



COUNCIL ON ENVIRONMENTAL QUALITY

Draft Recommendations for Legislation

November 14, 2012

DRAFT CHECKLIST OF RECOMMENDATIONS

THE BASICS:

Land, Rivers, Sound & Parks

- CLEAN WATER FUND**
... & plan for stormwater
- FARMLAND**
... 2,000 acres each year
- CONSERVATION LANDS**
... 12,000 acres each year
- STATE PARK OPS**
... staff for all parks
- INVASIVE SPECIES**
... need defensive strategy

CONSERVATION OF Streams, Ponds, Wetlands:

- More Training for Local
Wetlands Commissions**
 - require DEEP to track training of towns
 - online "Basic Training"
 - updates for local staff

PROBLEMS REPORTED, Solutions Found:

- BROWNFIELDS & WATER**
 - overhaul remediation
 - consolidate drinking H₂O programs responsibilities
- ILLEGAL TREE CUTTING**
... appropriate civil penalties
- OUTDOOR WOOD FURNACES**
 - do not let statutory siting requirements expire
 - allow only clean wood to be burned in existing units
 - improve standards for new units
- TOWER SITING**
... improve public notice
- ALL-TERRAIN VEHICLES**
... vehicle forfeiture as potential penalty

Council on Environmental Quality
79 Elm Street
Hartford, CT 06106

860-424-4000
karl.wagener@ct.gov
www.ct.gov/ceq

ABOUT THESE RECOMMENDATIONS

The Council on Environmental Quality (CEQ) reports the condition of Connecticut's air, water, land and life every year in *Environmental Quality in Connecticut*. The Council also is required by law (CGS Section 22a-12) to recommend legislation "for remedying the deficiencies of existing programs and activities." From its review of statewide environmental indicators and investigation of citizen complaints, the Council has identified critical deficiencies and potential pitfalls and submits these recommendations.

To the left is a checklist; you can find more information on the following pages, and complete details at www.ct.gov/ceq.

The items on the Page One checklist are explained below.

THE BASICS: LAND, RIVERS, SOUND AND PARKS

A few programs are the bedrocks of Connecticut’s environmental progress.

- Maintain the current capital budget for the Clean Water Fund to prevent raw sewage from entering rivers and Long Island Sound and to improve treatment systems.
 - Also require the Department of Energy and Environmental Protection (DEEP) to estimate statewide capital needs to correct the most damaging sources of water pollution from stormwater runoff.
- Maintain the current capital budget for farmland preservation; preserve 2,000 acres each year.
- Authorize sufficient capital funds (estimated \$20 million) each year to preserve 12,000 acres of priority conservation lands by the state and state matching-grant recipients.
- Appropriate sufficient funds to allow all state parks to open in 2013 with staff.
- Appropriate sufficient funds to mount an effective defense against the largest ecological threat to Connecticut’s native habitats: invasive species.
 - Also require an appropriate agency (the Connecticut Agricultural Experiment Station, DEEP, Agriculture, or all three) to prepare a plan for rapid detection and eradication of newly discovered terrestrial invasive species (to complement the existing state plan for aquatic species).

CONSERVATION OF STREAMS, PONDS AND WETLANDS

Regulation of development in and around inland wetlands and watercourses is handled almost entirely by volunteer local commission members. Training is required and available, but too few complete the required training.

- Require DEEP to compile and report the training status of municipal wetlands commission (i.e., whether or not a commission has fulfilled the statutory training requirement of having one member or staff who has completed comprehensive training.)
- Require staff to complete annual update training if they wish to maintain the enhanced authority available to them when they complete initial training.
- Require DEEP to designate the introductory portion of its training program as “Basic Training” and require new commission members to complete Basic Training within a year of appointment; training should be available online as well as in a classroom.

Your Recommendations...

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CITIZEN COMPLAINTS: PROBLEMS UNCOVERED, SOLUTIONS FOUND

Through its investigation of citizen complaints, the Council often identifies gaps or deficiencies in existing laws and programs that result in inadequate protection of the public. The following recommendations arose from Council investigations.

Contaminated Properties and Clean Water

The laws and regulations governing property clean-up have over three decades become a complicated web. A thoughtful overhaul is required. Significant proposals are expected from DEEP. Responsibilities pertaining to the provision of drinking water to communities with contamination problems are divided between DEEP, the Department of Public Health and local officials. Inefficiencies abound, and no single person or agency has authority to solve problems, many of which linger for decades.

- Overhaul and consolidate the Property Transfer Act and other remediation programs to allow DEEP and the private sector to move faster.
- Consolidate into one agency the responsibilities and programs that govern the provision of potable water to affected homes and communities. (This recommendation applies only to the delivery of drinking water, not to the oversight of withdrawing water from rivers and aquifers.)

Air Pollution from Outdoor Wood Furnaces

Statutes concerning outdoor wood furnaces (OWFs) are unclear and inadequate. OWFs are subject to setback requirements but not to emission limits. When, as expected, the federal government adopts emission limits for OWFs, Connecticut's own siting criteria (CGS Section 22a-174k) will expire. Also, the requirements to burn clean wood only and follow manufacturers' instructions currently apply only to new units.

- Adopt a bill that does not let state siting criteria expire, that clarifies that fuel and operating requirements apply to all OWFs, and limits pollution from OWFs to protect human health.

All-Terrain Vehicles

Illegal use of ATVs damages trails, parks, nature preserves and other properties. Enforcement is difficult.

- Improve law enforcement agencies' ability to enforce existing laws by including forfeiture of the vehicle as a potential penalty.

Illegal Tree Destruction

Under current law, a person who deliberately cuts trees on another person's property without permission will owe almost nothing in damages, if a civil action ever is brought.

- In civil court, allow victims of illegal tree cutting to recover costs of replanting and restoration – This would extend to all landowners the remedies made available to public landowners with great success under P.A. 06-89 (CGS Section 52-560a, encroachments on open space lands). Repeal the existing civil remedy (i.e., value of the wood).

Tower Siting

Applicants to the Connecticut Siting Council for telecommunications towers must notify abutting landowners, but those landowners often are not the people who bear the impacts. Most applications identify the addresses with views of the proposed tower, but that information is not used.

- Amend CGS Section 16-50l(b) to require notice of any application to the Connecticut Siting Council for a telecommunications tower to be sent to properties that will have a view of the tower.

Connecticut Environmental Protection Act

Any amendment of CGS Section 22a-16 through 22a-19 must be written carefully to avoid harming the ability of individuals or organizations to protect the natural resources of the state, and to avoid confounding forty years of case law.