive strategies for clean water solutions that don't require treatment facilities to implement upgrades on a fragmented basis. Last, but not least, the development of a collaborative model, including a cost-effective strategy that will ensure clean water goals developed by the US EPA can be met without overburdening our municipalities

Connecticut's affected municipalities, including Southington, truly desire effective and reasonable solutions that will benefit all stakeholders while meeting the goals of the DEEP and the US EPA. I believe HB-5725 along with Public Act 12-155 will move us closer to those goals

Thank you for the opportunity to address the committee today and I would be happy to answer any questions you may have.



Testimony of: 2P
Save the Sound
a program of Connecticut Fund for the Environment



In Support of
SB 705, AA Expanding Powers of Municipal Stormwater Authorities

In Opposition to
HB 5725, AAC the State-wide Phosphorous Reduction Plan

Pg 6

Before the Planning and Development Committee

February 13, 2013

Submitted by Leah Schmalz, Dir. of Legislative and Legal Affairs

Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.

Dear Senator Cassano, Representative Rojas, 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 the goal identified in SB 705 and opposition to HB 5725. If more fully developed, SB 705 could provide two benefits, one localized and one statewide. First, by providing the additional tools enumerated in SB 705, the three municipalities (Norwalk, New Haven and New London) covered under the existing Stormwater Authority pilot program can move forward in the development of a system that will generate revenue, more fairly apportion fees for residents and encourage the urban greening techniques that will reduce water pollution. Second, while the authority to create a stormwater authority already exists, the three enabled towns need slightly expanded tools to effectively move forward with the development of a Stormwater Authority; once fully developed it can serve as a model for the enabling of other voluntary stormwater authorities statewide. These Authorities have the capacity to provide enormous economic support and environmental benefits for Connecticut's rivers and Long Island Sound. HB 5725 duplicates phosphorous planning efforts already underway. It is unnecessary and could restart a process and reverse progress that has already been made.

SB 705: AA Expanding Powers of Municipal Stormwater Authorities

In 2007, the legislature created a pilot Stormwater Authority program for four towns to test the viability of statewide enabling legislation. Three, New Haven, New London and Norwalk participated in the process, submitting a report to the Planning and Development Committee in January 2009 (Joint Stormwater Pilot Program Interim Report). The report outlines their progress and the future legislative needs that would enhance opportunities for successful implementation. This concept bill could provide for that enhanced language.

1) Stormwater Authorities are successfully used throughout the Country, including the Northeast.

Stormwater Authorities are used nationwide to restore water quality, protect human health, and more fairly distribute the cost of stormwater operations. They are characterized by the following qualities:

- Fair: Charges would be based on average runoff rather than property value as is the case with general taxes. This would allow all types of developed property to pay their appropriate share.
- Dependable: Stormwater Authorities would be self-financed and would not compete with other governmental sources for general revenues. Instead, it would have consistent funding and would be easily projected. Revenues generated from the Stormwater Authority would be kept in separate, dedicated funds.
- Simple and Flexible: The Stormwater Authority would be similar to water and wastewater charges. Its fee would be adaptable to existing billing systems.
- Affordable: The small monthly charges (typically \$.30 to \$10) are minimal and would be locally assessed and managed.
- Incentives: Individuals and organizations who take steps to reduce runoff on their property would be able to receive credits for their positive actions. These steps include green infrastructure, which benefit the municipality by providing benefits—like urban greening, building energy efficiency, reduction of heat island sink—that go beyond stormwater reduction

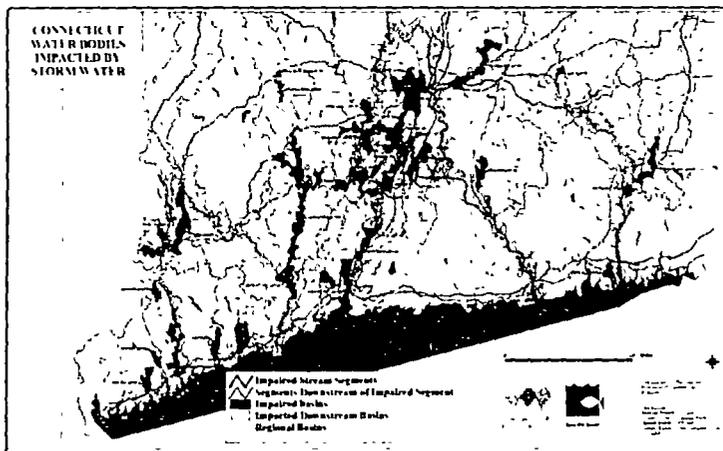
Over the last three decades, Stormwater Authorities have provided municipalities nationwide both a framework and a revenue stream to combat water quality issues, to institute cutting-edge flood control, to provide aquifer recharging, and to protect habitat. As a result, they and their citizens have benefited greatly. New England examples include the following:

- Reading, Massachusetts Stormwater Enterprise Fund: The Stormwater Enterprise Fund charges residential units (single and duplex) a flat monthly fee. All other properties are charged \$39.84 per equivalent residential unit annually. Credits are provided to residential and non-residential units up to 50% of total assessment for runoff-reduction and state-of-the-art stormwater treatment.
Total paid per quarter by residences: \$9.22
- Newton, Massachusetts Stormwater Utility: The Massachusetts Stormwater Utility charges residential units a flat fee either quarterly or annually. All other units are charged either \$37.50 quarterly or \$150 annually per equivalent residential unit. Credits are provided to residential and non-residential credits for on-site stormwater management systems and stormwater quality treatment. Newton also provides an elderly reduced rate of \$4.38 quarterly or \$17.52 annually.
Total paid per month/year by residences: \$6.25/\$25.00
- Lewiston, Maine Stormwater Utility: The Maine Stormwater Utility charges single family and duplexes flat annual fees. All other properties are charged a base rate of \$40.00 for the first 2,900 square feet plus \$.045 per square foot for each additional square foot over 2,900 annually.
Total paid annually by single family/duplexes: \$40.00/\$60.00

