



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MARY G. FRITZ
NINETIETH ASSEMBLY DISTRICT

ASSISTANT DEPUTY SPEAKER

LEGISLATIVE OFFICE BUILDING
ROOM 4013
HARTFORD, CT 06106-1591
HOME: (203) 269-1169
CAPITOL: (860) 240-8571
TOLL FREE: (800) 842-8267
FAX: (860) 240-0206
E-MAIL: Mary.Fritz@cga.ct.gov

MEMBER
JUDICIARY COMMITTEE
LEGISLATIVE MANAGEMENT COMMITTEE
PLANNING AND DEVELOPMENT COMMITTEE

Testimony by:
Rep. Mary Fritz – 90th District

HB 5291: An Act Concerning Reimbursement for
Municipal Phosphorous Abatement Projects

February 13, 2015

Senator Kennedy, Representative Albis, Honorable members of the Environment Committee,

For the record, I am State Representative Mary Fritz of the 90th District, serving parts of the towns of Cheshire and Wallingford.

I appear before you today in very strong support for Committee Bill 5291. At the outset, I am very grateful to the Environment Committee for making this proposed bill into a committee bill.

It took over 3 years to get to today. There have been many meetings and many iterations on this phosphorous abatement program.

The meetings included not only DEEP and legislators originally from the Quinnipiac River Basin – Wallingford, Cheshire, and Southington, but also, town officials, and town engineers. At first, it was difficult to make DEEP understand how expensive the costs of phosphorous abatement would be to towns.

There were several bills in the past few years. However, the one which really removed fairness from the re-imbursement for this abatement was PA 14-13. All the rules of the “game” changed.

For example, because Cheshire had started to address the issue by signing a contract they only received 30%. Yet, Southington who chose to do nothing received 50%. To me, this is not how the State of Connecticut should be taking care of business. The playing field must be leveled.

The Committee Bill 5291 (LCO 3178) does this. It eliminates the time certain date of 2018, lines 52-53, which restricted when a town or city could address the problem. It further addresses the problem of the level of phosphorous which is acceptable.

This bill upon passage guarantees that any and all communities which engage in the phosphorous abatement will receive the 50% re-imbusement. For me, the playing field is leveled.

Thank you!

P.S. I'm Sorry I am not with you today! I fell down the stairs getting ready for a wake. I did not break anything! However, I really hurt!

P.P.S. I have also attached a letter from the former Deputy Commissioner of DEEP, Macky McCleary, which was sent to both Mayor Dickinson of Wallingford and Town Manager Michael Milone of Cheshire. This is not how our public officials should be treated.

Again – thank you!



ENERGY & ENVIRONMENTAL PROTECTION

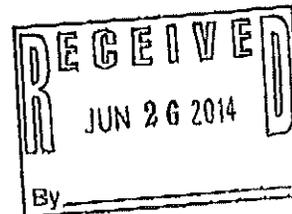
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June 19, 2014



Michael A. Milone, Town Manager
Town of Cheshire
84 South Main Street
Cheshire, CT 06410

Same letter sent Mayor Deakunon

Re: Public Act 14-13

Dear Mr. Milone:

This letter provides an update regarding the recently signed Public Act 14-13 *AN ACT CONCERNING PHOSPHOROUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES.*

You may recall that section 64 of Public Act 13-239 modified Conn. Gen. Stat. § 22a-478(c) to provide three municipalities with additional funding for phosphorus removal projects. Public Act 14-13 modifies subdivision (6) of Conn. Gen. Stat. § 22a-478(c) to provide more municipalities with additional funding for phosphorus removal projects. In particular, subdivision (6) is modified to read:

Any contract entered into by a municipality on or before July 1, 2018, that is eligible for financing as a project undertaken for phosphorus removal to at or below two-tenths milligrams per liter effluent discharge, shall receive (A) a project grant of fifty per cent of the cost of the project associated with such phosphorus removal, (B) except as provided in subdivision (3) of [Conn. Gen. Stat. § 22a-478(c)], a twenty per cent grant for the balance of the cost of the project, and (C) a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible water quality project costs. In providing funding under this subdivision, the commissioner shall give priority, first to projects with the lowest permitted limit of phosphorus discharge as contained in a valid discharge permit issued pursuant to section 22a-430, and then to those that remove the greatest amount of phosphorus, as measured in pounds per year.

NOT valid

By its terms, this provision applies to "projects undertaken for phosphorus removal to at or below two-tenths milligrams per liter effluent discharge." As a preliminary matter, the Department notes that in making an eligibility determination, the level of phosphorus removal specified in the act, at or below 0.2 milligrams per liter, must be present as a limit in a discharge permit, specifically the Monthly Average Daily Effluent Concentration Limit. To conclude otherwise would allow this additional funding for projects that do not meet the level of phosphorus removal required by the statute. The Monthly Average Daily Effluent Concentration Limit was chosen because it is the lowest phosphorus limit contained in each municipal NPDES permit.

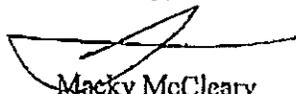
Must average not using average - why?

Since your permit is or would be higher than 0.2 milligrams per liter, funding under Public Act 14-13 is not available to your community.

Denise Ruzicka
of Allen
measured!

Please feel free to call me or Denise Ruzicka at 860-424-3853 if you have any questions regarding this matter.

Sincerely;



Macky McCleary
Deputy Commissioner
Environmental Quality

MM/dr

cc: Tim Pelton, WPCA Chairman
Walter Gancarz, Town Engineer
Dennis Dievert, Superintendent

Sent to
Mayor Hutchinson
as well!