



CCM 2012 Testimony

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ENVIRONMENT COMMITTEE

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The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

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

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

MUNICIPALITIES FACING UNFUNDED MANDATE OF SIZABLE MAGNITUDE

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

Many of the affected municipalities have cited that meaningful reduction levels could be achieved through additional chemical treatment at a fraction of the cost of the plant upgrades – somewhere in the range of \$500,000 per plant.

While we understand, through DEEP, that the overall push for Phosphorus reduction is coming from the US Environmental Protection Agency, particular municipalities are being unfairly burdened with addressing a statewide problem of excessive levels in certain water basins. ***What is not being addressed in the "Strategy" is any statewide effort to reduce Phosphorus non-point source pollution***, thus alleviating the overall pressure on the water pollution control authorities.

A recent meeting was held with Commissioner Esty and other DEEP officials in an attempt to find a workable compromise. At the meeting were officials from Cheshire, Meriden, Southington and Wallingford, along with representatives from Congressman Larson's office and CCM. While DEEP discussed possibly seeking new financing mechanisms and a deferral of costs for the affected municipalities, there was no resolution to the overall problem of this "Strategy", which unfairly burdens certain towns and cities and their residential and business ratepayers and property tax payers.

STATEWIDE REGULATORY APPROACH NEEDED

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

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

- a. Review of the proposed regulation by the Attorney General, in accordance with §4-169, C.G.S., as to legal sufficiency.
- b. Review of the proposed regulation by the standing Legislative Regulation Review Committee, as required by §4-170, C.G.S.
- c. Preparation of “a fiscal note, including an estimate of the cost or of the revenue impact on the state and any municipality,” also required by §4-170, which is to be appended to the submission of the proposed regulation to the Legislative Regulation Review Committee.

INCREASE ACCESS TO CLEAN WATER FUNDING

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



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



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

TABLE 1 SEASONAL PERMIT LOADS and PERFORMANCE LEVELS

Regional Watershed	NPDES	Average Performance Level (mg/L)	Permit Load (pounds / day)
Bantam River Watershed	LITCHFIELD WPCF	2.39	9.97
Blackberry River Watershed	NORFOLK SEWER DISTRICT	Cap	3.45
Blackberry River Watershed	NORTH CANAAN WPCF	Cap	4.29
Factory Brook Watershed	SALISBURY WPCF	0.62	1.97
Farmington River Watershed	PLYMOUTH WPCF	0.5	4.38
Farmington River Watershed	WINSTED WPCF	1.49	17.16
Farmington River Watershed	BRISTOL WPCF	0.1	7.48
Farmington River Watershed	PLAINVILLE WPCF	0.2	3.49
Farmington River Watershed	NEW HARTFORD WPCF*	Cap	10.92
Farmington River Watershed	CANTON WPCF	Cap	24.8
Farmington River Watershed	FARMINGTON WPCF	2	70.11
Farmington River Watershed	SIMSBURY WPCF	2.5	46.95
Fivemile River Watershed	NEW CANAAN WPCF	0.19	1.47
Hockanum River Watershed	VERNON WPCF	0.14	4.56
Hockanum River Watershed	MANCHESTER WATER & SEWER	0.25	13.21
Housatonic River Main Stem Watershed	New Milford WPCF*	Cap	5.76
Limekiln Brook Watershed	DANBURY WPCF	0.1	7.55
Naugatuck River Watershed	TORRINGTON WPCF	0.4	17.29
Naugatuck River Watershed	QUALITY ROLLING AND DEBURRING INC.	0.7	0.53
Naugatuck River Watershed	THOMASTON WPCF	1	7.35

Regional Watershed	NPDES	Average Performance Level (mg/L)	Permit Load (pounds / day)
Naugatuck River Watershed	WATERBURY WPCF	0.2	34.26
Naugatuck River Watershed	NAUGATUCK WPCF	0.4	16.43
Naugatuck River Watershed	BEACON FALLS WPCF	1	2.67
Naugatuck River Watershed	SEYMOUR WPCF	0.7	7.54
Naugatuck River Watershed	ANSONIA WPCF	0.7	11.92
Norwalk River Watershed	RIDGEFIELD MAIN WPCF C/O OMI	0.1	0.52
Norwalk River Watershed	RIDGEFIELD RTE 7 C/O OMI*	1	1
Norwalk River Watershed	REDDING WPCF	Cap	1.08
Pomperaug River Watershed	SOUTHBURY HERITAGE VILLAGE WPCF*	Cap	10.92
Pootatuck River Watershed	NEWTOWN WPCF	Cap	4.01
Quinebaug River Watershed	THOMPSON WPCF	0.7	2.1
Quinebaug River Watershed	PUTNAM WPCF	0.7	8.41
Quinebaug River Watershed	KILLINGLY WPCF	0.7	18.23
Quinebaug River Watershed	PLAINFIELD NORTH WPCF	0.7	3.86
Quinebaug River Watershed	PLAINFIELD WPCF	0.7	2.51
Quinebaug River Watershed	GRISWOLD WPCA	0.7	2.92
Quinnipiac River Watershed	SOUTHINGTON WPCF	0.2	7.53
Quinnipiac River Watershed	CHESHIRE WPCF	0.2	4.06
Quinnipiac River Watershed	MERIDEN WPCF	0.1	8.71
Quinnipiac River Watershed	WALLINGFORD WATER & SEWER	0.2	8.95
Quinnipiac River Watershed	CYTEC INDUSTRIES INC.	0.1	1.49
Shetucket River Watershed	SPRAGUE WPCF	Cap	3.11

Regional Watershed	NPDES	Average Performance Level (mg/L)	Permit Load (pounds / day)
Willimantic River Watershed	STAFFORD WPCA	Cap	8.61
Willimantic River Watershed	UCONN WPCF	Cap	23.76
Willimantic River Watershed	WILLIMANTIC WPCF	Cap	18.63