

**Hearing Report
May 23, 2018**

**Clean Water Fund
Financial Assistance Program
Municipal Water Pollution Control
State Fiscal Years
2018 - 2019**

Hearing Officer:

**George V. Hicks
Bureau of Water Protection & Land Reuse
Municipal Wastewater Section**

Hearing Date:

May 3, 2018

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I. Introduction

The award of financial assistance from the Clean Water Fund (CWF) to municipalities for wastewater infrastructure is governed by Sections 22a-475 through 22a-483 of the Connecticut General Statutes (CGS); and Sections 22a-482-1 through 4 of the Regulations of Connecticut State Agencies (RCSA), otherwise known as “the CWF regulations”. In accordance with the CWF regulations, the Department of Energy and Environmental Protection (DEEP or the Department) shall prepare an ordered priority listing of projects for which funding assistance is available for each fiscal year. Since the State of Connecticut adopts a biennial budget, the Department is adopting a biennial priority list for fiscal year 2018 (July 1, 2017 – June 30, 2018) and fiscal year 2019 (July 1, 2018 – June 30, 2019) based upon previous fiscal year authorizations and the 2018 and 2019 capital budget authorizations.

II. Administrative Requirements

On August 4, 2017, a call for project requests (Exhibit 1) for fiscal year 2018 (FY18) and FY19 was distributed through DEEP’s Municipal Wastewater Listserv.

In conformance with the federal regulations governing the capitalization grant that the Department receives from the Environmental Protection Agency and Section 22a-482-1(c)(4) of the RCSA, the Department issued a notice of public hearing on March 26, 2018 (Exhibit 2).

Deputy Commissioner Robert Kaliszewski appointed George Hicks as the hearing examiner for the CWF Priority List public hearing (Exhibit 3).

The Department distributed the public notice (Exhibit 2) and the draft Priority List (Exhibit 4) through DEEP’s Municipal Wastewater Listserv (Exhibit 5) on March 28, 2018. In addition, the Department listed the Priority List public hearing in its Calendar of Events.

The public notice appeared in the following Connecticut regional newspapers on March 29, 2018 (Exhibit 6):

- Connecticut Post
- Hartford Courant
- New Haven Register
- New London Day
- Waterbury Republican
- Willimantic Chronicle

A public hearing was conducted on May 3, 2018 in the Gina McCarthy Auditorium of the Department’s Headquarters at 79 Elm Street, Hartford, Connecticut. The hearing was convened at 9:36 am and was concluded at 9:55 am. Approximately twenty people (including Department staff) attended the hearing, and five individuals from the public testified.

The public comment period closed at 4:30 pm on May 4, 2018. During the public comment period, six letters were received (Exhibits 7 – 12).

Following the public hearing, the hearing examiner considered all written comments received in response to the notice of public hearing as well as written and verbal comments during the public hearing and has prepared this hearing report.

III. Specific Project Comments and Responses

Utility Contractors Association of Connecticut (UCAC)

Comment: The UCAC expressed their strong support and appreciation for the draft FY18/FY19 Clean Water Fund Priority List and the specific wastewater and pollution control projects that DEEP plans to fund in the next two years (Exhibit 7).

Response: We appreciate the support of the UCAC.

Recommendation: No change recommended.

The Metropolitan District (MDC)

Comment: MDC 1) requested clarification of the project funding limits identified on page 10 of the Priority List in Section 3c, and 2) that more project detail be added to Table 1 for their infiltration and inflow projects (Exhibit 8).

Response: The Department agrees that the draft language on page 10 is unclear. In addition, more project detail could be added to Table 1.

Recommendation: The text on page 10 has been modified to add “These project funding limits apply to each of the funding reserves below”. In addition, project detail has been added to Table 1 for the infiltration and inflow projects.

Rachel Lowenthal, Water Quality Campaign Manager, The Nature Conservancy

Comment: The Nature Conservancy’s Connecticut Chapter submitted a letter (Exhibit 9) which thanked the Department for the opportunity to comment and also applauded the efforts of the agency in implementing the Clean Water Fund (CWF) program. They also indicated that the State of Connecticut has surpassed the point source reductions for the 2000 Total Maximum Daily Load (TMDL) for Long Island Sound (LIS) and also commended the continued upgrades to treatment plants and investments in infrastructure to address combined sewer overflows. Lastly, The Nature Conservancy made the following comments and recommendations:

- Criteria for achievement of 10% Nonpoint Source (NPS) TMDL by promoting and tracking fertilizer and onsite wastewater nitrogen reductions.
- CWF allocations to prioritize pollution reduction initiatives in the eight embayment watersheds identified for nitrogen planning.
- Encourage attainment of the existing 10% NPS LIS nitrogen TMDL and support for the State’s Second-Generation nitrogen pollution strategy.

- Include eligibility for fertilizer management approaches and alternative decentralized wastewater planning, as well as the design, construction, and monitoring of passive nitrogen reduction technology.
- Investments in pilot testing and developing oversight and management protocols for advanced onsite wastewater technologies.
- Assistance to any public, private, or nonprofit entity for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage.
- Ensure that CWF reserves support planning, design, and construction of small community projects.
- National estuary program project assistance to any public, private, or nonprofit entity for the development and implementation of a conservation and management plan under Clean Water Act section 320.
- Update Priority List rating criteria to include decentralized wastewater treatment projects that reduce nitrogen and alleviate community pollution problems.

Response: The 2000 TMDL analysis for LIS identified the following four sources of nitrogen for removal: water pollution control facilities (WPCFs) in Connecticut, WPCFs in the upstream states, 10% nonpoint nitrogen source reduction, and atmospheric deposition. The CWF program only has regulatory authority to address nitrogen discharges from point sources like WPCFs and nonpoint sources from substandard septic systems. At this time, nearly all of the work to remove nitrogen from WPCFs in Connecticut has been completed.

