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CITY OF MERIDEN

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Testimony
Dennis Waz
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Before the
Planning & Development Committee
February 13, 2013

RE: HB-5725, An Act Concerning a Statewide Phosphorus Reduction Plan

Thank you for the opportunity to comment **in support of HB-5725 which calls for a collaborative model to be used in developing a statewide strategy to comply with EPA Standards to reduce phosphorus loading in inland non-tidal waters.**

Recognizing the enormous compliance costs associated with achieving phosphorus limits set by the State Department of Energy & Environmental Protection (DEEP), the Connecticut General Assembly adopted Public Act 12-155 to create a process to develop cost-effective approaches for reducing phosphorus levels based on updated water quality data and proper scientific methods.

Other viable alternatives to reducing phosphorus should be explored to ensure that residents and businesses are not needlessly subjected to on-going significant increases in sewer bills. It is widely acknowledged that the phosphorus limits are essentially a moving target and that EPA will revisit the limits within a few years or limits may be revised based on additional modeling that DEEP anticipates undertaking. This imposes an unfair and costly burden on the affected Municipalities, such as Meriden.

For example, in 2008 when the City of Meriden was upgrading its wastewater treatment plant, we were advised to upgrade to the 0.7 mg/l phosphorus limit, which we did. Unfortunately, after the upgrade was completed, Meriden Staff, as well as Representatives from other Plants on the Quinnipiac and Naugatuck Rivers, were invited to the DEEP office and advised that the EPA did not accept the DEP program for phosphorus removal and DEEP, therefore, developed a new "interim" strategy for phosphorus removal which lowered Meriden's limit from 0.7 to 0.1 mg/l.

In order to comply with DEEP's proposed discharge limits, which are even more stringent for the City of Meriden than for surrounding Towns, the City will have to invest an additional $13 million to upgrade the Water Pollution Control Facility and would also add approximately $600,000 to the annual operating budget. This places an untenable burden on residents and businesses during a very difficult economic time.

We have been participating in productive negotiations with DEEP relative to the proposed limits in the NPDES Permits and appreciate their time in working with us to address various issues relative to the Permit issuance. We do believe, however, that a collaborative process that involves the affected Municipalities will help ensure that the State works with Municipalities to develop a more workable approach to phosphorus reduction.

In addition, we support language that would increase the reimbursement level for phosphorus reduction projects from 30% to 50% and also ensure that cities like Meriden that have been subject to on-going plant upgrades will be eligible for Clean Water Funds under the point system DEEP utilizes to award grants.

The City of Meriden supports the collaborative model outlined in the attached document to ensure that we can move forward with a meaningful dialogue about how to achieve state-wide compliance with phosphorus reduction goals to improve water quality in the most cost-effective manner possible.

Public Act 12-155 (SB-440)

AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS

Proposed Framework for Collaboration

Public Act 12-155 requires the Department of Energy and Environmental Protection (DEEP) and the chief elected officials or their representatives of Cheshire, Danbury, Meriden, Southington, Wallingford, Waterbury, and any other impacted municipality, to collaboratively evaluate and make recommendations on a statewide strategy to reduce phosphorus loading in inland nontidal waters to comply with EPA standards. The strategy must include:

1. A statewide response to address phosphorous nonpoint source pollution;
2. Approaches for municipalities to use to comply with EPA standards for phosphorous reduction, including guidance for treatment and potential plant upgrades; and
3. The proper scientific methods for measuring current phosphorous levels in inland nontidal waters and making future projections of phosphorous levels in these waters.

In order to achieve these goals, we recommend that the DEEP adopt a framework for collaboration comparable to the model used to successfully negotiate the state's stream flow regulations. This model enabled negotiations on a very complex and controversial subject to move forward in a productive, informative and respectful manner.

This model is also consistent with DEEP Commissioner Daniel Esty's vision for the agency – to promote environmentally sustainable policies that are compatible with economic development and job growth – which allowed stakeholders to find the necessary balance to negotiate stream flow regulations. This approach recognized that government and the regulated community must work together to develop policies that make sense from an environmental standpoint as a well as an economic one. We urge DEEP to utilize a collaborative model that would include the following components:

1. **Use of Third Party Neutral:** Utilize a third party neutral to assist the participating parties in identifying areas of common ground, framing areas of agreement and contention and in helping the group reach consensus where possible. Each participating group should also be invited to share their concerns about the other groups' position, motivation and arguments and allow the group to discuss those concerns, providing participants with greater understanding and appreciation for the positions of each participant. This helps develop greater trust among participating groups that everyone at the table is committed to resolving these issues in a thoughtful manner.

2. **Organizational Meeting to Agree on Procedures and Topics**: Each participating group identifies a limited number of individuals to attend an organizational meeting to discuss and agree upon the ground rules for the discussions (number of participants, format for discussions, etc.) and to identify the topics for discussion. We believe that, in order to succeed in achieving the goals set forth in PA 12-155, these topics must include the following:

- The range of available scientific approaches with which to evaluate the role of nutrients in stream impairment.
- The methods to be used to measure the success of phosphorous reduction activities.
- The establishment of reasonable expectations for determining what level of phosphorous reduction can be attained in a cost-effective manner.
- The consideration of all contributing sources of phosphorous and the development of a comprehensive plan for addressing these sources in a cost effective and balanced manner.

3. **Agreement on Process:** Ultimately, the group would decide the number of core participants representing each perspective with some groups rotating in an expert participant or two as needed for specific discussions. "Observers" who do not otherwise have a role in the meeting would not be permitted.

4. **Informative Discussions:**Participants would be encouraged to circulate materials or proposals among the group and/or engage in any pre-meeting discussions to help in framing issues, developing options, and giving one another a chance to review and consider proposals before the meeting date.

5. **Regular Meetings:** The group would meet on a regular basis and work through specific issues on a case by case basis and create language that reflects the consensus of the group.

Clearly, a process in which state agencies, lawmakers and interested parties work together in partnership is a powerful tool for developing thoughtful, balanced policies that benefit the environment and make economic sense for our communities.

We believe that a collaborative model such as this is necessary to fully achieve the goals of Public Act 12-155.