

A.

STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

Recommendations for Legislation 2011

The Council on Environmental Quality reports the condition of Connecticut's air, water, land and life every year in <u>Environmental Quality in Connecticut</u>. The Council also is required by <u>CGS Section 22a-12</u> to recommend legislation "for remedying the deficiencies of existing programs and activities." The following is a draft list of likely recommendations for legislation. Your comments are invited.

November 2010

(Order does not indicate priority.)

PART ONE: Capital Investments in Land and Water

STATUS OF MAJOR RESOURCES (Bar shows progress toward state's goal as of November 2010)		RECOMMENDATIONS	
CLEAN RIVERS, A SOUND ALIVE	Area of Long Island Sound with low oxygen levels expanded from 2004 through 2009, but showed some improvement in 2010.		Continue to provide steady capital for the Clean Water Fund for grants and loans to cities and towns. Average annual need for state GO bonding is estimated to be:
	Most rivers do not fully meet water quality targets, and progress is slow.		\$130 million
FARMLAND	Preservation doubled in 2009 (to about 1400		Preserve 2,000 acres per year.
	acres) over 2008, and is on track to increase by even more acres in 2010. To meet the state's goal, preservation needs to average about 2,000 acres per year.		Continued annual need for state bonding is estimated to be:
	, , ,		\$10 million
FORESTS, FIELDS AND PARKS	State acquisition has slowed greatly; goals are in jeopardy. Some towns have been acquiring land		Preserve 11,000 acres per year. This is a combined total for water utilities, nonprofit land trusts, cites, towns and the state.
 ??	without state assistance, but acreage is unknown.		Annual need for state bonding is estimated to be:
Accurate data unavailable	There is no complete inventory of preserved		\$20 million
	lands.		This amount includes state acquisitions and grants to nonprofit land trusts, water utilities, cities and towns and is in addition to funds from the Community Investment Account.
	PART TWO: Improvements	to	State Statutes
CLEANING UP CONTAMINATED COMMUNITIES	Remediation of a contaminated property and provision of a permanent potable water supply can take years, decades or longer.		Consolidate in one agency all drinking water programs that relate to the provision of clean water to people with contaminated wells.
	Each capital expense, however small, must be allocated individually by the State Bond Commission. When aquifers and drinking-water wells are		Require the State Bond Commission to allocate state superfund and potable water dollars annually to the DEP and DPH in lump sums to allow for effective response to high-priority cases.
	found to be contaminated, the provision of temporary and permanent clean water supplies requires action by several agencies.		Require the designation of an ombudsman for each remediation project that involves well contamination who can respond to citizens on behalf of all agencies that might be involved, and who shall report progress annually.
PRESERVED LANDS	Previous state estimates of municipal and nonprofit-owned preserved lands are wrong, off by tens of thousands of acres. Data on		Create a voluntary preserved-land reporting system for towns and land trusts.
	new acquisitions are not collected. Modern tools exist for assessing natural resources to guide purchases and no-cost acquisitions such as gifts, developer setasides, corporate tax credits, etc.; these should be employed fully by the state.		Improve Strategy: Enable the DEP to plan open space acquisition based on accurate natural resource and open space inventory data.
PROPRETY TAX RATES FOR PRIVATELY-OWNED OPEN SPACE	In many towns, landowners who manage their lands (of less than 25 acres) for public benefits such as wildlife habitat do not qualify for lower property tax rates under P.A. 490, while other towns offer the "open space" property tax rate even where there is no clear public benefit.		Create a new classification under P.A. 490 (CGS Section 12-107a – 107e) for land that is managed as wildlife habitat pursuant to a plan approved and monitored by a certified forester.
ATVs	All-Terrain Vehicles (ATVs) are driven illegally on trails and undeveloped lands to the detriment of the land, landowners,		Create a universal registration system that makes enforcement easier.
	neighbors and legal users of the land.		Amend <u>CGS Section 22a-250a</u> (forfeiture of vehicles used in violation of environmental laws) to include violations of <u>Section 52-560a</u> (encroachments on open space lands).

PUBLIC NOTICE OF PROPOSED CELL TOWERS	<u>Current law</u> requires cell tower applicants to notify abutting landowners rather than the landowners who might actually have the visual impact. Properties that will have a view of a proposed tower normally are identified in applications but notice is not required.	Amend <u>CGS Section 16-50l(b)</u> 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.
AIR POLLUTION FROM OUTDOOR WOOD FURNACES	Outdoor Wood Furnaces (OWFs), because of their design, produce excessive air pollution that can affect many people. They are not suited to a densely-populated state.	Enact a ban or moratorium on OWFs until they can be designed, installed and operated without generating excessive air pollution.
TREES	Under current law, individual trees on private property are valued as wood, not their true value to the landowner or environment. Their illegal destruction by trespassers will result in such a minor criminal charge that crimes are not prosecuted and compensation is not collected.	In civil court, allow victims of illegal tree cutting to recover costs of replanting and restoration – extending the remedies made available to public landowners under P.A. 06-89 (<u>CGS Section 52-560a</u> , encroachments on open space lands) to all landowners.
WETLANDS	Dozens of municipal wetlands agencies do not comply with statutory requirements for training and reporting. The current training requirement is that one member or staff shall have attended the DEP's full three-segment training program one time. The content of the DEP's training program gets high marks from people. The problems most often cited pertain to a lack of training on the part of some IWWAs' members and staff. Members' reasons for not attending often involve time and convenience. Lack of training results in more wetlands lost (see statistical analysis in Special CEQ Report Swamped) and dissatisfaction in all quarters. Volunteer local commission members want to do a good job, and the state's emphasis should continue to be on helping them.	Training: Require the DEP to create a new, shorter, more convenient training program ("Basic Training") for members of municipal Inland Wetlands and Watercourse Agencies (IWWAs) and require more IWWA members to complete this Basic Training. Specifics of this recommendation include the following changes to statutory requirements: o The DEP shall create a "Basic Training" curriculum (probably equivalent to Segments I and II of the current training program) for IWWA members. As much of the training as possible shall be available online, though not exclusively. o The majority of members of each IWWA shall have completed Basic Training (or the full training option) by 2013. New members shall complete Basic Training (or the full training option) within 21 months of appointment. Agents (staff) shall complete the annual update segment annually in order to remain qualified for the additional powers that current statutes grant when the agent completes training just once. Each IWWA member shall complete the annual update segment annually. This may be accomplished at the (currently required) annual IWWA meeting where training materials are reviewed if 1) the IWWA uses the curriculum circulated by the DEP for such a purpose, and 2) at least one IWWA member or staff is present who attended the annual update session held by the DEP. Each IWWA member shall complete Basic Training or a DEP-designated "refresher course" every five years. Each IWWA shall report annually to the DEP that it held the required annual meeting on training, the names of members who participated, and the training status of each IWWA. The DEP shall keep a list of the training status of each IWWA. IWWAS shall be allowed to increase application fees to cover the costs of training members.
OTHER		reports and for the DEP to retrieve data.
OTHER		Your Recommendation Here