

Connecticut  
Association of  
Water  
Pollution  
Control  
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**CONNECTICUT ASSOCIATION OF  
WATER POLLUTION CONTROL AUTHORITIES**

March 21, 2014

Connecticut General Assembly  
Planning and Development Committee  
Legislative Office Building  
Hartford, Connecticut 06106

Attention: Chairwoman Senator Osten, Chairman Rojas, Senator Cassano, Representative Fox,  
Ranking Member Senator Fasano, and Representative Aman

Subject: *OPPOSITION OF RAISED BILL-5581; An Act Authorizing Sewer Assessment Appeals To  
Be Made To The Board of Assessment Appeals*

The Connecticut Association of Water Pollution Control Authorities is a statewide association open to WPCAs and public entities authorized to own or operate wastewater systems. With over 40 active members providing wastewater services to nearly 1,000,000 citizens in the state, we are pleased to submit comments on their behalf regarding Senate Bill-5581; *An Act Authorizing Sewer Assessment Appeals To Be Made To The Board of Assessment Appeals*

Pursuant to Connecticut General Statutes Chapter 103 Section 7-249, Water Pollution Control Authorities may levy benefit assessments upon properties that benefit from the work of their WPCA. In accordance with Section 7-250, no assessment shall be made until a duly called public hearing at which time the owner of the property to be assessed shall have the opportunity to be heard. When the water pollution control authority has determined the amount and has duly notified the property owner of that amount any person aggrieved by any assessment may appeal to the superior court in the judicial district wherein the property is located.

As drafted, the proposed legislation would effectively create veto authority for elected officials whose interests may not be consistent with the efficient operation of a wastewater treatment system. This veto authority would circumvent the establishment of fair and reasonable assessments. This legislation, if adopted, would effectively give veto power to the Board of Assessment Appeals who may represent minority interests and risk the ability of a WPCA to meet discharge requirements. This may result in causing environmental pollution and put the WPCA at risk of permit violations and fines. Such legislation would require every WPCA to seriously consider if it would be economically feasible or prudent to continue to serve the future sewer needs of customers within its own city/town limits.

The current State Statutes defining the powers of the Water Pollution Control Authorities were drafted to insulate the operations of WPCA's from general government. This would insure that wastewater facilities were operated, funded and managed without local political or governmental interference. This insured that the environmental aspects of the sewer works would have primacy in all decision making.

To amend statutes and cloud this clear separation of powers that the WPCA statutes envisioned, would diminish the authority of the WPCA's, and put into conflict the WPCA's decisions with judgments of a publically elected Board of Assessment Appeals.

Finally, this bill authorizes sewer assessment appeals "by local option" creating a very unfair platform between WPCA's especially when one considers many adopted assessment formulas do not rely on the assessed value of a property when determining the sewer assessment.

Given there are already many opportunities for all impacted property owners to participate in the assessment process and appeal the charges should they feel aggrieved, there is no reason to create the veto authority proposed by this legislation. The proposed bill is an example of the burdensome regulatory requirements that this legislation and Governor are attempting to eliminate. Therefore, we strongly encourage you to oppose this legislation. Thank you for this opportunity to comment.

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