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900 CHAPEL STREET, 9th FLOOR, NEW HAVEN, CT 06510-2807 PHONE (203) 498-3000 FAX (203) 562-6314

Significant Unfunded State Mandates Remain in DEEP's Revised Draft MS4 Permit

The Department of Energy and Environmental Protection (DEEP) released [proposed changes to the Draft General Municipal Small Separate Storm Sewer System Permit \(MS4\)](#) on January 26, 2015, in response to concerns raised by municipal officials.

While the revised draft would reduce some of the expanded requirements originally contained in the draft permit — the proposal still contains costly unfunded state mandates. **It still goes beyond what is required by the Environmental Protection Agency (EPA).**

Favorable proposed revisions include (a) elimination of requirement for a third party engineer to certify a Stormwater Management Plan, (b) reduction of street sweeping and catch basin cleaning requirements, and (c) elimination of in-stream monitoring requirements.

Although these proposed revisions are a positive step, **several serious issues remain.** Among other things, the revised draft would still:

- **Subject an additional 49 towns to aspects of the MS4 mandate** — although not required by EPA;
- **Require that municipalities develop and implement changes to:**
 - * **Local zoning laws** — including plans of conservation and development.
 - * **Establish legal authority and ordinances to enforce requirements** of the permit.

Towns and cities are committed to the goal of a cleaner and safer environment. Of concern are whether the proposed permit is the most practical means — and whether the over-burdened and onerous property tax is the vehicle to fund a state and Northeast region situation.

CCM continues to call on DEEP to:

- ⇒ **Conduct a comprehensive cost-benefit analysis** of the proposed changes.
- ⇒ Hold a **public hearing** for local officials to comment on the revised permit.
- ⇒ Ensure that the **proposed permit does not exceed EPA guidelines.**
- ⇒ Address **DEEP's capacity to administer and certify plans** from 169 communities, and provide the intensive assistance needed to meet the proposed increased requirements.
- ⇒ **Require the State DOT to adhere to requirements proposed for towns under the permit.**
- ⇒ **Ensure proper Legislative oversight** on a matter with such large fiscal implications.

If you have questions, please contact Randy Collins of CCM at rcollins@ccm-ct.org or (860) 707-6446.