- South Burlington, Vermont Stormwater Utility: The Vermont Stormwater Utility charges residential units a flat monthly fee. All other properties are billed a fee based on the amount of impervious space. Credits are provided for up to 50% of the charge for qualifying non-single residential properties who engage in on-site stormwater quality treatment.
Total paid per month by residencies: \$4 50

2) Stormwater Authorities are needed in Connecticut, and SB 705 could help implementation

Currently, rain running off our roads, parking lots, and roofs can overwhelm the sewer system, flood streets, carry pesticides into rivers, and lead to overflows of raw sewage into Long Island Sound. Discharges force summer beach closings, and make it hard for shellfishermen to earn a living. According to state data, New Haven Harbor and the Quinnipiac, Mill, and West Rivers, among many other shoreline waters, fail key water quality standards. Furthermore, stormwater pollution is also a major reason why people cannot enjoy many miles of rivers and streams north of the shoreline. Below a map graphically indicates rivers that the CT Department of Energy and Environmental Protection (CTDEEP) has identified as being primarily impaired by stormwater—these are waterbodies that the citizens can no longer fully use for fishing and swimming. This map underscores the opinion of both our CT DEEP and the U.S. Environmental Protection Agency that stormwater pollution remains a large un-abated source of water pollution for our state and our country.



Add to these impairments, new federal stormwater control requirements, and the writing on the wall is clear: costs are on the rise. The forward-thinking system of Stormwater Authorities—which is based on actual stormwater service use—will relieve that growing burden while ensuring that tax-paying residents do not disproportionately foot the bill. Under a Stormwater Authority framework, user fees, not taxes provide the revenue stream.

For illustration purposes, in New Haven residents currently pay for 59 percent of the city's stormwater activities in their tax bills. Because this cost is based on the current tax structure and not on actual impervious cover, residents are not only paying more than their fair share of the stormwater pollution problem, they also have no recourse to reduce their payment. By trading that faulty method in for a new arrangement that puts stormwater related activities to an independent budget with a separate user-fee revenue stream, moving forward, the Stormwater Authority could apportion the costs to all entities contributing to the problem and provide all service users with green infrastructure options to reduce their fee. In the long run, this would reduce residents' burden by at least 36 percent. As an example, had a Stormwater Authority always been in use for these activities, instead of paying 59 percent of the costs (\$128/year), residents could be paying 23 percent (\$50/year) — even less if they chose to implement fee reducing techniques like rain barrels and asphalt minimization.

The reality is that costs for stormwater controls are increasing because of legal requirements. The choice is not between paying or not paying, the choice is between creating a separate entity that charges residents based on actual stormwater costs and provides them with opportunities to reduce that cost, or sticking with the current system and charging them ever increasing taxes. Over time, approving the Stormwater Authority could save residents hundreds of dollars.

3) Cutting-edge Green Infrastructure techniques, incentivized through Stormwater Authorities, can create new jobs.

In addition to providing a local revenue stream for stormwater management costs, the Stormwater Authority can also incentivize green infrastructure. By providing user fee credits, Stormwater Authorities can encourage customers to save green by going green. These credits allow homeowners and businesses to lower costs by reducing their runoff with techniques like rain barrels, rain gardens, permeable pavers and green roofs. Further, innovative green infrastructure credits have the added benefit of limiting high volume, untreated combined sewer over flow that discharges into our local waterways in older cities like New Haven. In the communities of Philadelphia, Washington D.C., New York City, and Portland, these types of projects have also demonstrated ancillary benefits like increased urban greening and livability, reduced summer heat sink, and energy efficiency.

Planning successful green infrastructure demands coordination among a range of experts. New professional partnerships are needed in the green design process to choose attractive, low maintenance vegetation that absorbs rainwater effectively. Specialists qualified to verify soil amendment and planting plans can work with town planners and engineers who may be concerned that vegetated swales will not be as fail-safe as conventional curbs and drains. Collaborative efforts of professionals, non-profits, scientists, and community members are needed to assess complex urban environmental conditions and cultural interests that influence realistic opportunities. As we institute tools necessary to advance urban green infrastructure retrofits and low impact development techniques, like SB 705 can provide, Connecticut can position itself as a leader in the new "green gardeners" field, creating design, construction, and landscape jobs. And the resulting improved water quality will: 1) grow local businesses' access to sustainable fisheries and open prime state shellfish beds, and 2) promote healthy tourism by maintaining open beaches.

In conclusion, while this water pollution problem is not limited to New Haven, Norwalk and New London, unlike most other communities in Connecticut, these cities are permitted (under 22a-497) to expand their current management tools and address its local stormwater impacts. SB 705 could enhance the three pilot municipalities' ability to develop a fee-based approach that provides a steady and predictable source of funding for stormwater management.

For your review, I am also attaching a 2009 letter from these three towns' mayors requesting stormwater authority tools.

HB 5725: AAC the State-wide Phosphorous Reduction Plan

1) Excess phosphorous impairs water quality

EPA have given presentations regarding efforts to limit non-point pollution and legal requirements for point source pollution. We understand that DEEP is considering a continuing process of meetings and collaboration under this statute with all relevant stakeholders. Thus, there is no need, at this point, for another statute requiring a process that is already ongoing. Indeed, such a mandate might restart a process and reverse progress that has already been made

For these reasons, we support the general concept raised in SB 705 and oppose HB5725.

