

Council on Environmental Quality

At a Glance

Susan D. Merrow, Chair

Peter Hearn, Executive Director, nominee

Established - 1971

Statutory authority – Conn. Gen. Statutes Sec. 22a-11

Central office - 79 Elm Street,

Hartford, CT 06106

Number of employees – Budgeted for two

Recurring operating expenses – \$173,803

Organizational structure – Nine-member appointed council

Mission and Statutory Authority

The Council on Environmental Quality's three main duties are to prepare and submit to the Governor the state's annual report on the status of Connecticut's environment, to advise other state agencies and to receive and investigate citizen complaints. It also has specific responsibilities under the Connecticut Environmental Policy Act, or CEPA (Conn. Gen. Statutes Sec. 22a-1 through 22a-1h), and other statutes. The Council is within the Department of Energy and Environmental Protection (DEEP) for administrative purposes only. Members of the nine-person Council are appointed by the Governor (5, including the Chair), Speaker of the House (2) and President Pro Tempore of the Senate (2). Members serve without compensation.

Public Service / Improvements / Achievements 2017-2018

The Council submitted *Environmental Quality in Connecticut* – the state's annual report on the condition of its air, water, land and wildlife – to Governor Dannel P. Malloy in May. The report included over thirty interactive charts that show environmental trends.

Continuing an initiative that began in 2014, the Council continued the use of wildlife populations that reflect important environmental changes. The 2015 report launched a new annual index value for populations of forest birds. The report for 2016 included a whole new section, Mosaic Habitats, to illustrate trends in species that require a combination of habitats, such as turtles, bats and Ruffed Grouse. In 2017 the frequency of Asian Tiger mosquitos in the state was added as wildlife indicator of a warming habitat. The development of such indicators requires considerable care in the selection of species, and the Council was advised by several biologists.

All agencies submit their environmental impact evaluations (EIEs) of proposed projects for the Council's advice. In 2018 the Council sent to the Office of Policy and Management (OPM), a letter listing deficiencies that were unaddressed in the EIE and subsequent record of decision (ROD) for a sewer project sponsored by the Department of Energy and Environmental Protection (DEEP). These deficiencies were subsequently included in OPM's determination that the EIE and the ROD did not meet the requirements of the Connecticut Environmental Policy Act (CEPA).

The Connecticut Siting Council is required to solicit comments from the Council on Environmental Quality Council, which will comment on proposed projects in cases where the applications do not provide satisfactory information about scenic and ecological resources. In FY 17 – 18, the Council reviewed 34 applications or petitions that were made to the Siting Council.

The proposal to adopt a state water plan drew public and legislative attention in 2017 and 2018. In November of 2017, the Council submitted comments and recommendations to the State Water Planning Council on the proposed plan. The inclusion of the concept that the waters of the state are a "public trust" became a controversial issue in

deliberations about the Plan. In March of 2018 the Council published “Connecticut Residents and the Public Trust in Air, Water, Wildlife and Other Resources”, an analysis of the historic roots of the public trust doctrine in Connecticut law and instances of when it had been invoked.

Continuing an ongoing analysis of compliance with the State’s environmental laws and regulations, the Council completed an analysis of DEEP’s Pesticide Management Program with a special report in December of 2017 that documented, among other problems, insufficient resources to adequately monitor illegal pesticide sales on the internet. A key conclusion was that the Pesticide Management Program could better fulfill its mission if it had resources to implement online registration, reporting and record keeping. Allowing the program to keep a larger share of the revenues it collects would be a step in that direction.

Several statutes give additional responsibilities to the Council. Pursuant to P.A. 16-61, the Council provided detailed comments on an environmental study, “*Environmental Study on a Change in Use of New Britain Water Company Land*” in May of 2018. The comments concluded that the need for the project was not demonstrated and that it did not outweigh the potential environmental destruction that would result from inserting a mining operation on Class I and II watershed lands. The proposal was subsequently withdrawn.

State law directs the Council to investigate citizen complaints alleging violation of any statute or regulation in respect to environmental quality. Connecticut residents often bring their environmental concerns and complaints to the Council. In FY 2017 – 18, an average of one person per meeting came to speak about matters that concerned them. Most often, they were accompanied by like-minded supporters. The most frequent complaints were about proposed solar energy facilities. The Council issued a special report, *Energy Sprawl*, in February 2017. It had documented the devastation that those projects were causing to prime farmland and core forests. Though that issue was subsequently addressed by the legislature in PA 17-218, the impacts of “grandfathered” projects was still being felt and was the topic of many complaints. Other topics brought to the Council’s meetings included the proposal to allow mining on protected Class I and Class II reservoir lands, the location of the proposed State Police Training Facility, wetlands violations, risks posed by sewage lines near public reservoirs, the need for better notice of pesticide spraying, the decline of old-growth forests and the threat posed by the invasive plant *Phragmites*. Dozens of inquiries and complaints were received by phone and email. Most were resolved by referral to the correct agency for the inquiry. The Council investigated all of the complaints it received and offered recommendations to the relevant state agencies, where warranted, and pursued the solutions until they were implemented.

All reports are published on the Council's website. By encouraging people to read its reports online, the Council has been able to eliminate printing and thereby conserve money and resources. Residents can receive e-mail notices of all new publications, as well as public meetings, by signing up for free e-alerts through the website.

Twice each month the Council publishes the *Environmental Monitor*, an online publication that replaced the Connecticut Law Journal as the official publication for CEPA notices. All state agencies post their notices that are required by CEPA, as well as notices of proposed land transfers as required by Conn. Gen Statutes Sec. 4b-47, in the *Environmental Monitor*. The *Environmental Monitor* is distributed twice a month to all municipal clerks as well as any citizen who subscribes to e-alerts through the website. This electronic publication saves considerable sums by eliminating printing and mailing costs.

The Council’s total expenditures in FY 2017 - 18 were achieved in part by staff taking several days of unpaid leave, and partly by not purchasing anything.