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To: Connecticut General Assembly, Environment Committee
From: William W. Dickinson, Jr., Mayor, Town of Wallingford
Robert Beaumont, Chair, Public Utilities Commission
Date: February 13, 2015
Re: Testimony – HB-5291, An Act Concerning Reimbursement for Municipal Phosphorous Abatement Projects

Thank you for the opportunity to comment in **support of HB-5291, AN ACT CONCERNING REIMBURSEMENT FOR MUNICIPAL PHOSPHOROUS ABATEMENT PROJECTS.**

The Town of Wallingford and a number of other municipalities are currently faced with enormous compliance burdens associated with DEEP's proposed permit requirements relative to phosphorous discharge limits. For Wallingford, Cheshire, Southington and Meriden, the four towns along the Quinnipiac River, compliance with the proposed permit limits would require a total capital investment of approximately \$58 million, a total increase in plant operating costs of \$1.9 million per year and resultant rate increases that would range from 23% to 40% by town. For Wallingford alone the initial capital cost would be \$19 million with a resulting 32% rate increase.

Recognizing that it would be unfair for residents in these communities to shoulder the burden for meeting statewide environmental goals, Public Act 13-239, as revised by Public Act 14-13, the General Assembly directed that a 50% cost share for these projects be paid out of the Clean Water Fund. However, two restrictions were included in that provision, which have inadvertently resulted in beneficial projects being excluded from 50% funding.

One restriction is that a project is only eligible if it is designed to bring phosphorous levels down to 0.2 milligrams/liter (mg/L) or less. This requirement eliminates the possibility of funding for communities that will have to spend millions of dollars to reduce their discharges to the permitted levels, even though these levels are higher than 0.2 mg/L. In addition, DEEP's interpretation of the 0.2 mg/L requirement has resulted in its denial of funding for a number of communities, including Wallingford, that do have to meet the 0.2 mg/L standard. Given the discriminatory nature of the 0.2 mg/L requirement and its misapplication by DEEP, we believe that the elimination of this restriction is necessary to enable Connecticut communities to receive the funding that PA 14-13 was intended to provide.

The other restriction is that a project is only eligible if the community can begin construction by July 2018. Wallingford's permit and those for a number of other communities do not require construction of any further phosphorous removal projects to

begin until after 2018. As in the case of the permit concentration restriction discussed above, this time limit unfairly and unnecessarily limits the ability of communities to receive much needed funding in support of multi-million dollar investments. For this reason we believe that this time restriction should be removed from the legislation, as called for in HB-5291.

In addition to removing the restrictions on state funding, HB-5291 also includes provisions to ensure that the state moves forward with its phosphorous control program in an effective, scientifically-based and fiscally responsible way. It does this by ensuring that DEEP:

- (1) Implements the recommendations that are being developed by the stakeholder group that was authorized by Public Law 14-13; and
- (2) Undertakes a study of the health of the Quinnipiac River so that all stakeholders can better understand the benefits that accrue from the investments in phosphorous control that have already been made in that area.

Public Act 12-155 directed that DEEP, working with representatives of affected communities, "shall collaboratively evaluate and make recommendations regarding a state-wide strategy to reduce phosphorous loading in inland nontidal waters in order to comply with standards established by the United States Environmental Protection Agency." DEEP and the communities have been working on this effort since that directive took effect, convening a Coordinating Committee and several work groups, and engaging the Connecticut Academy of Science & Engineering (CASE) to do an independent scientific assessment of possible options for addressing phosphorous water quality issues.

CASE has completed its report and the Coordinating Committee and work groups are in the process of finalizing recommendations to submit to the General Assembly. It is critical that these recommendations be acted on by DEEP in a timely way to ensure that the state moves forward with a comprehensive, cost-effective approach to addressing phosphorous water quality issues based on scientific assessment. Accordingly, HB-5291 requires DEEP to report to the relevant legislative committees on its planned actions in response to these reports.

HB-5291 also directs DEEP to undertake a study of the Quinnipiac River watershed, which includes three communities that have received new permits with stringent phosphorous discharge limits, including interim limits, to be achieved right away. Each of those communities has achieved compliance with those interim limits – actually, they have attained levels even better than those limits. However, there has not been any study of the actual water quality benefits resulting from those reductions.

The CASE expert panel has indicated that such a study would be very useful in determining, for an example watershed, what benefits have been obtained through already-taken actions, and what further actions might be effective in bringing waters into compliance with standards. Several agencies, including DEEP, the US Geological

Survey, and the local municipalities, collect data on the Quinnipiac River each year. There is no coordination of those efforts, and no plan to collect the additional data that would yield a useful assessment and conclusions as to the impact of the phosphorous reductions that have already taken place.

With these provisions, HB-5291 will build on Connecticut's efforts to move forward with a statewide strategy to reduce phosphorous and improve water quality that is cost-effective and based on sound science.

William W. Dickinson, Jr.
Mayor, Town of Wallingford

Robert Beaumont
Chair, Public Utilities Commission