Thank you for your consideration

Sincerely,

_____/s/_____

Leah L. Schmalz, Dir. of Legislative & Legal Affairs
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3 of 252



JANUARY 5, 2009
 TO THE ENVIRONMENT AND PLANNING AND DEVELOPMENT COMMITTEES
 OF THE CONNECTICUT STATE GENERAL ASSEMBLY
 AND OTHER READERS OF THIS REPORT

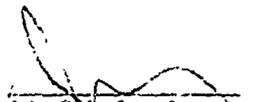
As the Mayors of New Haven and Norwalk and the City Managers of New London, we strongly support the goals of clean water, protection of natural resources and sustainable growth that were advanced by Connecticut's General Assembly when it enacted Public Act 07-154, the Municipal Stormwater Authority Pilot Program. The initial findings and recommendations – are set forth in the attached Stormwater Pilot Program Interim Report.

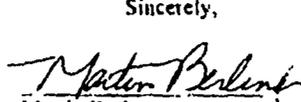
In order for the goals of Public Act 07-154 to be fully realized for the residents, businesses and institutions in our communities, several critical issues must be addressed. Some require legislative amendments to Public Act 07-154. Others, such as incentives for regionalization, require the General Assembly's support for the Connecticut DEP as it continues to work cooperatively with us in implementing better management of stormwater quality for the people and resources of Connecticut. These issues include:

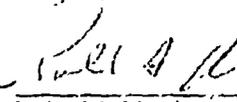
- Increased implementation funding, for example:
 - Establish Clean Water Funds for stormwater and make it a recognized DEP priority
 - Provide grants to finance authority start-up costs
 - Develop other financial incentives for communities to participate
 - Allocate the balance of the Public Act 07-154 pilot funds to the participating communities;
- Incentives to address stormwater management on a regional, watershed basis;
- Additional powers to borrow money, set, charge and collect fees and deal with land use issues,
- Authority powers to retain revenues in a stormwater account separate from a municipality's general fund;
- Authority powers to enter into contracts without requiring pre-approval from DEP as currently required in Public Act 07-154; and
- DEP resources to assist municipalities (i.e. promotion of public awareness and education, technical guidance, regional coordination, data management, etc.)

The Stormwater Pilot Program Interim Report discusses the above and related issues. We entrust this report to you, and look forward to working with you in making its suggestions a reality

Sincerely,


 John DeStefano, Jr.
 Mayor, City of New Haven


 Martin Berliner
 City Manager of New London


 Richard A. Moccia
 Mayor, City of Norwalk



Testimony
Richard Smith
First Selectman, Town of Deep River
President, Connecticut Council of Small Towns
Before the
Planning & Development Committee
February 13, 2013

RE: HB-5725, An Act Concerning the Statewide Phosphorus Reduction Plan

The Connecticut Council of Small Towns (COST) *supports* HB-5725, which calls for the state Department of Energy and Environmental Protection's (DEEP) to utilize a collaborative model in implementing Public Act 12-155 to develop a statewide approach to meeting EPA standards for phosphorus reduction.

More than 40 municipalities are facing multi-million dollar wastewater treatment plant upgrades in order to comply with DEEP's "interim" phosphorus discharge limits, which DEEP and U.S. EPA acknowledge are subject to revision in a few years. Because the proposed limits will be set forth in each plant's National Pollutant Discharge Elimination System (NPDES) permit, there is little opportunity to discuss and develop a statewide approach to phosphorus reduction to improve water quality. This permit-by-permit approach, which is not impacted by Public Act 12-155, imposes a significant burden on certain communities whose permits are up for renewal and creates considerable uncertainty as to how costly plant upgrades will help achieve compliance with statewide phosphorus reduction goals.

By utilizing a collaborative model, Public Act 12-155 will help ensure that the state develops a statewide plan for reducing non-point and point source phosphorus levels based on scientific methods. We are hopeful that this will help ensure that the state

- 1) Explores less costly, viable treatment options available to municipalities;
- 2) Moves toward an integrated approach to water quality rather than the current piecemeal approach which results in municipalities spending millions of dollars to comply with what is admittedly a moving compliance target;
- 3) Provides municipalities with sufficient time to plan and finance plant upgrades necessitated by phosphorus reduction goals;
- 4) Bases phosphorus reduction goals on proven scientific methods to improve water quality; and
- 5) Alleviates some of the pressure on municipal wastewater plants by addressing non-point sources of phosphorus.

COST therefore urges your support for HB-5725.

COST is an advocacy organization committed to giving small towns a strong voice in the legislative process. Its members are Connecticut towns with populations of less than 30,000. COST champions the major policy needs and concerns of Connecticut's suburban and rural towns. More information is available at www.ctcost.org

Connecticut Council of Small Towns
 1245 Farmington Avenue, 101 West Hartford, CT 06107
 Tel 860-676-0770 Fax 860-676-2662

Testimony
Mark D. Boughton
Mayor
City of Danbury
Before the Planning & Development Committee
February 13, 2013

RE: HB-5725, An Act Concerning the Statewide Phosphorus Reduction Plan - Support

Thank you for the opportunity to comment in **support of HB-5725**, which supports the use of a collaborative model in developing a statewide Phosphorus Reduction Plan. The City of Danbury continues to be vigilant stewards of our environment and waterways and will operate our existing Waste Water Treatment Plants to optimize the quality of discharge effluent.

Danbury attended both of the recent meetings held by the state Department of Energy and Environmental Protection (DEEP) and appreciates DEEP's efforts to work with the regulated communities to address Phosphorus Reduction efforts.

The Danbury Waste Water Treatment Plant currently removes approximately 90% of all influent total phosphorus. We will continue to optimize our efforts to lower total phosphorus through the use of multiple point chemical addition. However, in order to meet DEEP's phosphorus removal limits of 0.1 mg/l – to achieve 98% removal – \$25 - \$30 million in extensive capital improvements to the Danbury Waste Water Treatment Plan would be necessary, resulting in an estimated 67% increase in sewer rates.

