



CCM 2012 Testimony

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PLANNING & DEVELOPMENT COMMITTEE

March 21, 2012

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.

CCM supports SB 440 "*An Act Authorizing Amounts In The Clean Water Fund To Be Used For Phosphorous Removal*".

This bill would provide increased Clean Water Fund funding for municipal water pollution control projects concerning phosphorous removal. However, **much more needs to be done.**

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.

SIGNIFICANT PROBLEMS WITH DEEP's APPROACH

In addition to the staggering costs for compliance with the proposed limits, collaborative discussions with affected municipalities have identified the following significant problems with the DEEP's approach:

- (1) In the town's opinions, the DEEP has not clearly defined the expected improvement in water quality that would be achieved as a result of their proposed significant reductions in phosphorous discharge.
- (2) The DEEP has indicated that the phosphorous levels for all permits in this 5-year permit cycle are to be considered "interim" and that they may impose stricter limits in a subsequent permitting cycle. The DEEP has indicated that for this reason permitted entities "might be wise to build to the lower concentration limits".
- (3) The permit limits are also expressed in terms of pounds per day; these poundage limits are calculated using the proposed concentration levels multiplied by each plant's current flow rate. For Wallingford's WWTP the current average daily flow rate is 5.36 million gallons per day ("MGD"); the plant's design flow rate is 8.0 MGD. This means that, if Wallingford installed treatment technology that would achieve 0.2 ppm they would be locking in their plant capacity at less than design flows. This would be an untenable no-growth position. In other words, the stated permit limits can be misleading when it comes to their application in actual plant design. Southington has a similar problem in that we are averaging a 4.7 mgd flow and have capacity of 7.4 mgd. This penalizing the Town for having unused capacity.

Given the interim nature of the current limits and the need to build prudently for future demand, the general approach for the Quinnipiac River towns (and presumably for some of the other forty-one entities on the attached list) will be to design to a concentration that reflects full plant capacity. For Southington this would shift the project to the 0.1 ppm removal level. This is the most expensive alternative.

- (4) The DEEP has acknowledged that non-point sources are contributors of phosphorous loading in CT Rivers and streams. However, in its effort to reduce phosphorous loading, the DEEP is choosing to target only the NPDES permit holders and has not developed or promoted a comprehensive program to curtail non-point sources.

STATEWIDE APPROACH NEEDED

Affected towns and cities across Connecticut urge lawmakers to:

- (1) **Assist us in developing and implementing a more workable, cost-effective approach to comply with EPA standards.** Stakeholders are certainly willing to work together to arrive at a workable solution to this issue but, thus far, that has proven difficult. And,
- (2) **Support an increase in the funding level for phosphorous removal project grants to 100% of the cost of the project and the creation of a specific set-aside within the Clean Water Fund sufficient to fund all phosphorous removal projects required pursuant to DEEP-imposed permit limits.**

We would welcome any support your committee can provide us in developing reasonable compliance alternatives and/or providing full grant funding support for phosphorous projects.



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.