DEEP's Second Generation Nitrogen Reduction Strategy calls for additional nitrogen reductions at approximately six WPCFs that have not been upgraded to remove nitrogen, continues sewer plans and decentralize projects at coastal communities, and commits DEEP to evaluate the performance of onsite wastewater treatment systems to remove nitrogen. The objectives of the Second Generation Nitrogen Strategy are complimentary to the priorities set forth in the CWF program.

Section 7-247 of the Connecticut General Statutes gives a municipal Water Pollution Control Authority (WPCA) the ability to form a Decentralized Wastewater Management District (DWMD). To date, the only municipality that has created a DWMD is Old Saybrook and the CWF continues to provide funding to upgrade substandard septic systems in their DWMD.

When a WPCA creates a DWMD, a wide range of wastewater treatment technologies can be considered in addressing community pollution problems caused by substandard septic systems. The town can propose individual septic system upgrades in accordance with the State of Connecticut, Department of Public Health's *On-site Sewage Disposal Regulations and Technical Standards for Subsurface Sewage Disposal Systems* and they can also consider more advanced wastewater treatment technology to meet the environmental and public health needs of the project area.

The FY18 and FY19 Priority List continues to financially support small community projects to reduce nonpoint nitrogen loads from substandard septic systems along LIS. For instance, FY19 earmarks \$22M for the construction of sanitary sewers in three beach

communities in Old Lyme with substandard septic systems. In addition, the Priority List has \$17M for planning and design available to towns on a first come, first served basis.

The CWF provides financial assistance only to municipalities or entities with municipal powers for water pollution control projects. The CWF does not have the authority to provide funding to private or nonprofit entities.

The CWF priority point ranking system does not need to be changed in order to fund DWMD projects. In FY15, Old Saybrook had sufficient priority points under the current system to be funded based upon their point ranking. Should a future DWMD project not have sufficient priority points to make the fundable list, then the project will likely qualify on the Priority List in Section 3b "Set-asides and Reserves" under the "Reserve for Construction of Small Community Projects". Since the CWF has been able to financially support the DWMD projects in Old Saybrook, DEEP does not see a need to change the priority point ranking system at this time.

Recommendation: No change recommended.

Town of Vernon

Comment: Vernon requested (Exhibit 10) to increase the priority points in Category III.A.1 under "*project will improve recreational fisheries*" and in Category III.C.1 under "*project will enhance existing swimming opportunities*". Vernon also requested to increase the project cost from \$85M to \$94.5M.

Response: The treatment plant upgrade will not likely improve recreational fisheries, therefore, additional priority points under Category III.A.1 will not be awarded.

A Total Maximum Daily Load (TMDL) analysis was completed for phosphorus loading to the Hockanum River. The basis of the TMDL was impact to aquatic life versus recreational use. Despite the fact that trout are stocked in the Hockanum River downstream of the treatment plant, the largest stressor for trout in this location is more related to stream temperature than to the phosphorus concentration in the river. The area that will likely receive the largest improvement in water quality from the reduction in phosphorus is in Union Pond. Although Union Pond is not currently being stocked with trout, it is not uncommon for DEEP to successfully stock trout in areas that have algal blooms caused by phosphorus loading.

The Priority List point ranking system applies priority points in a uniform manner for all treatment plant upgrades that remove phosphorus. All phosphorus removal projects are awarded points in the following areas: attainment of state water quality standards based upon the size of the impacted water resource (range of 5 to 15 points), enable waterbody to meet minimum dissolved oxygen standards (8 points), reduce eutrophication of a lake or impoundment (6 points), and population served by the project (range of 2 to 12 points). No treatment plant upgrade projects in Connecticut received points for improving recreational fisheries despite the fact that fish are stocked in watercourses that also receive the discharge of treatment plant effluent. In order to equitably award points for projects that improve recreational fisheries, DEEP would need to establish a methodology to assess the

project's impact on recreational fisheries and the burden of proof would lie with the town. In summary, the Department is not convinced that this project will improve recreational fisheries, and in order to remain consistent with the manner in which points for phosphorus removal projects are awarded, no additional points will be awarded under Category III.A.1.

The treatment plant upgrade will not enhance existing swimming opportunities in the Hockanum River, therefore, additional priority points under Category III.C.1 will not be awarded.

Recreational swimming opportunities are evaluated based upon the bacteria levels of the waterbody. A TMDL analysis was completed by DEEP for indicator bacteria in the Hockanum River and Charters Brook Sub-Regional Basins. These waterbodies were included on the *CT Impaired Waters List* due to exceedances of the indicator bacteria criteria contained within the State *Water Quality Standards*. Potential sources of indicator bacteria include point and nonpoint sources, such as stormwater runoff, pet waste (dogs), natural sources (wildlife), agriculture, and illicit discharges. The existing treatment plant already disinfects the treated wastewater, therefore, it currently is not contributing to high bacteria levels in the Hockanum River. In addition, the proposed project will also disinfect the treated wastewater, therefore, there is no justification to award additional priority points under Category III.C.1.

Vernon's treatment plant upgrade with 39 points ranks very high on the Priority List and is a fundable construction project in FY19.

Recommendation: There will be no change in the priority points awarded to Vernon. The project cost will be increased to \$95M.

AECOM/Town of Ridgefield

Comment: A letter (Exhibit 11) was submitted by AECOM, on behalf of the Town of Ridgefield WPCA, which expressed their support of the inclusion of the Ridgefield water pollution control facility (WPCF) upgrade on the draft Clean Water Fund Priority List. They informed DEEP that the WPCF upgrade design is currently underway. They also informed DEEP that the estimated project cost has increased from \$42 million to \$48.4 million and have requested that to be reflected on the final Priority List.