Danbury remains concerned, based on the continued review of multiple scientific consultants, whether reducing phosphorus loads to 0.1 mg/l will result in a significant improvement in water quality or attainment of the designated uses in Limekiln Brook, the Still River, or downstream waters. Prior to spending millions of dollars in capital funds to achieve an additional 8% phosphorus reduction, we must be able to demonstrate to the public that it is, in fact, essential to the environment and water quality. It will be very difficult to explain to sewer users how an additional 8% in phosphorus reduction – at a cost of \$25 - \$30 million - will significantly benefit the downstream environment.

A collaborative model, as outlined in the attached, will provide all parties involved with the opportunity to fully understand and agree on the fundamental approach and scientific methodology needed to achieve statewide phosphorus reduction goals.

We look forward to actively participating in a collaborative process to develop a statewide plan to reduce phosphorus and appreciate the opportunity to **support HB-5725**.

TOWN OF



PLAINVILLE

ONE CENTRAL SQUARE, PLAINVILLE, CONNECTICUT 06062-1955

Robert E. Lee
Town Manager
(860) 793-0221 x201
relee@plainville-ct.gov

February 13, 2013

Re: HB-5725, An Act Concerning the Statewide Phosphorus Reduction Plan

Thank you for the opportunity to submit testimony in support of HB-5725.

Plainville's Water Pollution Control Superintendent Joe Alosso and I attended both of the meetings on phosphorus reduction held by the state Department of Energy & Environmental Protection (DEEP) in late November and early December.

Although the meetings were useful in updating communities regarding DEEP's phosphorus reduction strategy, we believe HB-5725 is needed to ensure that DEEP works in collaboration with the affected municipalities to evaluate and make recommendations on a statewide strategy to reduce phosphorus loading in inland nontidal waters to comply with EPA Standards.

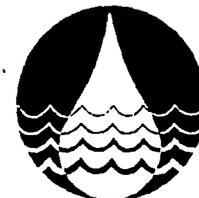
A process in which state agencies and interested parties work together in partnership is a powerful tool for developing thoughtful, balanced policies that will benefit the environment and make economic sense for our communities.

In addition, we support efforts to **increase the rate of reimbursement to municipalities for phosphorous removal at sewage treatment plants to fifty per cent, and urge your support for this revision.**

Robert E. Lee
Town Manager

Connecticut
 Association of
 Water
 Pollution
 Control
 Authorities, Inc

P O Box 230172
 Hartford CT 06123 0172



**CONNECTICUT ASSOCIATION OF
 WATER POLLUTION CONTROL AUTHORITIES**

**Testimony of Vincent F. Susco, Jr., President CAWPCA
 Before the
 Planning & Development Committee
 February 13, 2013**

RE: Testimony in Support of HB-5725, An Act Concerning the Statewide Phosphorus Reduction Plan

The Connecticut Association of Water Pollution Control Authorities is a statewide association open to WPCAs and public entities authorized to own or operate wastewater systems. With over 40 active members providing wastewater services to nearly 1,000,000 citizens in the state we are pleased to submit in support of HB-5725, which requires the use of a collaborative process to make recommendations regarding a state-wide strategy to reduce phosphorus loading in inland non-tidal waters. This legislation builds on Public Act 12-155 and we are hopeful that it will assist Connecticut in achieving the phosphorus reduction goals on a statewide basis and that the strategy will address the following concerns of our members.

- 1 **Nonpoint Source Pollution:** DEEP has acknowledged that non-point source discharges contribute to the phosphorus loading in Connecticut rivers and streams. We are concerned that the majority of the burden for phosphorus reduction is being placed on the shoulders of the NPDES permit holders and our users. We believe that an all in approach addressing all discharges on an equal basis would be most productive, this will bring all stakeholders to the table.
2. **Science –Based Approach/Alternatives:** Develop and explore alternative science based approaches for measuring current phosphorus levels and making future projections of phosphorus levels. The expected improvements in water quality should be clearly defined and determinations made as to whether the proposed reduction strategy will achieve the desired water quality in the most cost-effective way. This will ensure that any monies spent to achieve the phosphorus reduction strategy are monies well spent and the desired water quality can be achieved.
3. **Compliance:** We are deeply concerned about the proposed compliance schedule and proposed "interim limits" whereby DEEP may impose stricter limits in subsequent permit cycles. Communities need assurance that they are not chasing a moving target that has the potential of placing undue burdens on communities to spend millions of taxpayer dollars in additional plant upgrades every permit cycle just to remain in compliance. Schedules should be such that they allow communities sufficient time to study, plan and finance the required plant upgrades.

Thank you for the opportunity to comment in support of HB-5725. We appreciate the efforts of this committee and DEEP to engage in a productive dialogue about these issues

Testimony
Raymond E. Drew
Administrator, WPCA
City of Torrington
Planning & Development Committee
February 13, 2013

Thank you for the opportunity to submit comments in **support of HB-5725, An Act Concerning Statewide Phosphorus Reduction Plan.**

As with the other affected communities - *Danbury-\$25-30 million, Southington-\$18.5 million, Wallingford-\$19 million, Meriden-\$13.5 million, Cheshire-\$7.2 million* - the City of Torrington is poised to incur \$13.4 million in debt to implement the currently proposed phosphorus reduction strategy, which is in addition to an estimated \$38 million for facility upgrades. In addition to the \$13.4 million debt service, it is estimated that this would add an additional \$400,000 to the annual operating budget which would result in a rate increase of 38%

As we continue to engage in productive discussions with DEEP relative to the renewal of our NPDES permit we believe that a collaborative approach is paramount to achieve the phosphorus reduction goals on a statewide basis. The City of Torrington welcomes the opportunity to work with the affected communities and DEEP to assist in the development of this strategy.

