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Municipal Management Bulletin

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Serious Issues Remain After DEEP Signals Possible Changes To Proposed MS4 Stormwater Permit *NEW AND EXPANDED UNFUNDED MANDATES REMAIN*

Connecticut's Department of Energy and Environmental Protection (DEEP) has announced it will release a revised version of the proposed MS4 permit by January 26, based on concerns voiced by municipal officials regarding the cost and effectiveness of the proposed permit.

DEEP has indicated their intention to alter the following aspects of the proposed permit:

- Expanded frequency of street sweeping
- Mandated annual cleaning of all catch basins
- Leaf "collection" requirements
- Water quality monitoring of storm water discharges

While CCM is encouraged that DEEP appears to be moving away from portions of the onerous and costly unfunded administrative mandate (CCM estimates the cost of the current proposal to be \$100 million statewide) — many serious and extremely costly issues remain.

The revised version would still go well beyond what is required by EPA, including (1) the creation of a two-tier classification system that would include towns not in "urbanized areas" — this expands the current requirement to include an additional 49 towns, (2) mandating towns and cities adopt new zoning regulations, enforcement ordinances, and (3) expanded road maintenance requirements — *requirements that the State Department of Transportation is not being asked to meet*. Beyond those issues, there's a lack of clarity regarding what certain terms bandied about by DEEP may mean, such as "leaf management" requirements versus "leaf collection" requirements.

Several state legislators have gotten the impression that municipal concerns have been addressed, that towns and cities are on board with DEEP's proposed revisions (again, no actual language has been made public). Please let your state legislators and local media know that is not true. **DEEP is still proposing a huge mandate — one that goes well beyond what EPA requires.**

CCM will continue to work with DEEP to ensure that the proposed MS4 permit does not impose any mandates beyond those required by EPA, and that any provisions within the permit are adequately funded and do not place additional burdens on property taxpayers.

Concurrently, we are proposing a bill to ensure legislative oversight regarding changes to the MS4 permit.

CCM will release DEEP's revisions to the proposed MS4 permit as soon as they become available.

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