Response: We appreciate the update on this project, including the need for additional funding.

Recommendation: Change project funding amount to \$49 million for Ridgefield WPCF upgrade.

Town of Norwalk

Comment: The Norwalk Water Pollution Control Authority submitted the CWF Priority List Request form for the water pollution control facility (WPCF) Wet Weather (Outfall 002-1) Control Plan and Chemical Storage Tanks Replacement project for inclusion on the final priority list (Exhibit 12).

Response: The Department has reviewed the CWF Priority List request form.

Recommendation: Include the WPCF Wet Weather (Outfall 002-1) Control Plan and Chemical Storage Tanks Replacement project in Table 1. However, this project does not have sufficient priority points to qualify for the fundable construction project list.

Bill Lucey, Soundkeeper, Connecticut Fund for the Environment: Save the Sound

Comment: At the public hearing, Save the Sound commended the funding provided by the State of Connecticut and DEEP for the Clean Water Fund (CWF) program as well as the ability to prioritize projects while looking at various factors. One thing that the organization noticed on the priority list was that there was \$2 million in the *Reserve for Construction of Green Infrastructure* for FY18, but there was no money for FY19. As there is a lot of innovation possible in green infrastructure, Save the Sound suggested to keep some dollar amount available for FY19. Lastly, Save the Sound explained how non-point source pollution is a major cause of nitrogen loading to Long Island Sound (LIS) due to septic tanks and fertilizers and they would like to see a set-aside for planning and design for non-point source projects.

Response: The money earmarked in the *Construction of Green Infrastructure* reserve (FY18 \$2M, FY19 \$0M) was to match the two year needs requested by the CSO communities. The portion of the *Reserve for Construction of Green Infrastructure* referenced by Save the Sound is the green infrastructure work in combined sewer areas. In the next two years, a large amount of work will be done to remove combined sewer overflows (CSO) in all four of the state's remaining CSO communities. The most cost effective way to do this is when city streets are under construction to install the "gray" infrastructure, therefore, there will be many opportunities in the next two years to construct green infrastructure.

The extent of non-point source projects that receive CWF money is connected with addressing community pollution problems from substandard septic systems. The CWF has previously funded many projects to address these types of non-point source projects. In the current Priority List, \$22M is earmarked for the construction of sewers in three Old Lyme beach communities with substandard septic systems. In addition, the Priority List has \$17M for planning and design available to towns on a first come, first served basis.

Recommendation: Provide \$2M in the *Reserve for Construction of Green Infrastructure* for FY19.

Arthur Simonian, Executive Director, The Mattabassett District

Comment: At the public hearing, the Mattabassett District expressed their support for Clean Water Fund (CWF) financing for their recently completed \$107 million WPCF upgrade. Mattabassett pointed out that due to recent heavy rainfall events, the treatment plant has experienced very heavy incoming flows because of problems with infiltration and inflow (I/I) in the surrounding communities. Therefore, Mattabassett urged that more I/I rehabilitation work be funded for communities that serve Mattabassett and other treatment plants as well wherever possible.

Response: The Department recognizes the challenges faced by Mattabassett to fully treat their wastewater during wet weather events due to excessive I/I from their member towns. In addition, the Department sees a large need for collection system rehabilitation work throughout the state since this is not an isolated issue. In support of funding collection system rehabilitation work, the Priority List has \$150M of loan funding available. Of that money, \$50M is earmarked for I/I removal projects.

Recommendation: No change recommended.

Jim Grappone, Assistant Town Engineer, Town of Southington

Comment: At the public hearing, the Town of Southington gave an update to the Department about progress on their water pollution control facility (WPCF) upgrade project and also explained that they are in favor of the current Priority List, which shows Southington as a fundable project for FY18. The Town also declared that they do not support any legislation that would provide additional funding for projects that may jeopardize those treatment plant upgrade projects listed on the draft Priority List.

Response: The Department appreciates the update on their WPCF upgrade and understands their concern regarding the initial language proposed in Senate Bill 415.

Recommendation: No change recommended.

IV. Summary of Major Recommendations

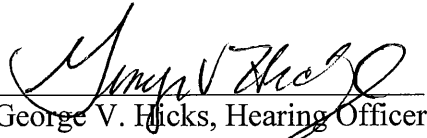
Below is a summary of the recommendations:

- 1) The text on page 10 has been modified to add “These project funding limits apply to each of the funding reserves below”.
- 2) On MDC’s projects, detail has been added to Table 1 for their infiltration and inflow projects.
- 3) Revised Vernon’s project funding amount to \$95M.
- 4) Revised Ridgefield’s project funding amount to \$49M.
- 5) Included Norwalk’s WPCF Wet Weather (Outfall 002-1) Control Plan and Chemical Storage Tanks Replacement project in Table 1.
- 6) Provided \$2M in the *Reserve for Construction of Green Infrastructure* for FY19.
- 7) Revised EPA’s FY18 capitalization grant to \$19,663,000.
- 8) Revised the section on Water Quality Management for FY18 to \$196,630.
- 9) Revised Enfield’s project funding amount to \$28.6M.
- 10) Under Fundable FY18 Projects, revised Greater New Haven WPCA’s CSO projects to \$12M.
- 11) Under Fundable FY19 Projects, added footnote #2 for MDC’s combined sewer overflow elimination projects which states “Prior to bidding Contract #4 of the South Hartford Conveyance and Storage Tunnel, the Department will assess the availability of grant funds to fully fund this contract. If Contract #4 is not funded as a FY19 project, it becomes a Category II project in the next Priority List”.

