



**COMMENTS ON DEEP PROCESS ON P.A. 12-155 – AN ACT CONCERNING
PHOSPHORUS REDUCTIONS IN STATE WATERS**

Submitted by Roger Reynolds, Senior Attorney

On behalf of Connecticut Fund for the Environment and its program Save the Sound, we urge DEEP to: (1) immediately start the process of issuing permits to sewage treatment plants with phosphorus limits that comply with the requirements of the Clean Water Act and (2) facilitate a process to identify achievable and measurable non-point source reductions that can be used to reduce phosphorus loading from non-point sources in the future.

DEEP Should Immediately Begin the Long Overdue Process of Issuing Permits that Comply with Requirements of the Clean Water Act to Limit Phosphorus

Phosphorous is a harmful water pollutant that, until now, has been largely uncontrolled in Connecticut. It causes harmful algal blooms destroying the ecology, aesthetics and recreational value of lakes, rivers and streams.

More than five years ago, CFE began intervening in permit proceedings in Cheshire, Killingly, Beacon Falls and elsewhere when DEEP issued permits without appropriate phosphorus limits. The response, universally, had been to withdraw such permits and to work on a phosphorus strategy. This phosphorus strategy has undergone many changes but has not, to date, been implemented. We believe the time has come to move forward and begin to implement the phosphorus limits that are required by the Clean Water Act.

Under the Clean Water Act, appropriate limits for pollutants are, of course, decided on a case by case basis and each permit will have to be analyzed under the circumstances. We urge DEEP to begin issuing permits that will meet Water Quality Standards and we look forward to reviewing such permits through the public process.

DEEP Should Begin an Inclusive Process to Determine Whether There are Measurable and Enforceable Ways for Towns to Meet Water Quality Standards Through a Combination of Point and Non-Point Source Reductions

While the bulk of phosphorus loading comes from sewage treatment plants, non-point sources and agriculture can also be a significant contributor. Thus, we support a process where DEEP works collaboratively with environmental and municipal stakeholders to determine if there are ways to reduce total phosphorus loading from all sources. While we would not support any further delay of issuing permits, to the extent that there are measurable, enforceable

reductions, we would support modification of permits as appropriate. For instance, projects on Lake Champlain in Vermont and the Charles River in Boston have sought to incorporate such measurable and enforceable requirements. It is important that, like any permit limit, there are penalties associated with non-compliance and that, if these measures are shown not to meet water quality standards, permits will be modified appropriately to ensure attainment of Water Quality Standards.

Because these permits have been delayed so substantially, such requirements cannot meaningfully be required in permits that are already overdue. Nevertheless, to the extent that DEEP can work collaboratively with municipal, environmental and other stakeholders in the future to develop ways to reduce total phosphorus loading into rivers, we would strongly support such a process and would participate enthusiastically.