



COUNCIL ON ENVIRONMENTAL QUALITY

Draft Recommendations for Legislation

November 10, 2011

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 important deficiencies and offers appropriate recommendations.

FARMS, FORESTS, FIELDS AND SHORE

Status and Deficiencies

To meet its goals, the state must preserve at least 2,000 acre of farmland per year. For the first time in nearly two decades, the Department of Agriculture might reach that mark in 2011.

The Farmland Preservation Advisory Board has identified and rated 1,300 acres of farmland owned by the Departments of Correction, Mental Health and Addiction Services and other agencies that could be preserved at virtually no cost. Though owned by the state, those lands currently are not preserved in perpetuity.

Nobody knows how many acres of land have been preserved for conservation purposes throughout the state, or where Connecticut stands in relation to the statutory goal of preserving 21% of the land. It is clear, however, that the state itself is making very little progress toward the goal of protecting the best ten percent through state ownership.

Regulation of development in and around inland wetlands and watercourses is handled mostly by more than one thousand volunteer local commission members. Training is available, but too few complete the training, to the detriment of wetlands and landowner-applicants. (Statistical analysis of the effect of training is available in the CEQ Special Report, *Swamped*.)

Recommendations

- Maintain current capital budget for farmland preservation.
- Pursue "no-cost acquisitions": Adopt legislation to permanently protect 1,000 acres of farmland owned by state agencies, and direct the Department of Energy and Environmental Protection (DEEP) to submit a list of parcels owned by other state agencies that warrant permanent conservation.
- Authorize sufficient funds (probably \$20 million) to preserve 12,000 acres per year of open space by the state and state grant recipients.

- Establish a registry of preserved lands, built on voluntary reporting by municipalities and private organizations. This could be accomplished by designating a registry created and maintained by a nongovernmental organization.
- Improve planning for protection of land, especially for wildlife habitat. Require DEEP to identify, in its currently-mandated open space plan that will be revised in 2012, the state's highest priority conservation areas.
- Modify requirements and incentives for members and staff of municipal inland wetlands and watercourses agencies to complete training. Improvements should include
 - a requirement for all new members to complete "Basic Training" – a new class of training that would be designated by DEEP – if the members have the choice of completing training online or in the classroom,
 - a requirement for locally-designated agents who have enhanced authorities (usually town staff) to complete the annual training update,
 - more subsidies to allow more municipal officials to attend training or complete training online for free, and
 - annual tracking and reporting by DEEP of municipalities' training status, including commissions' fulfillment of their current obligation to review training materials at a local meeting once each year.

WATER

Status and Deficiencies: On and after rainy days, untreated sewage flows into Long Island Sound and 80 miles of rivers. The rain also washes pollutants from roads, parking lots, lawns and abandoned properties into rivers and streams, most of which are impaired substantially by such pollution. About a quarter of Long Island Sound suffers from low oxygen levels during the summer. The only solution for the untreated sewage is continuous improvement in sewage collection and treatment systems, which eventually will require more than one billion dollars in capital investment. The current budget includes sufficient state capital investment in the Clean Water Fund for this year and next. The statewide problem of pollution from runoff will require far greater attention in future years.

Recommendations

- Maintain current budget for state Clean Water Fund.

DEFICIENCIES IN CURRENT LAWS

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 six recommendations arose from Council investigations.

Remediation of Contaminated Properties

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 in December 2011.

Responsibilities pertaining to the provision of drinking water to communities with contamination problems are divided between DEEP and the Department of Public Health. Inefficiencies abound, and no single person or agency has authority to solve problems, many of which linger for decades.

Recommendation

- Overhaul and consolidate the Property Transfer Act and other remediation programs to allow the DEEP and the private sector to move faster.
- Consolidate into one agency the programs that govern the provision of potable water.

Illegal Tree Destruction

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.

Recommendation: 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).

Air Pollution from Outdoor Wood Furnaces

Significant DEEP staff time is consumed by responding to complaints about outdoor wood furnaces, which are subject to standard setback requirements but no emission limits.

Recommendation: Enact a moratorium on outdoor wood furnaces until DEEP adopts regulations that establish maximum emission levels.

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.

Recommendation: 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 owners of properties that will have a view of the tower.

All-Terrain Vehicles

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

Recommendation: Improve law enforcement agencies’ ability to enforce existing laws by 1) requiring registration and 2) including forfeiture of the vehicle as a potential penalty.

Your Recommendations...

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