V. Final Recommendation

I recommend that the Bureau Chief of Water Protection and Land Reuse adopt the final CWF FY18/19 Priority List as presented in Appendix D.

6/15/2018
Date


George V. Hicks, Hearing Officer

Various Exhibits from Hearing Report

- Exhibit 2 Notice of Public Hearing
- Exhibit 7 Utility Contractors Association of Connecticut Letter
- Exhibit 8 Metropolitan District Commission Letter
- Exhibit 9 The Nature Conservancy Letter
- Exhibit 10 Town of Vernon Letter
- Exhibit 11 Town of Ridgefield Letter
- Exhibit 12 Town of Norwalk Letter and Forms

EXHIBIT 2



79 Elm Street • Hartford, CT 06106-5127
Employer

www.ct.gov/deep

Affirmative Action/Equal Opportunity

Notice of Public Hearing Clean Water Fund Priority List - Fiscal Years 2018 – 2019

The Commissioner of the Department of Energy and Environmental Protection (“DEEP”) hereby gives notice that a public hearing will be held on the draft Clean Water Fund Priority List for Fiscal Year (FY) 2018 – FY 2019 at DEEP Headquarters in Hartford on May 3, 2018 at 9:30 am in the 5th floor auditorium of 79 Elm Street, Hartford, Connecticut.

The draft FY 2018 and FY 2019 Priority List for the Clean Water Fund (CWF) program can be found at: <http://www.ct.gov/deep/cleanwaterfund>

The draft FY 2018 and FY 2019 Priority List proposes a two year funding strategy that will reach a significant number of necessary wastewater infrastructure projects whose implementation is considered significant to reduce serious negative impacts on water quality in our state. These projects include nitrogen removal projects in order to meet the 2014 Total Maximum Daily Load for the Long Island Sound; phosphorus removal projects in order to comply with effluent limits that are being incorporated into NPDES permit renewals; and combined sewer overflow improvement projects to meet Long Term Control Plan goals in our state’s largest cities.

In addition to the projects identified above for funding, the draft FY 2018 and FY 2019 Priority List also includes funding for planning studies, engineering designs, small community projects and collection system improvement projects.

INFORMATION REQUESTS/PUBLIC COMMENT

Interested parties are invited to review and comment on the proposed priority list. Please submit written comments to Syed Bokhari, Bureau of Water Protection and Land Reuse, Connecticut Department of Energy & Environmental Protection, 79 Elm Street, Hartford, Connecticut 06106-5127 on or before May 4, 2018.

Questions may be directed to Syed Bokhari at (860) 424-3107 or syed.bokhari@ct.gov.

Dated:

MAR 26 2018

A handwritten signature in black ink, appearing to read "Denise Ruzicka".

Denise Ruzicka, Director
Water Planning and Management Division
Bureau of Water Protection and Land Reuse

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EXHIBIT 7



UTILITY CONTRACTORS ASSOCIATION OF CONNECTICUT

145 New London Turnpike, Suite 1133 | Glastonbury, CT 06033

Phone: (860) 631-7473 | website: www.ucac.pro

April 12, 2018

Syed Bokhari
Bureau of Water Protection and Land Reuse
Connecticut Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Re: Draft FY 18 and FY 19 Clean Water Fund Priority List

Dear Syed:

I am writing on behalf of the Utility Contractors Association of Connecticut in support of the Draft FY 2018 and FY 2019 Clean Water Fund Priority List.

The Utility Contractors Association of Connecticut represents contractors, suppliers and vendors in the utility and site work construction industry in Connecticut. UCAC contractor members perform work to improve and enhance the utility infrastructure in the state. Additionally, several UCAC members engage in environmental or utility contracting and construction, including Clean Water Fund projects. These contractors have a great deal of experience in performing construction on water treatment systems and sewage treatment plants.

UCAC is a member of the Clean Water Investment Coalition, which is comprised of numerous environmental, labor, business and construction organizations in Connecticut that support the Clean Water Fund in order to improve infrastructure, assist municipalities, create jobs and protect Long Island Sound.

The priority list proposes a two-year funding strategy that will reach a significant number of necessary wastewater infrastructure projects whose implementation is considered significant to reduce serious negative impacts on water quality in the state. DEEP has proposed \$625.5 million in funding, including anticipated federal grants, for 94 projects in cities and towns across the state.

UCAC has consistently supported additional Clean Water Fund authorizations, which are directed to municipal stormwater and sewage treatment projects across the state. We fully support the draft priority list proposal for a two-year funding strategy for wastewater infrastructure projects. The projects would help the state achieve CSO abatement as required under Long Term Control Plans, meet the nitrogen load allocation required for Long Island Sound and phosphorous reduction to control nutrient enrichment of streams.

We recognize that, in recent years, the state has increased revenue bond authorizations and general obligation bond funds for the Clean Water Fund, restoring it to a level where it was years ago. Additionally, we understand that the need for CWF financing continues to exceed available resources. However, CWF investments address many important policy objectives, such as:

- protecting the environment and public health;
- improving quality of life;
- building and rehabilitating infrastructure to support economic growth and development; and
- creating jobs and generating economic activity.

There are additional benefits to continue making CWF investments. First, regular wear and tear on systems that is not being addressed grows more expensive to rehabilitate as the systems slide deeper into disrepair. Rehabilitation that may be performed in the next year may require extensive demolition and reconstruction if investments are not made in a timely manner. Also, many contractors currently have substantial excess capacity and the fierce competition between contractors is driving down prices, making this an ideal market for public entities to take advantage of tremendous purchasing power to buy more construction for limited dollars.

