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COMMERCE COMMITTEE PUBLIC HEARING

February 25, 2010

Bill 174 AAC THE STANDARDS OF WATER QUALITY

Dear Chairmen Gary LeBeau, Jeffrey Berger, and Members of the Committee:

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.

Rivers Alliance of Connecticut was founded in 1992 to protect the state's rivers and other waters. All waters form a continuous system. The most basic protection arises through the federal Clean Water Act. This Act is implemented within the state according to a set of water quality standards that must serve to move the state toward the goals of the Act. The Department of Environmental Protection (DEP) is supposed to review the standards every three years. There is a review underway now, and an open public comment period. This review is some seven years late.

Bill No. 174 reflects the language sought by the Connecticut Business and Industry Association (CBIA) in testimony to the Program Review and Investigations Committee on January 26. The bill would require that the adoption process for water quality standards be the same as for a regulation. We completely agree that the state needs reform of the permitting process, especially for complex applications. This bill, however, would move us away from rational reform and put high-quality water resources at risk.

The CBIA testimony focuses on the fact that our state DEP has the right to set rules that are stricter than federal rules, and therefore, CBIA claims, the DEP needs watching in case of undue stringency. But, with respect to the water quality standards, the problem is more that DEP has fallen behind federal requirements than that it is being too strict. It took a private law suit to get the DEP started on the review, and the most controversial issue is whether the new water quality standards will set limits for phosphorus that will be strict enough to meet federal requirements. The EPA is presently suing the state of Florida for inadequate protections against

phosphorus pollution, and the Florida approach is similar to that proposed in Connecticut.

Rivers Alliance opposes developing water quality standards in accordance with the provisions of chapter 54. This change would only embroil the state in a slower process with more opportunity for federal-state disputes and litigation. Connecticut needs to ramp up protection of waters, not invite more degradation. From the dead zones in Long Island Sound, to impaired upland rivers, to contaminated aquifers, we are destroying an extraordinarily valuable economic asset.

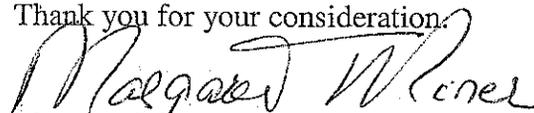
We do not oppose the requirement in the bill that documentation of the need for amendments to the water quality standards be made public in some timely manner. I am assuming that this is a good-faith request and will not lead to time-wasting challenges to prudent protections and well-founded science. The New York Times series "Toxic Waters" indicates that this state cannot afford to be complacent about what's in its drinking water. Again, we need to be doing more not less.

The chief barriers to the successful establishment of new businesses in Connecticut appear to be cost of power, cost of health care, deteriorating transportation infrastructure, and inefficient government in general. The permitting process, bad as it is, cannot properly be blamed for our loss of jobs. Moreover, abandoning our good environmental standards will only make the state less attractive and less healthy.

Finally, we would be happy to assist in genuine reform of the permitting process. But pulling out a piece here and there, and substituting an even more elaborate process for an already elaborate process, will only make matters worse.

Connecticut residents have always wanted high standards for their drinking water and recreational waters. This bill would make that goal more difficult to achieve.

Thank you for your consideration.



Margaret Miner,
Executive Director