We are hopeful that the collaborative process as called for in HB-5725 will ensure that a statewide phosphorus reduction strategy will address the following concerns of the City of Torrington:

- 1. Nonpoint Source Pollution:** DEEP has acknowledged that non-point source discharges contribute to the phosphorus loading in Connecticut rivers and streams. We are concerned that the majority of the burden for phosphorus reduction is being placed on the shoulders of the NPDES permit holders and our users. We believe that an all in approach addressing all discharges on an equal basis would be most productive; this will bring all stakeholders to the table.
- 2. Science –Based Approach/Alternatives:** Develop and explore alternative science based approaches for measuring current phosphorus levels and making future projections of phosphorus levels. The expected improvements in water quality should be clearly defined and determinations made as to whether the proposed reduction strategy will achieve the desired water quality in the most cost-effective way. This will ensure that any monies spent to achieve the phosphorus reduction strategy are monies well spent and the desired water quality can be achieved.
- 3. Compliance:** We are deeply concerned about the proposed compliance schedule and proposed “interim limits” whereby DEEP may impose stricter limits in subsequent permit cycles. Communities need assurance that they are not chasing a moving target that has the potential of placing undue burdens on communities to spend millions of taxpayer dollars in additional plant upgrades every permit cycle just to remain in compliance. Compliance schedules should be such that they allow communities sufficient time to study, plan and finance the required plant upgrades.

The City of Torrington supports the collaborative process as recommended by the Connecticut Municipal Nutrient Group and looks forward to being an active participant in this process.

Thank you for the opportunity to provide support of HB-5725.

140 Main Street Fax: (860) 485-0730
Torrington, CT 06790 Email: ray_drew@torringtonct.org

Testimony
Gary Brumback
Town Manager, Town of Southington
Planning & Development Committee
February 13, 2013

Thank you for the opportunity to submit comments in support of HB-5725, An Act Concerning a Statewide Phosphorus Reduction Plan.

I would also like to commend the committee for initiating and adopting legislation last year that recognizes that a number of municipalities are facing staggering costs associated with the state Department of Energy & Environmental Protection's (DEEP) plan to implement phosphorus reduction standards. Public Act 12-155 has been helpful in moving forward with productive negotiations with DEEP relative to phosphorus discharge limits contained in draft National Pollutant Discharge Elimination System permits.

Currently, DEEP is in the process of implementing a "Phosphorus Reduction Strategy for Inland Non-Tidal Waters" which will impact at least 40 municipalities across Connecticut and cost millions of dollars in plant upgrades to comply: *Southington \$18.5 million; Danbury \$25- 30 million; Wallingford \$19 million; Meriden \$13.5 million; Cheshire \$7.2 million* (to cite only a few).

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.

By requiring a collaborative model to be used to develop a statewide phosphorus reduction plan, HB-5725 will build on Public Act 12-155 to help communities address the following issues:

Nonpoint Source Pollution

DEEP has acknowledged that non-point sources are contributors of phosphorous loading in Connecticut rivers and streams although DEEP's efforts have been targeted to NPDES permit holders. Recognizing this, Public Act 12-155 calls for a statewide effort to reduce Phosphorus non-point source pollution, which may help alleviate the overall pressure on municipal water pollution control authorities.

Science-Based Approach

Given the significant costs associated with compliance, the state should clearly define the expected improvement in water quality that would be achieved as a result of their proposed significant reductions in phosphorous discharge.

Timeframe for Compliance

Particularly troubling to municipalities are concerns that the phosphorous levels for all permits are to be considered "interim" and that DEEP may impose stricter limits in a subsequent permitting cycle. Moreover, U.S EPA is expected to issue limits for metals and other compounds which may necessitate additional plant upgrades on the heels of upgrades associated with phosphorus and before that nitrogen removal. This piecemeal approach imposes a huge burden on municipalities who are spending millions of dollars to comply with what is a moving target. The timeframe for compliance should therefore provide municipalities with adequate time to plan and finance plant upgrades and determine whether DEEP or EPA may revise limits or add new limits.

Cost-Effective Approaches

The process should also strive to develop recommendations for more cost-effective approaches to achieving compliance with EPA standards. Other states are beginning to achieve significant reductions in phosphorus using less costly approaches.

In addition to the use of a collaborative model which will enable stakeholders to work together to develop a responsible strategy for phosphorus reduction, the Town of Southington urges the committee to include language in the bill to increase the percentage of costs eligible for reimbursement under the Clean Water Fund from 30 to 50%. This would be very helpful in ensuring that our residents don't bear the considerable expense of compliance.

Thank you for the opportunity to comment.

**Testimony
Before the Planning & Development Committee
February 15, 2013**

Re: HB-5725, An Act Concerning the Statewide Phosphorus Reduction Plan

I would like to acknowledge the state Dept. of Energy & Environmental Protection's role in working with EPA on the statewide phosphorus reduction strategy. I attended the public hearing on December 6th and it was good to see DEEP and EPA encouraging municipal involvement and collaboration. The presentations were well prepared and informative.

As an environmentally conscientious resident, fisherman, and outdoorsman there's nothing I would like to see more than reduction in water pollutants in our lakes and streams as well as LIS. But as a taxpayer and municipal Treatment Plant operator I see firsthand the price we pay for clean water. It is imperative that we find a balance between reduction of pollutants and burdening ratepayers and municipalities with the expense of plant upgrades. Furthermore everything possible must be done to ensure that any capital expenditures intended to reduce Phosphorus result in measurable benefits to our State's waters and indigenous species. To this end I support the collaborative framework recommended by HB-5725 and supported by the CT Municipal Nutrient Group and distributed by CCM. As you well know this is an extremely complex issue with many strong opinions and I believe the framework suggested by the CT Municipal Nutrient Group will help meetings move along in a productive manner.