UCAC appreciates how the department has selected, from the many and important wastewater and pollution control projects across the state, those priority projects that it plans to fund in the next two years. By following a process that maximizes the use of limited resources while achieving the objectives of protecting public health and the environment, building infrastructure, and creating jobs, the state will achieve substantial benefits from the Clean Water Fund. In the future, perhaps DEEP can prioritize utility construction projects, in addition to water treatment systems, that achieve the objectives of the Clean Water Fund. Such projects would also enhance infrastructure, generate jobs, stimulate the economy and help reduce substantial costs associated with complex and expensive systems that support water treatment plants.

For all these reasons, I am writing to express UCAC's strong support for the funding priorities set by your agency.

Sincerely,



Kevin Plourde, P.E.
President

EXHIBIT 8



The Metropolitan District

water supply • environmental services • geographic information

April 19, 2018

Mr. Syed Bokhari
Bureau of Water Protection and Land Reuse
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

RECEIVED

APR 24 2018
Bureau of Water Protection and Land Reuse
Water Planning & Management Division

Subject: Draft FY 18/19 CWF Priority List - Comments

Dear Mr. Bokhari,

The Metropolitan District (MDC) would like to first express our great appreciation of the overall funding identified for MDC within the Draft FY 18/19 CWF Priority List ("Priority List"). The MDC is committed to continuing its progress to date on both Consent Order and Consent Decree related projects. That being said, the MDC would like to provide the following written testimony for the purposes of public comment relative to the Priority List:

- The District is requesting clarification with regards to the \$4M per year project limit stated on page 10. In prior Priority List documents, similar language was included within each respective reserve (i.e. collection system improvements, I/I Rehabilitation, Pump Stations). The District would like clarification as to whether or not the \$4M is a total annual limit for all reserves, or if it applies to each individual reserve, as it has in years past.
- The District would like to revise the following submitted project from: Infiltration / Inflow Projects Districtwide to :
 - West Hartford SSES Recommendations – Bid Packages A & B
 - Wethersfield I/I Removal – Subareas RH2 and RH2B
 - Hartford Large Diameter Sewer Rehabilitation
 - Newington I/I Removal – Subareas N18 and N19
 - West Hartford I/I Removal – Subareas WH29, WH30, and WH31

Revised project submittal forms have been included with this letter for the above project request. Accordingly, we ask that the CT DEEP take these comments into consideration when issuing the Final FY 18/19 CWF Priority List. Please let us know if we can provide any additional information to assist you in this matter.

Sincerely,



Susan Negrelli, PE
Director of Engineering
The Metropolitan District

Copy: **S. Jellison**
 B. Halloran
 C. Stone
 B. Fox
 J. Waterbury

EXHIBIT 9



The Nature Conservancy in
Connecticut
55 Church Street, Floor 3
New Haven, CT 06510-3029

Tel: [203] 568-6270
Fax [203] 568-6271
nature.org/ct

RECEIVED

MAY - 8 2018
Bureau of Water Protection and Land Reuse
Water Planning & Management Division

May 1, 2018

Syed Bokhari
Bureau of Water Protection and Land Reuse
Connecticut Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Dear Mr. Bokhari:

On behalf of the Nature Conservancy's Connecticut Chapter, thank you for the opportunity to comment on the draft FY18 and FY19 Clean Water Fund Priority List and applaud the efforts of the agency in implementing this vital program and the support that Governor Malloy and the General Assembly have provided to it. We acknowledge that the CWF resources are limited and cannot fully meet Connecticut's critical water quality project needs, making the allocation and prioritization of these resources very challenging. Still, we appreciate the opportunity to comment.

The state of Connecticut has surpassed the point source reductions for the 2000 Total Maximum Daily Load (TMDL) for LIS. This achievement should be commended, especially given the measurable progress, with decreasing area, intensity and duration of hypoxia in the open Sound.

We commend continued upgrades to treatment plants and investments in infrastructure to address combined sewer overflows. In addition, we encourage all efforts to attain the existing 10% Non-Point Source (NPS) Long Island Sound Nitrogen TMDL.

Still, there is more to be done to control non-point sources of nutrient pollution to the Long Island Sound and its near shore waters. In 2015, the Environmental Protection Agency (EPA) prioritized the need to aggressively address nitrogen pollution from fertilizers and onsite wastewater systems in coastal embayment watersheds, since these sources have stayed steady or increased since the development of the TMDL in 2000. Excess nitrogen fuels the growth of harmful algae that choke sea grass meadows, destroy salt marshes, deplete oxygen in the water - killing fish and other marine life - and poison shellfish that people eat.

Given these conditions and the vital resources at stake, we have a series of recommendations for prioritizing clean water funds for nitrogen reduction.

Section 1: Program Authorization and Objectives

1. We support strategic upgrades at wastewater treatment plants across the state, to protect our freshwater streams, rivers and Long Island Sound from the harmful effects of nutrient pollution.
2. We support investments in strategies and infrastructure to address combined sewer overflows, including green stormwater infrastructure solutions that improve water quality and may offer co-benefits such as strengthening natural systems and reducing community flood risk.

3. The ability to revise allocation and maintain flexibility is important, however ensuring CWF reserves support planning, design and construction of small community projects is critical for advancing new technological solutions and approaches that address groundwater pollution loads and emerging water quality problems (p. 3).

