



# CCM 2014 Testimony

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

Your source for local government management information [www.ccm-ct.org](http://www.ccm-ct.org)

## ***DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION***

December 17, 2014

### **GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM SMALL MUNICIPAL SEPARATE SEWER SYSTEMS**

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities. The 155 member municipalities of CCM contain approximately 93 percent of the state's population.

CCM strongly opposes the draft MS4 permit, as drafted as it would impose a costly unfunded state mandate.

There are over 1,200 state mandates imposed on towns and cities. The vast majority are unfunded, the proposed permit would be another one- a huge one.

The MS4 General Permit, as proposed by DEEP, would impose more than \$100 million in new and unfunded state mandates on municipalities and their residential and business property taxpayers. These mandates would impose significant expenses that Connecticut's municipalities would be hard pressed to meet and, if approved, would likely result in raising taxes, reducing other key services or result in employee layoffs.

The proposed permit goes well beyond the recommended EPA guidelines, and significantly expands the number and scope of requirements for compliance with the MS4 permit, and creates a two-tier system that will require every town and city in the state to register and meet the requirements of the MS4 permit, and mandates requirements for catch basin cleaning and street sweeping schedules. The permit adds 16 additional requirements and adds 26 additional reporting requirements to be included in the Annual Report.

Municipal officials have raised numerous concerns with the draft MS4 permit. They include but are not limited to:

- The **increased frequency of required road sweeping by towns and cities**. The proposed schedule would require that (1) main roads, arteries to the main roads, commercial/business district roads and municipal parking lots be swept monthly from April through October, (2) commercial and business district sidewalks must be swept quarterly, (3) residential streets and roads and all other streets must be swept annually and, (4) event gathering places must be swept within 48 hours of the event, or within 24 hours of the event if rain is forecast. Compliance with this requirement would dramatically increase municipal costs by more than \$7.2 million to cover the required increase in labor and needed capital equipment.

- **Local zoning authority is delegated from the state to each municipality by statute or special act.** The Department cannot usurp the zoning authority of towns by imposing zoning requirements through the proposed special permit or by convert various guidance manuals into regulations through the permit process. The cost of changing and adopting new required zoning regulations and plans of conservation and development would exceed \$1.7 million.
- **Additional sampling and testing of dry and wet weather stormfall monitoring.** This would require increased municipal resources or the hiring of an outside vendor, and result in increased laboratory costs required to analyze the samples, totaling more than \$910,000.
- The proposed permit would result in **increased municipal costs to meet the Public Outreach and Education requirements**, as well as the more than \$556,000 costs associated with increasing Public Involvement and Participation. These costs would increase due to state-mandated Freedom of Information Act (FOIA) requirements regarding the noticing of meetings and publication of the Stormwater Management Plan and Annual Report.
- Municipal officials have concerns with the **costs associated with the expansion and implementation of Illicit Discharge Detection and Elimination (IDDE) ordinance**, the requirement to track and locate the source of illicit discharges, and the implementation of program to prevent future IDDEs.

While the effects would be felt in every town, here are examples of the financial impacts on some of sample small, medium, and larger municipalities:

- Norwalk (pop. 85,603) - \$3.57 million in total costs, including \$400,000 for road sweeping and \$3 million for catch basin cleaning.
- Greenwich (pop. 61,171) -\$5.1 million in total costs, including \$1.6 million for road sweeping, \$1.1 million for catch basin cleaning and \$1.25 million for snow management.
- Bristol (pop. 60,477) - \$882,000 in total costs, including \$660,000 for catch basin cleaning and \$100,000 for legal authority to prohibit and investigate.
- East Hartford (pop. 48,571) - \$1.9 million in total costs, including \$640,000 for road sweeping and \$1.2 million for catch basin cleaning.
- New Milford (pop. 28,338) - \$2.2 million in total costs, including \$1.5 million for catch basin cleaning, \$200,000 for road sweeping and \$350,000 for leaf collection and disposal.
- East Lyme (pop. 19,022) -\$122,000 in total costs, including \$62,500 for road sweeping and \$47, 000 for catch basin cleaning.
- Killingly (pop. 17,826) - \$467,000 in total costs, including \$208,000 for snow management, \$64,000 for road sweeping and \$40,000 for leaf collection and disposal.
- Ledyard (pop. 15,078) - \$160,000 in total costs, including \$30,000 for road sweeping, \$45,000 for catch basin cleaning and \$40,000 for stormfall monitoring.

- Haddam (pop. 7,885) - \$294,000 in total costs, including \$180,000 for road sweeping, \$50,000 for leaf collection and \$30,000 for snow management.
- Barkhamsted (pop. 3,662) - \$644,000 in total costs, including \$400,000 for road sweeping and \$100,000 for snow management.
- Franklin (pop. 1,899) - \$39,750 in total costs, including for \$10,000 for changes to local zoning ordinances, \$20,000 for public outreach and education and \$6,000 for catch basin cleaning.

The current MS4 Permit which was issued in 2004 and reauthorized in 2009. It currently has a compliance rate of less than 25%. Many municipalities have submitted statements that reports, water samples, etc. submitted to DEEP receive no response. Given that fact it would seem illogical to expand the scope and requirements of the current permit and that efforts instead should be taken to bring towns and cities currently under the permit into compliance before expanding the program.

CCM and member towns also question the exclusion of the State Department of Transportation from the requirements of the proposed permit. As many of the expanded aspects of the permit deal with street sweeping, snow management, and catch basin cleaning, how can an agency that maintains more 4,000 miles of roads throughout every town and city not be held to the same standards as our local communities? This permit as proposed would cover other state agencies and facilities, universities and Federal institutions and for this permit to be effective as written, DOT should be compliant as well.

CCM and its member municipalities requests that any provisions contained within the proposed MS4 permit that go beyond the mandated Federal EPA requirements such as the creation of a Tier II permit for 49 towns not covered by the Tier I permit, be removed from the proposed permit in order to reduce the fiscal impact of the MS4 permit to towns and cities. Or, the State should reimburse towns for such additional costs.

DEEP should conduct a comprehensive cost-benefit analysis of the requirements and costs within the proposed permit, to ensure that any increased costs result in measurable improvements to the environment and at reasonable costs to local taxpayers.

Furthermore, CCM requests that DEEP establish a collaborative process to fully vet the issues and costs associated with stormwater management - identifying and agreeing on the best scientific approach, viable options for compliance, timeframe for compliance, etc. A cooperative process between the State and municipalities would lead to an effective and cost efficient process for managing stormwater and ensuring the continued health of local and state water bodies.

Due to the increased requirements and unfunded mandates contained within the draft MS4 permit, CCM urges the Department of Energy and Environmental Protection to not approve the proposed draft General Permit for the Discharge of Stormwater from Small Municipal Separate Sewer Systems as currently drafted.

CCM looks forward to working with DEEP, on behalf of Connecticut's property taxpayers, toward a resolution that balances the needs of the environment and the demands -- both administrative and financial -- placed on municipalities and their residential and business property taxpayers.



If you have any questions, please contact Randy Collins, Senior Legislative Associate for CCM, at [rcollins@ccm-ct.org](mailto:rcollins@ccm-ct.org) or (860) 707-6446.