

**Hearing Report
May 5, 2021**

**Clean Water Fund
Financial Assistance Program
Municipal Water Pollution Control
State Fiscal Years
2020 - 2021**

Hearing Date:

March 30, 2021

Table of Contents

	<u>Page</u>
I. Introduction	1
II. Administrative Requirements	1
III. Specific Project Comments and Responses	2
IV. Summary of Recommendations	4
V. Final Recommendation	4
A. Exhibits (Separate attachments)	
1. Clean Water Fund (CWF) Priority List – Memo re: Call for Projects	
2. Notice of Public Hearing on CWF PL Fiscal Year 2021	
3. Memo on draft Priority List to municipal list-serve group	
4. Draft Priority List Fiscal Year 2021	
a. Table 1_Project Rating Sheet for draft Priority List	
5. Technical Correction on the draft Priority List Fiscal Year 2021	
6. Draft Priority List Fiscal Year 2020 & 2021	
7. Greystone Invoice re: public notice of draft Priority List	
8. CCIA Testimony to CT General Assembly re: CWF	
9. OPM Advisory Report re: CWF Priority List	
10. Bridgeport WPCA comment letter and project request forms	
11. Brookfield comment letter	
12. Ridgefield comment letter	
B. Recommended Final CWF FY20/21 Priority List	

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 2020 (July 1, 2019 – June 30, 2020) and fiscal year 2021 (July 1, 2020 – June 30, 2021) based upon previous fiscal year authorizations and the 2020 and 2021 capital budget authorizations.

II. Administrative Requirements

A memo dated October 1, 2019 regarding a call for project requests (Exhibit 1) for fiscal year 2020 (FY20) and FY21 was distributed through DEEP’s Municipal Wastewater Listserv requesting towns submit a project request form to DEEP so that their projects can be considered for the Priority List.

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 February 23, 2021 (Exhibit 2).

On February 22, 2021 the Department notified subscribers of the Municipal Wastewater Listserv through a memo dated February 19, 2021 (Exhibit 3) of the availability of the Draft FY20 Priority List dated February 17, 2021 and associated Table 1 (Exhibits 4 & 4a) and the public notice (Exhibit 2). In addition, the Department placed Exhibits 2, 4, and 4a on the Department’s Municipal Wastewater webpage.

Technical Corrections (Exhibit 5) were made to the draft Priority List (Exhibit 4). These are minor, non-substantive changes to the Priority List discovered after the draft Priority List has been distributed for public comment.

On March 5, 2021, a revised draft FY20 & FY21 Priority List (Exhibit 6) was posted on the Department’s website. There were no material changes in the contents from the Draft FY21 Priority List (Exhibit 4).

Evidence of publication of the public notices for the public hearing was provided by Graystone Group Advertising (Exhibit 7). The public notices appeared in the Hartford Courant, New Haven Register, Waterbury Republican, Connecticut Post, Willimantic Chronicle and New London Day on 2/23/2021. The Graystone Group Advertising invoice dated 2/26/2021 included the affidavits of publication from each of the newspapers referenced above.

A public hearing was conducted on March 30, 2021 via teleconference and was open to individuals that registered to attend the public hearing and to those that requested to provide oral testimony on the draft Priority List. The hearing was convened at 10:04 am and was concluded at 10:24 am. Approximately 15 people (including Department staff) attended the hearing, and two individuals from the public testified.

At the public hearing, the public attending was notified that the comment period for the Draft FY20 and FY21 Priority List was extended until the close of business on April 6, 2021.

During the public comment period, 5 letters were received (Exhibits 8 – 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

Michael Headd, Woodard & Curran/Town of Suffield

Comment: Michael Headd's letter (Exhibit 8) wanted to confirm that there will be no CWF funding for the Suffield Kent Farms sewer project since it was not included on Table 1 of the draft Priority List and asked what sort of approvals would be necessary from the Department to move forward with the project.

Response: The Department has reviewed the project request form for the Suffield Kent Farms sewer project and determined that it would not be ready for construction during the relevant timeline for this Priority List. The Department recommends the Suffield Water Pollution Control Authority resubmit the request, once this project nears the state of construction readiness, for DEEP's review and consideration for inclusion on the next Priority List.

Recommendation: No change recommended.