Section 2: Meeting Clean Water Fund Demands and Economic Benefits to the State

4. The Priority List identifies the need to support economic recovery through large-scale construction projects to upgrade aging infrastructure. Investments in pilot testing and developing oversight and management protocols for advanced onsite wastewater technologies can help address Connecticut's community pollution problems, boost small business and support new industry (p. 4).
5. The Priority List supports achievement of the Long Island Sound Total Maximum Daily Load (TMDL) nitrogen load allocation from point sources. Connecticut has made great progress toward achieving the Long Island Sound point source TMDL. We recognize the need for additional treatment plant upgrades, and recommend criteria for achievement of 10% nonpoint source TMDL by promoting and tracking fertilizer and onsite wastewater nitrogen source reductions. Capture of stormwater conveyance is not equivalent to reduction. We further recommend that in accordance with Connecticut's 2016 Integrated Water Quality Report (p. 4), that the CWF allocations prioritize pollution reduction initiatives in the eight embayment watersheds identified for nitrogen planning, including Norwalk Harbor, Saugatuck River, Sasco Brook, Farm River, Niantic River, Mystic River, Stonington Harbor and the Pawcatuck River. Funding for planning and project implementation is critical to support the State's Second-Generation Nitrogen Strategy in these watersheds.

Section 3: Municipal Funding Programs

Section 3a: Priority Project Grant-Loan Program

6. The Priority List lays out rating criteria for achievement of State water quality goals, coastal impacts, eutrophication reduction, health related issues and implementation of the Long Island Sound TMDL. As established by the 1987 amendments to the Clean Water Act (CWA), under 33 U.S. Code §1383, Connecticut has the flexibility to fund a range of projects that address priority water quality needs, including:
 - National estuary program project assistance to any public, private, or nonprofit entity for the development and implementation of a conservation and management plan under CWA section 320.
 - Assistance to any public, private, or nonprofit entity for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage. We recommend the following additional criteria and specification (p. 5-6):
 - a. Connecticut has made great progress toward achieving the Long Island Sound point source TMDL. We recognize the need for additional upgrades and encourage attainment of the existing 10% NPS Long Island Sound nitrogen TMDL and support for the State's Second-Generation nitrogen pollution strategy.
 - b. Update the Priority List rating criteria to include decentralized wastewater treatment projects that reduce nitrogen and alleviate community pollution problems. These community pollution abatement projects might include the development and testing of alternative onsite wastewater systems, such as the design, construction, installation and monitoring of passive nitrogen reduction (PNR) technology as described in the Connecticut Department of Public Health 2018 technical standards. Because 40% of the state of Connecticut relies on septic systems for wastewater treatment, we encourage that the priorities list rating criteria be updated to include decentralized wastewater treatment projects, and ultimately support entities with the construction, repair, or replacement of

decentralized wastewater treatment systems with the goal of reducing nitrogen contributions to near shore waters and alleviating community pollution problems.

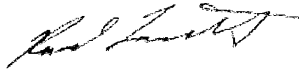
- c. Prioritize and acknowledge that community pollution and health related issues are not related only to failing septic systems because in some cases, properly functioning systems are not adequately treating nutrients, resulting in polluted groundwater and subsequent eutrophication of surface waters.

Section 3b: Set-Asides and Reserves

7. We support funding reserves for planning, design, and construction of green infrastructure and small community sewer projects to mitigate pollution. We recommend including eligibility for fertilizer management approaches and alternative decentralized wastewater planning, as well as the design, construction, and monitoring of passive nitrogen reduction (PNR) technology. These projects are necessary to test feasible nitrogen reduction options in priority watersheds, and will help develop oversight and management programs aimed at protecting and achieving the State's water quality goals in alignment with the 10% NPS Long Island Sound nitrogen TMDL and the State's Second-Generation nitrogen pollution strategy.

This draft Priority List reflects the agency's determination to consider the importance of safe, healthy waters we depend on for tourism, boating, fishing and plentiful seafood, and implementing the program in the most cost-effective manner possible. We appreciate your consideration of new solutions that can help to achieve a 10% reduction in Non-Point Source nitrogen to Long Island Sound and enhance Connecticut's Second-Generation Nitrogen Strategy.

Sincerely,



Rachel Lowenthal
Long Island Sound Water Quality Campaign Manager
The Nature Conservancy in Connecticut

EXHIBIT 10

TOWN OF VERNON



Office of the Mayor
 14 Park Place • Vernon, CT 06066
 Tel: 860-870-6000 • Fax: (860) 870-3580
 www.Vernon-ct.gov

Daniel A. Champagne
 Mayor

Michael J. Purcaro
 Town Administrator

Dawn R. Maselek
 Assistant Town Administrator

May 2, 2018

Mr. Syed Bokhari
 Connecticut Department of Energy & Environmental Protection
 Bureau of Water Protection and Land Reuse
 79 Elm Street
 Hartford, CT 06106-5127

Dear Mr. Bokhari:

The Town of Vernon enters the following testimony in regards to the State of Connecticut Department of Energy and Environmental Protection Draft Clean Water Fund Financial Assistance Programs Municipal Water Pollution Control State Fiscal Years 2018 and 2019 ("Draft Priority List"). The Town of Vernon Water Pollution Control Facility (WPCF) upgrade project is currently listed under "Fundable FY2019 Projects: Construction"¹.

Our facility is a regional water treatment plant that serves the Town of Vernon and portions of Ellington, Manchester, South Windsor, and Tolland. Mandated improvements to the Vernon WPCF include compliance with new and stringent nitrogen and phosphorous discharge limits². Vernon's total nitrogen and phosphorous limits represent respectively a 54% and 94% reduction in discharges and are among the three most stringent limits in the State of Connecticut.

The Town of Vernon is listed in the Draft Priority List as having a Priority Points determination of thirty nine (39). This scoring incorrectly omits recreational usage points as defined in Section 3 of the Draft Priority List. The Hockanum River, into which the Vernon Water Pollution Control Facility discharges, is a significant recreational resource for activities including fishing and swimming. The State of Connecticut Department of Energy and Environmental Protection Trout Stream Stocking mapping includes multiple stocking locations on the Hockanum River immediately up and downstream of the Water Pollution Control Facility (mapping attached). Recent data suggest that these locations have been stocked within the last year.

