



TOWN OF WATERTOWN

CONNECTICUT

06795

Town of Watertown
Public Works Department
61 Echo Lake Road
Watertown, CT 06795
(860) 945-5240
Fax (860) 945-2707
www.watertownct.org

RE: 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 Sirs,

My name is Roy E. Cavanaugh, P.E., and I am currently the Director of Public Works for the town of Watertown. I am here to support *HB 5709, AN ACT CONCERNING THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION'S AUTHORITY TO DESIGNATE ADDITIONAL STORMWATER SEWER SYSTEMS OUTSIDE OF URBAN AREAS.*

My concern is that this bill does not go far enough to prevent another onerous unfunded mandate from being placed on the towns in Connecticut. I would request that you broaden the act to state that:

“On and after the effective date of this section, the Commissioner of Energy and Environmental Protection shall not require any municipality to comply with the requirements of a permit issued pursuant to section 22a-430 or 22a-430b of the general statutes for the discharge of stormwater that is not otherwise prescribed by federal law.”

There are several reasons for this. First, it would be very costly for the town of Watertown to comply with the other additional requirements of this permit. According to the CT DEEP's own statements, they have no idea how much it would cost to implement the measures required. They are unable to provide any idea of the potential cost benefits to the environment that compliance would bring. In short, they have no idea of the cost effectiveness of this program.

Secondly, again according their own statements, there is less than 25% compliance with the existing program. Broadening the scope of the existing problem can only make this compliance issue greater. It is common practice in the military and police not to issue orders that you know will not be obeyed. Why would you expand a program that has a demonstrated history of non-compliance? This does not make sense.

Third, to the best of my knowledge they have not done anything with the data and programs that we have been providing them, at no small expense, over the last ten years.

Fourth, there is a requirement to “Establish legal authority to require or allow LID practices in land use regulations or construction requirements. Within 4 years.” Some towns, Bethlehem for example, do not have zoning. It seems to me that this DEEP requirement would require these towns to adopt zoning. Is this the intent of the legislature?

On a broader note, I am concerned about the delegation of this type of authority to unelected bureaucrats under section 22a-430 or 22a-430b of the general statutes. It seems to me that this delegation is overly broad and that the proposed MS4 permit program is a textbook case of the type of costly programs with very little demonstrated benefit that could occur.

There is no requirement that the programs and/or general permits be analyzed for cost, benefits or effectiveness. I would request that this issue be revisited again to place limits on the ability of state bureaucrats to unilaterally implement this type of costly, unfunded mandate on the citizens of Connecticut without proper oversight by the duly elected officials at the state and local level. Perhaps this could be done by limiting the proposed cost of such regulations or the provision of a rigorous evaluation of the cost/benefit ratio that could be open to legislative review and oversight or such other mechanism as you come up with to strike the proper balance.

Thank you.

A handwritten signature in cursive script, reading "Roy E. Cavanaugh". The signature is written in black ink and is positioned above the typed name.

Roy E. Cavanaugh, P.E.