

Frank Smeriglio, PE
Town Engineer
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**TOWN OF TRUMBULL
CONNECTICUT**



Town Hall
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Trumbull, Connecticut 06611
Phone: 203.452.5050
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February 26, 2015

Environmental Committee
State of Connecticut
Submitted via e-mail envtestimony@cga.ct.gov

**RE: CTDEEP Proposed MS4 General Permit
HB 5709 “ An Act Concerning the Department of Energy and Environmental Protection’s
Authority to Designate Additional Stormwater Sewer Systems Outside of Urban Areas”**

Dear Environmental Committee,

This is written in general support of HB 5709. However, we strongly feel that HB 5709 should be revised to address additional concerns regarding the current proposed General Permit for Small Municipal Separate Storm Sewer Systems (MS4).

The current proposed MS4 permit creates many additional unfunded mandates for municipalities and private/commercial owners created unnecessary additional expenses to all.

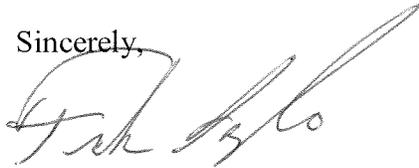
It is our opinion that CT DEEP has not demonstrated why the existing permit is ineffective in reaching the goals of the Clean Water Act by reducing and/or eliminating impaired waters in Connecticut. If various Towns are not compliant with the existing permit, we believe the State DEEP should coordinate with all Towns to assist in becoming compliant – then evaluate why the existing requirements are not effective in reaching the goals rather than revise the permit with numerous unfunded requirements.

The state has not provided analysis that the proposed changes to the MS4 permit will meet the goals of the Clean Water Act and eliminate and/or reduce impaired waters in Connecticut. Many towns are concerned about the COST to implement the revisions. It is our opinion that the State DEEP should evaluate the Statewide additional COSTS to implement the changes and determine if the appropriate additional BENEFITS to meet the Clean Water Act will be achieved.

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Attached is a copy of our letter addressed to Christopher Stone P.E. of CT DEEP dated January 9, 2015 indicating our concerns. If you have any questions, please feel free to contact me at the above number or e-mail address.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Smeriglio". The signature is fluid and cursive, with a large initial "F" and a long, sweeping tail.

Frank Smeriglio, PE.
Town Engineer
Town of Trumbull

Cc: Themis Klarides – House Republican Leader
Ben McGorty – House District 122
Dave Rutigliano – House District 123
Laura Devlin – House District 134
Tim Herbst - First Selectman, Town of Trumbull
John Marsilio – Director of Public Works, Town of Trumbull

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January 9, 2015

Christopher Stone P.E.
79 Elm Street
Hartford, CT 06106
Water Permitting and Enforcement Division
Department of Environmental and Energy Protection
Sent via e-mail: chris.stone@ct.gov

RE: CTDEEP Proposed MS4 General Permit

Dear Mr. Stone,

This is written in regards to the "Draft" Proposed MS4 General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Systems (MS4) and public hearing held on December 17, 2014. It is also our understanding that the overall goal of revising the permit is to reduce and/or eliminate impaired waters in Connecticut.

Based on the review of the draft permit and observations at the public hearing, there are numerous items associated with the "Draft" permit we strongly disagree. The items we disagree with include, but are not limited to the following:

- 1) We concur with the disagreements addressed by all Municipalities at the December 17th public hearing. Majority of the items discussed include, but are not limited to the following items:
 - (a) Cost and impracticality associated with monthly, and/ or quarterly sweeping frequencies for parking lots, roads, event gathering locations, and sidewalks.
 - (b) Cost and impracticality associated with new leaf pick up requirements,
 - (c) Cost and impracticality associated with catch basin cleaning requirements,
 - (d) Cost and impracticality associated water testing,
 - (e) And all other items discussed at the 12/17/14 public hearing not included above.
- 2) We do not agree with the requirements of establishing a Stormwater "Legal Authority". It is our understanding that the purpose of the proposed Legal Authority is to impose requirements on existing development to retain the first ½ inch or 1 inch of rainfall for the entire property when proposed construction activities are proposed for a portion of the property, (where practical). It is also our understanding that the Legal Authority is required to

- inventory, monitor and ensure the performance of pollutant removal efficiency of all stormwater ponds, and stormwater basins for public and private properties. Furthermore, the “Legal Authority” will be assigned the task of issuing potential fines to property owners not in compliant. These requirements on existing properties are impractical for many reasons including, but not limited to the following:
- (a) Many properties are currently developed and attempting to collect the first ½” or 1” of rainfall from overall existing site is impractical due to cost, property topography, existing soil conditions, existing layout of storm infrastructure and/or existing pipe elevations, etc.
 - (b) Attempting to monitor stormwater basins on private properties is impractical without the proper resources, without legal authority to enter the property, and/or would create a legal obligation of the Town to manage private property storm drainage system. Currently, private property owners are required to manage their infrastructure.
- 3) It is our opinion that CT DEEP has not demonstrated why the existing permit is ineffective in reaching the goals of the Clean Water Act in reducing and/or eliminating impaired waters in Connecticut. If various Towns are not compliant with the existing permit, we believe the State DEEP should coordinate with all Towns to assist in becoming compliant – then evaluate why the existing requirements are not effective in reaching the goals rather than revise the permit with numerous un-funded requirements.
- 4) The Towns have provided the State DEEP with water testing results on a yearly basis as part of existing requirements. Did the State DEEP evaluate those results and compare locations of impaired waters with water test results to determine appropriate revisions to the MS4 permit?
- 5) The state has not provided analysis that the proposed changes to the MS4 permit will meet the goals of the Clean Water Act and eliminate and/or reduce impaired waters in Connecticut. Many towns spoke regarding the **COST** to implement the revisions. It is our opinion that the State DEEP should evaluate the Statewide **COST** to implement the changes and determine if the appropriate **BENEFIT** to meet the Clean Water Act will be achieved.
- 6) It shall be noted that timing of the effective date for the new permit is critical. Towns budgets are based on fiscal year starting July 1st. The budget process for any given fiscal year begins in December. Therefore, we are requesting that the proposed permit is given to the Towns by December of a given year with an effective date of July 1st of the following year.

Christopher Stone, P.E.
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The above items constitute our preliminary list of items we disagree with. It is our opinion that Towns will not have the resources to comply with many of the un-funded mandates. Many requirements will undoubtedly go unaddressed.

It is our understanding that the existing MS4 permit will be extended until January 2016 to allow for coordination with stakeholder groups regarding statewide comments prior to updating the new permit. It is our opinion that the State should consider having additional work-shops with the local towns. These work-shops should occur in order for the Small Towns to provide assistance in reviewing the current water quality results, evaluate current requirements and assist with potentially different ideas for the new permit.

If you have any questions, please do not hesitate to call.

Sincerely,



Frank Smeriglio, PE.
Town Engineer
Town of Trumbull

Cc: Themis Klarides – Deputy Minor Leader
Ben McGorty – House District 122
Dave Rutigliano – House District 123
Laura Devlin – House District 134
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