A multiuse trail, rated as one of the top three recreational trails in the state, provides access to the Hockanum River immediately adjacent to the Water Pollution Control Facility and includes a recently completed pedestrian suspension bridge, existing viewing areas, seating areas, informational signage, and public parking. With easier access, swimming in the river is anticipated to become an increased recreational activity amongst area residents.

With the inclusion of these recreational usages, and their respective impacts on the Draft Priority Listing, the Town of Vernon's net Priority Point scoring should be adjusted to 45 (including three (3) points for recreational fishing, and three (3) points for recreational swimming). Below please find a table reflecting Draft Priority List Scoring and requested adjustments.

	I	IIA	IIB	3A1	3A2	3A3	3B1	3B2	3C1	3C2	3D1	3D2	IV	V	VIA	VIB	VIC	VID	VII	VIII	Priority Points	Project Cost (\$M)
Draft Priority List	0	15	8	0	0	0	0	0	0	0	0	0	6	10	0	0	0	0	0	0	39	\$ 81.0
Community Adjustment	0	15	8	3	0	0	0	0	3	0	0	0	6	10	0	0	0	0	0	0	45	\$ 94.6

Note: Table provided in draft listing notates both \$81 and \$85 million as project costs.

¹ Section 3: Municipal Funding, Section 3a: Priority Project Grant-Loan Program

² Nitrogen limits by Connecticut General Permit and phosphorous limits NPDES Permit respectively

The Town of Vernon also further requests that the Draft Priority List be amended to reflect an increase in project costs from \$85 to \$94.6 million. The Town is reviewing initial cost estimates and substantial market uncertainty-particularly in the steel market and higher construction cost due to the number of projects to market. Given the constraints of the public comment period and pending project developments the community is pre-emptively seeking to ensure funding is properly considered, while simultaneously seeking cost saving initiatives.

The Town of Vernon recognizes the many priorities the Clean Water Fund seeks to pursue and support. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Michael J. Purcuro". The signature is written in a cursive style with a long, sweeping underline.

Michael J. Purcuro
Town Administrator

EXHIBIT 11

J-60548562

May 3, 2018

Mr. Syed Bokhari
Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
79 Elm Street
Hartford, CT 06106-5127

RECEIVED
MAY 11 2018
Bureau of Water Protection and Land Reuse
Water Planning & Management Division

**Subject: Clean Water Fund FY 2018- FY 2019 Draft Priority List
Ridgefield WWTF Upgrade – CWF-702**

Dear Mr. Bokhari:

On behalf of the Town of Ridgefield Water Pollution Control Authority, we are submitting this letter in support of the inclusion of the Ridgefield WWTF Upgrade on the draft Clean Water Fund Priority List that was issued on March 26, 2018. The WPCA appreciates that the DEEP recognizes the importance of this project to providing upgraded wastewater treatment facilities that serve the town's needs and protect water quality, and is pleased to see the WWTF Upgrade project listed on the fundable list for FY 19.

The WWTF upgrade design is currently in progress, and the design engineering agreement has been reviewed by the DEEP. The 30% preliminary design report for the WWTF Upgrade project was submitted to the WPCA and the DEEP in February 2018. Subsequent to the preliminary design report submittal, a three day value engineering study was conducted on the 30% complete design by a third party engineer (Arcadis). We have received and are reviewing the resulting Value Engineering Report with the WPCA, and a copy of the Arcadis report has been submitted to the DEEP. We are in the process of finalizing the review and recommendations on the alternatives presented in the Value Engineering report with the WPCA and we will be submitting this document to the DEEP shortly.

The current estimated project cost for the WWTF upgrade based on the 30% preliminary design documents is \$48.4 million, which is an increase from the \$42 million included on page 8 of the Draft Priority List. As a result, the WPCA is requesting the listed project cost in the Final FY 18-FY19 Priority List for this project be increased to \$48.4 million. We also note that the project cost of \$38.9 million listed in Table 1 on page 2 for this project appears to be incorrect, and should also be revised to the current estimated project cost of \$48.4 million.

The project schedule for this project has been developed to comply with the July 1, 2019 deadline for the 50% Phosphorus Grant program under CGS §22a-478 (c)(6) for the WPCA to execute a contract for construction of the WWTF upgrade. The WPCA and AECOM will continue to work closely with DEEP staff on this important project as the design effort progresses to completion.

Mr. Syed Bokhari

May 3, 2018

Page 2 of 2

If you have any questions please feel free to contact us.

Very truly yours,



Jon R. Pearson, P.E.

Vice President

AECOM

cc: A. Siebert, WPCA Chairperson
D. Van Ness, WPCA Administrator
C. Fisher, Town of Ridgefield
M. Fan, DEEP

EXHIBIT 12


Bokhari, Syed

From: Kolb, Ralph <RKolb@norwalkct.org>
Sent: Monday, April 23, 2018 2:33 PM
To: Bokhari, Syed
Cc: McCarthy, Lindsay; Mark McCormick; Torre, Chris
Subject: CWF Priority List - Call for Projects
Attachments: Norwalk - CWF Request - Wet Weather Improvments and Chemical Tanks.docx

Syed: Good afternoon. The Norwalk Water Pollution Control Authority is formally submitting the attached CWF Priority Request form for its WPCF Wet Weather (Outfall 002-1) Control Plan & Chemical Storage Tanks Replacement Project.

Please feel free to contact me if you have any questions or require additional information.
Thank you.