Thank you all again for encouraging input from Municipal stakeholders.

**Mike Ruef
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PLANNING & DEVELOPMENT COMMITTEE

February 13, 2013

SB 842

HB 5800

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 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities

CCM supports HB 5725 "*An Act Concerning the Statewide Phosphorus Reduction Plan*".

This bill would modify state statutes by outlining a collaborative state-wide plan, between the Department of Energy & Environmental Protection (DEEP) and affected municipalities, to address phosphorus reduction in Connecticut.

CCM has been appreciative of DEEP's willingness to-date to meet with affected municipalities and their representatives to have an active dialogue on individual permits, which certainly will impact all municipalities in the end. Much progress has been made in these discussions, and several communities are poised to have their permits go out for public notice.

However, CCM continues to have concerns about. (1) the significant costs that meeting the phosphorus reduction requirements could pose to towns and cities, and (2) credible questions that have been raised as to the reliability of the science that has been employed to develop the current strategy.

As municipalities continue to struggle in this down economy, and are now facing substantive cuts in state aid, municipalities are concerned that even after investing millions of dollars in plant upgrades there is no guarantee that the methodology will prove to meet the desired outcome.

CCM recently submitted comments to DEEP supporting a collaborative process, as outlined and submitted by the Connecticut Municipal Nutrient Group (see attached), urging DEEP to:

- *Establish a collaborative process to fully vet the issues still unresolved pertaining to the phosphorus reduction strategy - identifying and agreeing on the best scientific approach, viable options for compliance, timeframe for compliance, etc We are confident that the process engaged for negotiating and establishing the state's stream flow regulations is a model that will work for phosphorus as well*

Passage of his bill would further guarantee that such a process is engaged, and ensure a balanced approach and agreed upon measures to achieve the needed goals

- Page 2 -

CCM will also be supporting two other bills before the General Assembly that will compliment this bill and move our state forward with addressing phosphorus and ensuring clean water: SB 842 (FIN) which would, among other things, provide a substantive investment into the Clean Water Fund for meeting the financial needs of projects across the state; and HB 5800 (ENV) which would increase the grant percentages for phosphorus projects to 50%, from the current 30%.

Clean water is a statewide issue and necessitates a statewide approach.

CCM urges the committee to support this bill

★ ★ ★ ★ ★

If you have any questions, please contact Kachina Walsh-Weaver, State Relations Manager of CCM
via email kwash-weaver@ccm-ct.org or via phone (203) 710-9525

**COMMENTS OF CONNECTICUT MUNICIPAL NUTRIENT GROUP
REGARDING STAKEHOLDER PROCESS UNDER PUBLIC ACT 12-155**

HB 5725

- **GENERAL PROCESS:** We commend DEEP for starting the stakeholder process that was required by the General Assembly in enacting Public Act 12-155. The communities in the Connecticut Municipal Nutrient Group¹ look forward to playing an active role in that process.
- **COLLABORATION:** The process to be followed should be a collaborative one, following the model used in the stream flow discussions. We have provided DEEP with our ideas as to how that process should be structured. (A copy of those recommendations is attached to these comments.) Key elements of that process should include: use of a third-party neutral, an organizational meeting, agreement on the process, informative discussions, and regular meetings.
- **DEFINING THE PROBLEM:** In determining how best to address nutrient issues, the group should start by clearly defining the problem that needs to be addressed - adverse impacts on designated uses of Connecticut waters – and then focus on measures that will actually address the designated use impairments.
- **COSTS:** The group also needs to think carefully about the costs to communities and other regulated parties to implement controls, so that the ratepaying public is not hit with severe burdens and so that other critical municipal services are not impaired. We plan to present information about these issues, so they can be considered by the group.
- **SCIENCE:** It is critical that the process for addressing nutrient issues use the best available science. We are concerned that the methods that DEEP has been using to date have several critical problems, including that they rely on unproven scientific analyses, focus too much on phosphorus as the only causative factor in creating algae growth issues, and do not look at actual biological conditions in the streams. The result of using these methods could be large expenditures of public funds with little, if any, environmental benefit.
- **OTHER METHODS:** We believe that other scientific methods are available, and being used in other States, that are more science-based, more flexible, and more likely to achieve real water quality improvements in a cost-effective manner. We will bring forth information about these other methods, which will be important for the group to consider fully, along with any other options that other stakeholders bring forward.

¹ The members of the Connecticut Municipal Nutrient Group include the communities of Southington, Wallingford, Danbury, Torrington and Meriden. Other communities may join the group as well.

- **COMPLIANCE TIME:** Regardless of the scientific methods that are used, it will be important to ensure that parties who receive new requirements are provided with adequate time in which to comply with those requirements. Compliance schedules should be addressed in the permitting process, rather than becoming an enforcement matter.
- **STUDIES:** Regulated parties, and other stakeholders, need to be provided with an opportunity to conduct studies to demonstrate that particular requirements are either justified or not appropriate. The group should come to agreement on what options will be available for conducting those studies. The group should also determine a process for doing the studies and for DEEP to review the studies in a timely way and make prompt decisions as to how they should be used, subject to legal review.
- **PUBLIC EDUCATION/SUPPORT:** To obtain public support to construct nutrient reduction facilities that may require significant capital expenditures, it is essential that the public be educated as to the environmental need for such projects. By using a collaborative process to ensure that all stakeholders understand and agree with the fundamental approach and methodology used to set long-term nutrient limits, education of the public on the justification for these projects can be accomplished by DEEP and the communities affected by these limits.

