Bill No.: SB-1060
Title: AN ACT CONCERNING THE REGULATION OF STORMWATER.
Vote Date: 3/25/2019
Vote Action: Joint Favorable
PH Date: 3/18/2019
File No.: 639

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SPONSORS OF BILL:
Environment Committee
Rep. David Michel, 146th Dist.

REASONS FOR BILL:
In 1999, the U.S. Environmental Protection Agency (EPA) implemented Stormwater Phase II, expanding the controls on the unregulated sources of stormwater discharges as established in Stormwater Phase I – on populations greater than 100,000, by requiring operators of municipal separate sewer systems (MS4) with populations less than 100,000 to implement programs and practices to control polluted stormwater runoff. The EPA’s Stormwater Rule is an effort to reduce adverse impact to water quality and aquatic habitat.

As a result, states were required to create and implement a general permit for municipalities to clean stormwater entering a storm sewer system before such stormwater enters a waterbody. In Connecticut, this falls under the purview of the Connecticut Department of Energy and Environmental Protection (DEEP).

While environmental advocates have expressed continuing concerns over polluted stormwater runoffs and advocate for strengthening the MS4 general permit, municipalities have expressed concerns over the cost of compliance with the MS4 general permit and seek to limit stormwater requirements to only such requirements as required by federal law. The bill requires DEEP to submit recommendations to the General Assembly’s Environment Committee in regards to (1) any revisions to the state’s MS4 requirements for municipalities, (2) methods for reducing burdens to municipalities, (3) best practices for municipalities in regards to effective management of stormwater, regardless if such practices are required by
the MS4 general permit, and (4) the establishment of funding sources for municipalities to employ such best practices and meet the requirements of the MS4 general permit.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie S. Dykes, Commissioner, Connecticut Department of Energy & Environmental Protection (DEEP): Opposes the bill. The measures proposed in the bill are largely being met with the programs already developed to assist municipalities. Connecticut’s municipal stormwater permit (MS4) was most recently revised on July 1, 2017 with significant input from municipalities. The permit revision process involved representatives from individual towns, the Council of Small Towns, the Connecticut Conference of Municipalities, and Connecticut Fund for the Environment. To address concerns raised by municipalities, DEEP has partnered up with the Non-point Education for Municipal Officials (NEMO) program at the University of Connecticut’s Center for Land Use Education Research. This five year agreement includes a full-time Municipal Stormwater Educator who is available to all municipalities to provide guidance and assistance in meeting the requirements of the MS4 permit. Additionally, other methods of cost savings is through a municipal development of stormwater utility authorities, as authorized through a pilot study (PA 7-154), or through the development of a stormwater collaborative or coalition.

NATURE AND SOURCES OF SUPPORT:

Betsy Gara, Executive Director, Connecticut Council of Small Towns (COST): Although the DEEP’s partnership with NEMO has done a great job in providing webinars, developing tools, and assisting municipalities in compliance, towns are still struggling to comply with MS4 requirements. For instance, municipalities are required to (1) develop illicit Discharge Detection and Elimination programs, (2) develop employee stormwater management training programs, (3) implement a program to disconnect Direct Connected Impervious Areas by 1% annually, (4) map all MS4 outfalls, and (5) adhere to various reporting requirements. While COST and the Connecticut Conference of Municipalities negotiated changes to the MS4 general permit, compliance is extremely time and resource intensive.

Donna Hamzy Carroccia, Advocacy Manager, Connecticut Conference of Municipalities (CCM): The state’s stormwater management mandate needs to be revisited. Over 100 municipalities in Connecticut have been mandated to create, maintain, and report on local stormwater programs. Since implementation, these regulations have cost towns and cities considerable amounts of money.

NATURE AND SOURCES OF OPPOSITION:

None Submitted.

Reported by Pamela Bianca / Ussawin R. Bumpen Date: 4/15/2019