Ralph Kolb, P.E.
Sr. Environmental Engineer
Norwalk Water Pollution Control Authority
15 South Smith Street
Norwalk, CT 06855
203-854-3242

 www.wpcanorwalk.org



Connecticut Clean Water Fund: Request to Place Project on Priority List

Beginning with this funding cycle (FY 2018 - 2019), all potential Clean Water Fund applicants must complete this request form for each project to be considered for funding assistance.*

Municipality: Norwalk WPCA Municipal contact person: Ralph Kolb, PE

Project Name: WPCF Outfall 002-1 Control Plan & Chemical Storage Tanks Replacement

Phone: (203) 854-3242 E-mail: RKolb@norwalkct.org

- Project Type:
- | | |
|--|--|
| <input checked="" type="checkbox"/> Treatment without nutrient removal | <input type="checkbox"/> Rehabilitation of pump stations |
| <input type="checkbox"/> Treatment with nutrient removal | <input type="checkbox"/> New sewers |
| <input type="checkbox"/> New pump station | <input type="checkbox"/> Green Infrastructure |
| <input type="checkbox"/> Infiltration / Inflow correction | <input type="checkbox"/> Decentralized wastewater district |
| <input type="checkbox"/> Combined sewer overflow abandonment | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Resiliency project | |

Has project been assigned a Clean Water Fund project number? No Yes: CWF _____

For wastewater treatment facility projects, what year was last *comprehensive upgrade*[†] completed?

Brief project description:

The WPCA is making improvements to its wet weather treatment facility in order to address requirements identified in the Administrative Order on Consent (AOC), dated August 2017, between United States Environmental Protection Agency and the City of Norwalk related to the WPCF, the WPCA is making improvements to its wet weather treatment facility. The project includes wet weather treatment modifications to existing infrastructure to achieve required Enterococci kill and reduce effluent chlorine residual levels as required by permit for wet weather flows in Chlorine Contact Tank No. 2 discharging to Outfall 002-1 at the Norwalk WPCF. This is also a requirement of a planning level alternatives evaluation and design criteria memorandum WPCF Outfall 002-1 Control Plan, dated March 2018 has been developed and shall be utilized as the basis of design. The wet weather facility improvements include a dechlorination area within the existing Chlorine Contact Tank No. 2, upgrade chlorination/dechlorination induction systems with high rate mixing and upgraded instrumentation including chlorine analyzers and flow measuring. The project will also include the replacement of the chlorination and dechlorination chemical storage tanks due to the age of the assets. Design estimated cost includes design and bid assistance. Construction estimated cost includes design services during construction, part-time resident engineering services, and construction. Due to scheduling, these project will be bid for construction separately, the tank replacement project will be bid first.

Please identify the project phase(s) for which funding is being sought at this time:†

PLANNING (Estimated costs: \$22,848)

A request for planning assistance should include all costs associated with the development of an engineering report (facilities plan).

Status of Planning Effort (as of the date of this form):

Not yet started.

Consultant selected. (Name of firm: _____)

Scope of work approved by DEEP. Date ___/___/___ Approved costs: \$ _____

Planning underway.

Planning complete. (Date of Final Engineering Report: 03/2018)

Engineering report approved by DEEP? Date ___/___/___

DESIGN (Estimated costs: \$145,290)

Design is the preparation of contract plans and specifications needed to implement the recommendations of an engineering report. It may also include legal costs associated with the identification of needed easements and land acquisition.

Status of Design Effort (as of the date of this form):

Funding for design & construction has been authorized locally.

Design consultant selected. (Name of firm: Arcadis U.S., Inc.)

Scope of work approved by DEEP. Date ___/___/___ Approved costs: \$ _____

Design underway. Estimated completion date ___/___/___

Design complete. DEEP approval date ___/___/___

CONSTRUCTION (Estimated costs, including engineering: \$1,384,120)

(Date of construction cost estimate (mm/yyyy) 03/2018)

Status of Construction Effort (as of the date of this form):

Construction has not started. Date expected to bid (mm/yyyy):

07/2018 (Storage Tanks) & 12/2018 (Control Plan)

Construction underway. DEEP deviation letter date: ___/___/___

COST INCREASES ON EXISTING PROJECTS

Occasionally, cost increases (due to change orders or high initial bids) are required on individual projects when they exceed their CWF allotment. In such a case, it becomes necessary to seek additional funds in subsequent fiscal years. If this is the reason for your request, indicate the status of your project below.§

What is the current CWF allotment for the project? Grants: \$ _____

Loans: \$ _____

Is the project still under construction?

Yes, approximate completion will be (mm/yyyy) ___/___

No, but some billing is outstanding which is estimated to exceed allotment.

No, all bills are in, but there are insufficient funds to pay them.

How much additional funding will be needed to fully pay the bills? \$ _____

If you have any questions concerning this form, please contact Syed Bokhari at (860) 424-3107.

* This form is a planning tool intended to collect standardized information for all projects, and to ensure that projects which have been completed without Clean Water Fund assistance, or for which the municipality no longer seeks assistance, are no longer carried as future needs. This request form is NOT a Clean Water Fund application. In order to officially apply for Clean Water Fund assistance, a funding application must be submitted for each project.

† A *comprehensive upgrade* is defined as any significant change in treatment process requiring construction or expansion of treatment tankage or replacement of mechanical processes with a value of at least 5 times the annual operation and maintenance budget at the time of construction. It is meant as a comprehensive refurbishing or expansion of the entire facility.

‡ Note that, in order to retain eligibility for Clean Water Fund assistance, prior approval of the scope of work is required for all consulting services initiated prior to a Clean Water Fund agreement. To retain eligibility for a construction project initiated prior to a Clean Water Fund agreement, a letter approving a deviation from Clean Water Fund regulations, signed by the Commissioner of DEEP, is required.

§ Note that a request for additional funds is not a guarantee that funding can be secured through the CWF.