Public Act 12-155 (SB-440)**AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS****Proposed Framework for Collaboration**

Public Act 12-155 requires the Department of Energy and Environmental Protection (DEEP) and the chief elected officials or their representatives of Cheshire, Danbury, Meriden, Southington, Wallingford, Waterbury, and any other impacted municipality, to collaboratively evaluate and make recommendations on a statewide strategy to reduce phosphorus loading in inland nontidal waters to comply with EPA standards. The strategy must include:

1. A statewide response to address phosphorous nonpoint source pollution;
2. Approaches for municipalities to use to comply with EPA standards for phosphorous reduction, including guidance for treatment and potential plant upgrades; and
3. The proper scientific methods for measuring current phosphorous levels in inland nontidal waters and making future projections of phosphorous levels in these waters.

In order to achieve these goals, we recommend that the DEEP adopt a framework for collaboration comparable to the model used to successfully negotiate the state's stream flow regulations. This model enabled negotiations on a very complex and controversial subject to move forward in a productive, informative and respectful manner.

This model is also consistent with DEEP Commissioner Daniel Esty's vision for the agency – to promote environmentally sustainable policies that are compatible with economic development and job growth – which allowed stakeholders to find the necessary balance to negotiate stream flow regulations. This approach recognized that government and the regulated community must work together to develop policies that make sense from an environmental standpoint as well as an economic one. We urge DEEP to utilize a collaborative model that would include the following components:

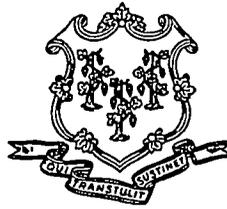
1. **Use of Third Party Neutral:** Utilize a third party neutral to assist the participating parties in identifying areas of common ground, framing areas of agreement and contention and in helping the group reach consensus where possible. Each participating group should also be invited to share their concerns about the other groups' position, motivation and arguments and allow the group to discuss those concerns, providing participants with greater understanding and appreciation for the positions of each participant. This helps develop greater trust among

participating groups that everyone at the table is committed to resolving these issues in a thoughtful manner.

2. **Organizational Meeting to Agree on Procedures and Topics:** Each participating group identifies a limited number of individuals to attend an organizational meeting to discuss and agree upon the ground rules for the discussions (number of participants, format for discussions, etc.) and to identify the topics for discussion. We believe that, in order to succeed in achieving the goals set forth in PA 12-155, these topics must include the following:
 - The range of available scientific approaches with which to evaluate the role of nutrients in stream impairment.
 - The methods to be used to measure the success of phosphorous reduction activities.
 - The establishment of reasonable expectations for determining what level of phosphorous reduction can be attained in a cost-effective manner.
 - The consideration of all contributing sources of phosphorous and the development of a comprehensive plan for addressing these sources in a cost effective and balanced manner.
3. **Agreement on Process:** Ultimately, the group would decide the number of core participants representing each perspective with some groups rotating in an expert participant or two as needed for specific discussions. "Observers" who do not otherwise have a role in the meeting would not be permitted. The group may decide to create subgroups that will conduct focused discussions on specific issues. However, any decisions on those issues would be made by the group as a whole.
4. **Informative Discussions:** Participants would be encouraged to circulate materials or proposals among the group and/or engage in any pre-meeting discussions to help in framing issues, developing options, and giving one another a chance to review and consider proposals before the meeting date.
5. **Regular Meetings:** The group would meet on a regular basis and work through specific issues on a case by case basis and create language that reflects the consensus of the group.

Clearly, a process in which state agencies, lawmakers and interested parties work together in partnership is a powerful tool for developing thoughtful, balanced policies that benefit the environment and make economic sense for our communities.

We believe that a collaborative model such as this is necessary to fully achieve the goals of Public Act 12-155.



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CO-CHAIR
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

MEMBER
ENVIRONMENT COMMITTEE
FINANCE REVENUE AND BONDING COMMITTEE

Testimony of Rep. Mary Mushinsky (85th) in Support of PB 5725, AAC the Statewide Phosphorus Reduction Plan

Before the Planning and Development Committee
Public Hearing February 13, 2013 Room 2B

I support Proposed Bill 5725, An Act Concerning the Statewide Phosphorus Reduction Plan, but caution the Planning and Development Committee to avoid prescribing the specific method and membership of collaboration, and recognize that phosphorus removal is a federal requirement that cannot be waived. The bill is a follow up to last year's phosphorus bill SB 440 which became PA 12-155. The new law included a reference to a collaborative approach to the problem of removing phosphorus from sewage treatment discharges, which is a necessary step to achieve clean water but is expensive for the municipalities.

The goal of phosphorus removal is to remove Connecticut water bodies from the "federally impaired waters" list under the federal Clean Water Act. States are obligated to meet the federal law, and scientists have determined that phosphorus removal will be necessary to fix impaired waters in south central Connecticut and the Danbury area. At present, it is expensive for towns to remove phosphorus to the levels needed to stop algae blooms, which deplete oxygen in waterways as the algae decays. The cost of phosphorus removal is driving the need for further collaboration. I believe this cost will be reduced as advances in technology produce cheaper ways to remove the phosphorus.

Collaboration is helpful to reach a solution for the towns which will achieve clean water results in the most cost-effective manner. But we should not limit the number of

participants in collaboration, for a great many constituencies are affected by water pollution. And the requirement cannot be negotiated away because it comes directly from the federal Clean Water Act. Solutions that achieve clean water and are cost effective will likely involve both technical and financial assistance. In the technical realm, the Town of Cheshire is already using an experimental process that is achieving excellent results at less cost. In the area of financial assistance, last year's law improved the grant for phosphorus removal to 30%. With my colleagues, we have filed a bill this year to increase this grant to 50%, the same as the grant for municipalities with combined sewer overflow pollution problems.

