

# Planning and Development Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-701

AN ACT CONCERNING THE BOLTON LAKES REGIONAL WATER POLLUTION

**Title:** CONTROL AUTHORITY.

**Vote Date:** 3/2/2021

**Vote Action:** Joint Favorable

**PH Date:** 2/3/2021

**File No.:** 77

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### SPONSORS OF BILL:

Planning and Development

### REASONS FOR BILL:

To permit the Board of Directors of the Bolton Lakes Regional Water Pollution Control Authority to authorize expansion of the authority's wastewater system into the town of Coventry and take any action the board deems necessary to implement such expansion.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**Rep. Tim Ackert, Eighth Assembly District:** This proposal would create a process that would authorize the Bolton Lakes Regional Water Pollution Control Authority Board of Directors to enter into an agreement with the Town of Coventry to expansion public sewers with the goal of addressing ongoing septic issues in the Route 44 corridor. The town has had ongoing conversations with DEEP, OPM and others for a lengthy period of time to present plans on how to address those septic issues to enhance environmental protections for the existing farmlands, wetlands and other sensitive areas along this vital corridor in Eastern Connecticut as well as promote efforts for economic development. The Town of Coventry is not looking for financial resources to pay for this project, rather a path to accomplish these goals that will be positive for my community and our neighboring towns.

### **Commissioner Katie S. Dykes, Connecticut Department of Energy and**

**Environmental Protection (DEEP):** DEEP has concerns with this bill because the legislation as drafted is overly broad, may not achieve its intended purpose and may have unintended consequences. The bill would allow expansion of the Bolton Lakes Regional Water Pollution Control Authority into all of Coventry without regard for any existing or future sewer service area designations and with no restrictions on capacity, properties otr usage. This

broad expansion authority would bypass many requirements and processes that were established to protect current customers and the functionality of the existing wastewater infrastructure. In addition, the bill ignores existing local ordinances of Bolton, Vernon, Manchester and Coventry and existing agreements. The current Clean Water Fund agreement for the Bolton Lakes Regional Water Pollution Control Authority wastewater system limits the service area for the existing infrastructure. This bill creates an inconsistency with that agreement and associated state and federal funding requirements. Further, bond issuance may impose restrictions on the modification or expansion of this wastewater system that warrants evaluation. This legislation would not supersede federal law and any governing bond restrictions. DEEP is actively with the Bolton Lakes Regional Water Pollution Authority and the Town of Coventry to address the underlying intent of the bill. We would welcome the opportunity to work with the committee to identify language which could address the specific aspects of the bill noted above.

#### **NATURE AND SOURCES OF SUPPORT:**

**Lisa Thomas, Coventry Councilwoman:** Coventry, Bolton and Manchester together on this limited expansion project into Coventry for a number of years. It is the only realistic way for Coventry to bring new business to one of our few commercially zoned areas. There must be access to water and wastewater treatment for business development. Route 44 is a main thoroughfare between Coventry and Storrs, as well as into the rest of eastern CT, it presents an attractive potential for commercial development. It is for these reasons that Coventry has already invested \$70,000 of our precious taxpayer resources into studies and planning. We recognize that the limited sewer expansion project is critical because no other location on Route 44 in Coventry has this opportunity to tie into sewers. The soils are classified as "very limited" for subsurface systems and would require prohibitively expensive constructed fill leaching fields. Our proposed sewer expansion is consistent with the local, regional and state conservation and development policies. We envision that completion of the project will provide locations for essential needs such as medical offices, community program centers such as community YMCA and higher density housing, which aligns the state's goal to increase access to affordable housing.

**Christine Pattee:** Lack of sewer capacity "The State's POCD for Coventry service area shows it is predominantly an area of local conservation priority which discourages the joint extension of sewer and water service into unsewered rural areas, except in areas planned for significant commercial or industrial development" The unintended consequence of this statement is an effective veto of housing for seniors and anybody else who needs an affordable place to live. Nearly one in five Coventry residents are over 65 and there is nowhere affordable for us to go when we need or want to move out of the single family homes we have lived in for years.

**Betsy Gara, Executive Director, The Connecticut Council of Small towns:** Although the bill is limited in scope, COST supports efforts to ensure that sanitary sewer projects that are needed to support housing and economic development are not soundly rejected by DEEP because such projects have the "main objective of promoting economic development" or are connected to publicly funded wastewater systems. This unfairly restricts opportunities for many small towns to extend sanitary sewers to support housing, mixed-use and commercial construction.

**NATURE AND SOURCES OF  
OPPOSITION:**

**Jennifer L. Perry, P.E., Connecticut Department of Energy and Environmental Protection (DEEP), Assistant Director, Water Planning and Management Division, Bureau of Water Protection and Land Use:** The Council on Environmental Quality (CEQ) raised substantive concerns relating to the proposed sewer extension which as the main objective of promoting economic development. State funded projects which are intended to provide for or allow increased economic development, are not projects that typically fall within the mission of the Department, yet we are often charged with administering funding or acting as the sponsoring agency for those projects solely because sanitary sewers are included in this project. This puts us in the difficult and conflicting role of being the sponsoring agency of a project that is not in line with our mission, but for which we are required to produce the documentation required under CEQA, when in fact we should be providing comments on a proposed action, as the regulatory agency. The funding agreement for the Bolton Lakes sewer project includes language that states that Bolton shall connect only facilities that are located within the approved service area which was identified in the above mentioned wastewater management project to address identified community pollution concerns. The Department will not proceed any further with the processing of the above funding agreement modification or sanitary service area modification.

**Alice Charmut, Executive Director, Rivers Alliance of Connecticut:** This bill proposes to disregard every statute, regulation, ordinance, agreement and plan that the State of Connecticut has in place that requires inquiry into potential environmental impacts, planning implications and economic considerations of a sewer expansion proposal. The Connecticut Council on Environmental Quality raised concerns about the project, DEEP issued a letter to the Office of Policy and Management stating that the Department will not proceed any further with the processing of the funding agreement modification or sanitary service area modification. The most recent development is the Notice of Time Extension for Post Scoping Notice for Coventry Low Pressure Sewer Extension published in the January 5, 2021 edition of the Environmental Monitor. "Action Status: DEEP is in the process of seeking further input from the Town of Coventry and the Office of Policy and Management. These efforts are ongoing and will include requesting an advisory statement from the Office of Policy and Management on this project, pursuant to section 16a-31(a) of the Connecticut General Statutes, in light of further information provided by the Town of Coventry." Bypassing any and all public process and environmental review should not be the solution. This is very dangerous precedent.

**Reported by: Maureen O'Reilly**

**Date: March 10, 2021**