



**Testimony
Elizabeth Gara
Executive Director
Connecticut Water Works Association (CWWA)
Before the Commerce Committee
Public Hearing
March 6, 2012**

The Connecticut Water Works Association (CWWA) supports the intent of HB-5344, An Act Concerning the Streamlining of the State's Stormwater General Permitting Process, but respectfully requests the following concerns to be addressed:

Although stormwater general permits are generally applicable to only a small portion of water utility projects, CWWA is concerned with language in the bill that may be carried over into other general permits that are more routinely applicable to water utility operations. Specifically, CWWA is concerned about the possible interpretation of "financial interest" on lines 17-20 of the bill. Some of the questions of how "financial interest" is defined pertain to whether this precludes an in-house Professional Engineer (PE) from certifying an application or whether "financial interest" would include consulting PEs or professionals that were hired for design of the facility, process, and/or site. The language would preclude water companies from using the firm that is most familiar with the design and thus most qualified to determine and certify that it will comply with the general permit conditions. Retaining another PE to certify the application would not only require paying them to get up to speed on the overall design, etc., but likely would necessitate paying the water company's design firm to assist them.

To address these concerns, we recommend the addition of the following language to amend lines 15-20:

...2) the criteria deemed necessary by the commissioner to establish that the professional qualified pursuant to subdivision (1) of this subsection is independent and does not have a financial interest in the activity that is the subject of the certification, provided reasonable compensation for services rendered in providing a certification shall not be deemed a financial interest, nor shall engaging in activities associated with the development or preparation of such information that is the subject of the certification be considered a financial interest, whether or not the qualified professional is employed by the person seeking coverage under the general permit.

In addition, CWWA has concerns with the provisions authorizing DEEP to audit 10% of all permits as described in lines 53-90. It appears that the bill authorizes audits to be conducted randomly rather than triggered by any issues that would warrant an audit of the work of the qualified professional who provided the initial certification. This is unwarranted and imposes unnecessary costs on applicants who would be responsible for covering the costs of the independent qualified professional hired to conduct the audit as well as staff time, potential project delays, and other out of pocket costs that would be incurred. We therefore recommend the deletion of all language concerning or referencing audits and that, instead, the formidable enforcement language included in the bill be used to discourage any willful noncompliance or abuse of the certification process.

Thank you for the opportunity to comment.