Don Shubert, Connecticut Construction Industries Association, Inc. (CCIA)

Comment: A letter (Exhibit 8) was submitted by CCIA addressed to the State Legislature showing support for the Clean Water Fund and emphasizing how necessary it is for the State of Connecticut to fully fund the program in all its fiscal needs.

Response: The Department appreciates support from the CCIA and its request to the State Legislature for continued and full funding of the Clean Water Fund.

Recommendation: No change recommended.

Bruce Wittchen, Connecticut Office of Policy and Management (OPM)

Comment: A letter (Exhibit 9) was submitted by OPM providing a favorable advisory opinion on the draft Priority List and noting no inconsistencies with the State's Conservation and Development Policies Plan. The letter also noted the Department should: 1) proceed with finalization of the Priority List, 2) satisfy any relevant Priority Funding

Area (PFA) requirements pursuant to CGS Sec. 16a-35d, and 3) reference the Department of Housing (DOH), instead of the Department of Economic and Community Development (DECD), as the administering agency for the housing partnership program.

Response: The Department will make the revision from DECD to DOH in regard to administering the requirements for the CT housing partnership program. Additionally, with regard to the CEPA process and other statutory obligations, the Department will meet such requirements as appropriate based on project timelines.

Recommendation: The Department will revise the reference in Section 3.VII. (“Priority Project Ranking System”) of the draft Priority List from DECD to DOH.

Lauren McBennett Mappa, General Manager, Bridgeport Water Pollution Control Authority

Comment: A letter (Exhibit 10) was submitted by the Bridgeport Water Pollution Control Authority, which included four project request forms for review and inclusion on Table 1 of the Priority List.

Response:

The Department has reviewed the project request forms and determined that none of the projects submitted would be ready for construction during the relevant timeline for this Priority List. The Department recommends Bridgeport Water Pollution Control Authority resubmit the requests, once these projects near the state of construction readiness, for DEEP’s review and consideration for inclusion on the next Priority List.

Recommendation: No change recommended.

Bill Lucey, Long Island Soundkeeper, Save the Sound

Comment: Oral Testimony was provided at the hearing in which Mr. Lucey expressed his appreciation for the \$4M Green Infrastructure Reserve. Mr. Lucey also made a comment in regard to possible additional funding from the Rescue Americans Act, if passed, and associated Federal stimulus money. He also asked the Department to consider a greater grant percentage for clean water projects.

Response: The Department appreciates Save the Sound’s support of the Clean Water Act and acknowledges the comment. The Department will endeavor to support clean water and green infrastructure projects as much as possible, as allowed by the CWF regulations and applicable federal law.

Recommendation: No change recommended.

Nelson Malwitz, Chairman, Brookfield Water Pollution Control Authority

Comment: A letter (Exhibit 11) was submitted by the Brookfield Water Pollution Control Authority, which included one project request form for review and inclusion on Table 1 of the Priority List. Oral testimony was also provided at the hearing in which Mr. Malwitz gave a brief explanation about the Candlewood Lake project. Mr. Malwitz also endorsed Mr. Lucey’s comments about increasing the grant percentage available for certain projects,

since Towns are currently able to obtain more favorable financing terms when compared to DEEP's terms as outlined in the CWF Regulations.

Response: The Department has reviewed the project request form and determined that this project would not be ready for construction during the relevant timeline for this Priority List. The Department recommends Brookfield Water Pollution Control Authority resubmit the request, once the project nears the state of construction readiness, for DEEP's review and consideration for inclusion on the next Priority List.

Recommendation: No change recommended.

Diana Van Ness, Administrator, Ridgefield Water Pollution Control Authority

Comment: A letter (Exhibit 12) was submitted by the Ridgefield Water Pollution Control Authority, which shows appreciation for inclusion of Ridgefield's construction project on the FY21 Fundable Projects List.

Response: The Department acknowledges the comment.

Recommendation: No change recommended.

IV. Summary of Recommendations and Revisions

Below is a summary of the recommendation(s) and associated revision(s):

- 1) In response to OPM's recommendation, the Department has revised the reference in Section 3.VII. ("Priority Project Ranking System") of the draft Priority List from DECD to DOH.

V. Final Recommendation

I recommend that the Bureau Chief of Water Protection and Land Reuse adopt the final CWF FY20/21 Priority List as presented in Appendix B.

05/20/2021
Date

Syed Bokhari
Syed Bokhari, Hearing Officer