March 4, 2011

TO: State of Connecticut
General Assembly Environment Committee

FROM: Keith Cudworth, Executive Director
White Memorial Foundation, Inc.
PO Box 368
Litchfield, CT 06759
860-567-0857

RE: Senate Bill No. 204 March 7, 2011 Public Hearing

Dear Ladies and Gentleman:

I submit this written testimony **in support of Senate Bill No. 204**, in my capacity as the Executive Director of the White Memorial Foundation. We believe our property does not fit the type of property the DEP proposed requirements are designed for and the cost of the requirement to our tenants and to us is burdensome and will not improve the environment.

The White Memorial Foundation is a 4,000 acre not-for-profit wildlife refuge and nature center located in the towns of Litchfield and Morris. The property contains 35 miles of roads and trails and is open to the public free of charge.

In addition to the conservation aspects of the property, White Memorial also has about 120 tenants, spread over our 4,000 acres. Most of these are seasonal cottages located around Bantam Lake. We lease small lots to the tenants, most are about 0.25 acres in size, and the tenants own their cottages. Most tenants have a one year land lease, and by the terms of their lease they cannot live there year round. In actuality, most tenants, 89% of whom are permanent Connecticut residents, primarily use their cottages only on summer weekends. Tenants must abide by all governmental regulations as well as White Memorial's own set of usage rules.

The cottages also are not clustered in one area, like what one would see for a school campus, mobile home park, condominium association, etc., which we believe are the type of properties the new DEP regulations are suppose to address. For example cottages at the north end of the lake are over three quarters of a mile away from the next group of cottages which are one and one-half miles from the cottages at the south end of the lake. Each of these sites is then one to two miles away from other tenant properties or our own buildings.

Prior to the year 2000, water and septic issues on our property were under the jurisdiction of the Department of Health. In 2000 the DEP informed us that they would be the responsible agency. As part of their requirements we contracted with the Torrington Area Health District who performed an onsite survey of each lakeshore lot. They resurvey these areas annually. If violations are found they address them with the tenants.

Since the involvement of the DEP, any tenant wishing to make an improvement on their cottage has to submit an application to the Torrington Area Health District who forwards that

request to the DEP. Each project is looked at on a case by case basis. If the project involves a possible increase in waste water the tenant would have to meet all DEP requirements or the project would not be approved. The biggest hurtle here has been the time it has taken to get a decision from the DEP. We have several tenants who have waited up to three years. Despite the time it has taken to get these approvals, this system has worked well, in that, as long as the tenant's current system is functioning correctly and the tenant doesn't make any improvements to their cottage, they would not incur addition costs. Most of our tenants are of modest means and therefore have kept their cottages and the cottage amenities simple.

We do not feel that the proposed DEP requirements for a General Permit, does much if anything to improve the environment. Its main thrust is to provide basic information that the DEP can approve for an entire property so that when specific projects are proposed they can expedite the approval process. If we are required to complete this permit it will be a costly mandate, and will be of little benefit to the environment or to our tenants. I have been told by one engineer that he wouldn't be surprised if the cost would be upwards of $60,000 to complete the process. Even if we obtain the General Permit each tenant would still have to submit full engineered plans for any proposed project.

In addition, this new DEP proposal is really made for a facility set all in one location and served by one or just a few septic systems and controlled by one entity. Each of our tenants has their own waste water system and these tenants are spread out over our 4,000 acre property. In totality there are over 150 individual waste water systems on the property. This includes the seasonal cottages, camps, year-round tenants and our own buildings.

We feel strongly that the proposed DEP regulations do not fit the situation found on the White Memorial Foundation and the regulations will be a significant burden to White Memorial and to our many tenants and will not result in improving the environment.

Thank you for your time and consideration and if I can provide further information please do not hesitate to contact me.

Respectfully submitted,

Keith Cudworth
Executive Director
White Memorial Foundation