



**Testimony of Connecticut Fund for the Environment
Before the Environment Committee**

In opposition to HB 5709, An Act Concerning the Department of Energy and Environmental Protection's Authority to Designate Additional Stormwater Sewer Systems Outside of Urban Areas

Submitted by Roger Reynolds
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Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 5,500 members statewide. The mission of CFE, and its bi-state program Save the Sound, is to protect and improve the land, air and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.

Dear Senator Kennedy, Representative Albis, and members of the Environment Committee:

Connecticut Fund for the Environment submits this testimony **in opposition to HB 5709**, An Act Concerning the Department of Energy and Environmental Protection's Authority to Designate Additional Stormwater Sewer Systems Outside of Urban Areas. The bill would prohibit the regulation of polluted stormwater from non-urbanized areas and would lead to increased pollution in Long Island Sound and our rivers, streams and lakes.

Stormwater is the primary driver of water pollution today. Every time it rains, water runs off impervious surfaces such as roofs, driveways, roads, and parking lots, collecting pollutants. This polluted runoff flows through storm sewers into streams, lakes, and tributaries, many of which eventually lead into Long Island Sound. Stormwater has been identified by EPA as contributing to poor surface water quality, including altered flow regime (shoreline erosion and stream channel alteration), the presence of pollutants, and the destruction of healthy populations of fish and other aquatic life. Stormwater pollution leads to waterbodies that cannot adequately sustain fish and other marine life, closed beaches and shellfish beds, and an unhealthy Long Island Sound.

Water quality has always been important to Connecticut—our Clean Water Act pre-dates the federal one. Long Island Sound and our rivers, streams, and lakes are cherished resources that improve our health, our quality of life, our economy, and the legacy we leave for our children. Each generation of the Clean Water Act has been met with fierce resistance and claims that the money we are spending is not worth it. That has been proven wrong time and time again: many of the toxic rivers of the 1970s are now trout fisheries and bald eagle habitat. There is no reason to change course now.

The federal Clean Water Act requires DEEP to issue stormwater permits to municipalities in various instances. The first is if they are located within the boundaries of a Bureau of the Census-defined “urbanized area.” Otherwise, an agency can issue a permit if the agency determines that the municipality’s stormwater causes or has the potential to cause, an adverse impact on water quality.

In an ongoing proceeding, DEEP has determined that stormwater from non-urbanized areas is contributing to polluted water bodies. This means that the stormwater is causing or contributing to the failure of such water bodies to adequately support aquatic life or meet safety standards for swimming or fishing. Accordingly, DEEP has included these non-urbanized municipalities in a permit that requires them to take certain measures that will address this pollution to achieve health and environmental standards.

CFE/Save the Sound as well as organizations representing municipalities have intervened in DEEP’s stormwater permit proceedings that are at issue, and all parties are negotiating to find workable solutions that protect water quality. This bill would derail those negotiations, which are based on the law, water pollution and cost-effectiveness, and completely exempt smaller municipalities from complying with measures to control or contain stormwater. This is poor public policy and contradicts the spirit and letter of the Clean Water Act.

Thus, we urge this committee to protect Long Island Sound and Connecticut’s rivers and lakes and reject this bill. Thank you for this opportunity to speak to this important matter.

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