I urge support for continued collaboration, but request the committee avoid limiting who can participate, as many constituencies are affected by polluted water. I also wish the Planning & Development Committee to recognize that the mandate to remove phosphorus is federal and not likely to change, so that collaboration should be recognized as a partnership effort to achieve-- and not avoid--federal law. Finally, I'd like to respectfully thank the co-sponsors for their continued efforts to implement a phosphorus reduction plan.

S - 664

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 13
3813 - 4129**

Thank you, Senator.

Will you remark further on the bill? Remark further on the bill.

Senator Cassano.

SENATOR CASSANO:

Yes. I would -- I would like to comment back to Senator McKinney. I feel as you do. We have a very good blight ordinance. we have a zoning enforcement officer to make sure it works. It makes -- it makes for a better community.

We don't want to go backwards, but if there are ideas that make it better than that's fine. And so I do share those concerns and I think that we'll come out of this with a good product.

Seeing no other hands, I'd ask that this be placed on the Consent Calendar.

THE CHAIR:

Is there objection to place this on the Consent Calendar? Seeing and hearing none, so ordered.

SENATOR CASSANO:

Thank you.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 4, Calendar 514, House Bill number 5725, AN ACT CONCERNING THE STATEWIDE PHOSPHOROUS REDUCTION PLAN. Favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes. Mr. President, I again move acceptance of the Joint Favorable Committee Report, and ask for passage of the bill.

THE CHAIR:

On acceptance of passage, will you remark?

SENATOR CASSANO:

This is as simple a bill as we've had in the committee. We had the bill before us last year, the Statewide Phosphorous Reduction Strategy, involving six communities. It's a substantial environmental issue in the State of Connecticut.

The bill asked that the report date bill extended to October 1st of 2014. They simply cannot get it done by January 1st of 2014.

THE CHAIR:

Thank you, Senator.

Remark further on the bill?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, this phosphorous bill has been lingering around -- lingering around for a long time, and there are a bunch of towns that could be adversely affected. and I think DEEP and the towns have gotten together, and I think with some help from Senator Cassano and our committee, we forced that relationship to get together.

and they're on a good course, and they're trying to balance the cost to the towns versus the cost versus the federal government holding back clean water funds.

So between the two, they had to have some agreement that the towns are going to get to a certain percentage, but -- and they put that in their agreement. But the understanding is the towns and DEEP are going to work to a method to achieve that goal without costing the town's money, or on the alternative, rewrite the contract.

this allows all of us to keep track of it. This allows the process to continue, and therefore we are very supportive of the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President.

I stand in support of this bill, where we're trying to continue the discovery process of the challenges of phosphorous. Danbury is certainly one of the communities that is involved in this process, and we're grateful for that rapport that has developed between the communities mentioned in this bill, and DEEP.

I do, though, want to express some concern that the science of phosphorous is not settled. And I'm hopeful that this report is going to be loud and clear of that fact, that we who don't understand the science frankly don't understand some of the conclusions that have -- that have come forth on phosphorous regulations.

and namely that the requirements are very different in different parts of the country. And so I'm hopeful that this report is going to address that issue, and look forward to continuing the discussion. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Remark further on the bill? Remark further on the bill?

Senator Cassano.

SENATOR CASSANO:

Saying that, I'd ask it be placed on the Consent Calendar.

THE CHAIR:

Seeing and hearing no objections, so ordered.

SENATOR CASSANO:

Thank you, Mr. President.

THE CHAIR:

You're welcome.

Mr. Clerk.

THE CLERK:

On page 5, Calendar 346. Substitute for House Bill Number 6322, AN ACT CONCERNING THE LEGISLATIVE COMMISSIONER'S RECOMMENDATIONS FOR TECHNICAL AND MINOR CHANGES TO THE INSURANCE AND RELATED STATUTES. Favorable report of the Committee on Insurance and Real Estate.

(President in the Chair)

THE CHAIR:

Good afternoon, Senator Crisco.

SENATOR CRISCO:

Thank you, Madam President.

S - 665

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 14
4130 - 4472**

Calendar page 29, Calendar 653, substitute for House Bill Number 6699. And, finally, Madam President, on Calendar page 31, Calendar 664, substitute for House Bill Number 6689.

I would like to add those items to our Consent Calendar and, and now call for a, I would ask the Clerk to list all of the items on the Consent Calendar and then proceed to a vote on that first Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

Today's first Consent Calendar, on page 5, Calendar 341, House Bill 6364; Calendar 343, House Bill 5425; Calendar 346, House Bill 6322; Calendar 347, House Bill 6547; and on page 6, Calendar 349, House Bill 5513; page 9, Calendar 450, Senate Bill 921; on page 13, Calendar 506, House Bill 6491; Calendar 515, House Bill 6235.

On page 14, Calendar 524, House Bill 6380; on page 16, Calendar 559, House Bill 6508; page 17, Calendar 563, House Bill 5617; Calendar 569, House Bill 6485; and on page 19, Calendar 588, House Bill 6549; on page 23, Calendar 614, House Bill 6587; Calendar 616, House Bill 6678; page 25, Calendar 629, House Bill 6662; on page 26, Calendar 633, House Bill 6576; and on page 27, Calendar 640, House Bill 6550; on page 28, Calendar 650, House Bill 6659.

And on Page 29, Calendar 653, House Bill 6699; Calendar 655, House Bill 6339; page 31, Calendar 664, House Bill 6689; Calendar 665, House Bill 6355; page 34, Calendar 201, Senate Bill 911; and on page 40, Calendar 514, House Bill 5725.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the first Consent Calendar. And the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call in the Senate on the first Consent Calendar of the day.

THE CHAIR:

Yeah, thank you. Good. There we go.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the first Consent Calendar,

Total Number Voting 34

Necessary for Adoption 18

Those voting Yea 34

Those voting Nay 0

Those absent and not voting 2

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Senator Looney.