



The Municipal Primer

Your Guide to
Creating a
"Green and Growing"
Community



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Commissioner





Public Safety
and Building
Official



Public Safety and Building Official (Includes Open Burning Official)

There are several areas where municipal public safety officials and the CT DEP interact. Specifically, Environmental Conservation Police can support and may require support from local police departments in the response and investigation of emergency situations and/or illegal activities. Local public safety officials should be aware of the requirements of certain CT DEP programs. To aid in coordination between local public safety officials and the CT DEP, *The Municipal Primer* provides fact sheets on the following topics:

- *Environmental Conservation Police*
- *Environmental Justice*
- *Open Burning*
- *Outdoor Wood-burning Furnaces and Wood Stoves*
- *Wildlife Issues: Animal Possession, Nuisance Animals and Wildlife Rehabilitators*

The other fact sheet in *The Municipal Primer* related to public safety issues is:
Fleet Selection and Operation (Public Works).



Description

Connecticut Environmental Conservation Police (EnCon Police) are certified police officers who are schooled in specific areas related to the EnCon Police missions listed below.

Municipal Connection

Environmental Conservation Police can support and may require support from local police departments in the response and investigation of emergency situations and/or illegal activities.

Statutory Citations

CGS Sections 26-5, 26-6 and 29-18

Discussion

The EnCon Police protect the public and Connecticut's natural resources through public education and outreach, prevention of crime and accidents, and the enforcement of environmental and other laws and regulations. They work in the following areas:

Fish & Game

- statewide enforcement of hunting, fishing and trapping laws and regulations;
- inspection of taxidermy operations for compliance with laws and regulations;
- joint enforcement efforts with other states and special agents of the U.S. Fish and Wildlife Service to detect, deter, apprehend and prosecute violators of federal fish and game laws; and
- investigation or assistance in the investigation of hunting-related incidents that result in death or injury to persons, and maintenance of officers trained in the reconstruction of such incidents.

Recreational Boating

- patrolling all waters within the state and on Long Island Sound to enforce recreational boating rules;
- inspection of recreational boats for compliance with boating laws and regulations;
- performing search and rescue operations;
- investigation of boating accidents that occur on Connecticut waters;
- maintenance of a "Boating Accident Reconstruction Unit" (B.A.R.U.) to reconstruct boating accidents that involve death or serious physical injury; and
- oversight of lake authority marine patrol units on Lake Candlewood and Lake Housatonic.

Commercial Fishing

- statewide enforcement of state and federal laws and regulations pertaining to the commercial harvest of fish and shellfish;
- inspection of commercial fishing vessels for compliance with commercial fishing laws and regulations;
- inspection of retail and wholesale seafood dealers and establishments for compliance with commercial fishing laws and regulations; and
- joint enforcement efforts with other states and special agents of the National Marine Fisheries Service to detect, deter, apprehend and prosecute violators of federal fish and game laws.

Wildlife Management

- responding to complaints about sick, injured or nuisance wildlife;
- assisting CT DEP biologists with monitoring Connecticut's black bear and moose populations;

Environmental Conservation Police

- providing information to the public regarding living with wildlife; and
- when necessary, chemical immobilization of large wildlife such as black bear, moose or white tail deer.

State Parks And Forests

- primary policing for Connecticut state parks and forests;
- patrolling state parks and forests to deter criminal activity;
- investigating crimes and enforcing all state laws and regulations on CT DEP-owned properties; and
- performing search and rescue operations.

Recreational Vehicles

- enforcing state laws and regulations pertaining to the operation of snowmobiles and all-terrain vehicles (ATV) on CT DEP-owned or leased property, or on the frozen surface of public bodies of water; and
- assisting other agencies with the enforcement of ATV and snowmobile laws and regulations on other properties.

Homeland Security

- patrolling public watershed areas;
- waterborne patrolling of shipping ports;
- waterborne patrolling of navigable waterways;
- waterborne patrolling off Millstone Point Nuclear Power Plant in Waterford; and
- serving as primary, on-water backup agency for U.S. Coast Guard.

Public Education and Outreach

- providing function-related information, education and assistance to the public at various events and locations.

Potential CT DEP Permits, Registrations and/or Certifications

None.

Financial Assistance

Not applicable.

Model Regulations

Not applicable.

Web Page

www.ct.gov/dep/enconpolice

Contacts

Bureau of Outdoor Recreation
Environmental Conservation Police Division

To Report a Crime: 860-424-3333

Turn In Poachers (TIP) Line: 800-842-4357

Routine Administrative Inquiries:

Administrative Headquarters
860-424-3012

Eastern District Headquarters

860-295-9523

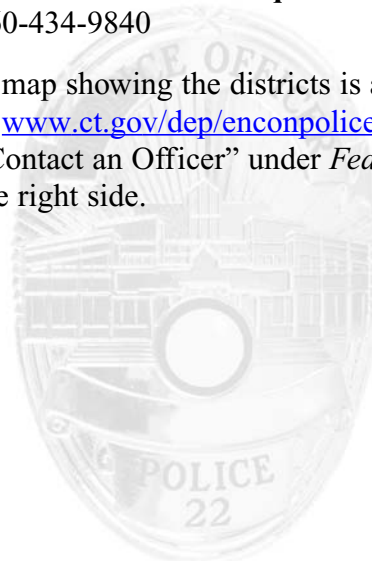
Western District Headquarters

860-485-0226

Marine District Headquarters

860-434-9840

A map showing the districts is available online at www.ct.gov/dep/enconpolice Select “Contact an Officer” under *Featured Links* on the right side.



Description

Environmental justice means that all people should be treated fairly under environmental laws regardless of race, ethnicity, culture, or economic status.

Municipal Connection

The Department's Environmental Justice Program provides assistance to local law enforcement agencies in the areas including but not limited to:

- illegal dumping;
- asbestos contamination;
- lead paint contamination;
- auto body shops;
- housing sanitation;
- school sanitation;
- schoolyard habitat development; and
- public participation plans.

Municipal Responsibility

To apply federal, state and local environmental and public health ordinances equitably to all its citizens.

Statutory Citations

CGS Section 22a-1a
Public Act 08-94

Discussion

The Department's environmental equity policy states that, "no segment of the population should, because of its racial or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits."

The CT DEP Environmental Justice Program incorporates principals of environmental justice into aspects of the CT DEP's program

development, policy making, and regulatory activities, including but not limited to:

- assessing the effectiveness of CT DEP efforts in the state's urban areas;
- enforcing of the state bottle bill;
- maintaining a registry of bottle redemption centers;
- investigating and responding to environmental and, in consultation with local and state departments of health, public health complaints from municipal officials;
- increasing public participation in the agency's decision making process;
- identifying community health concerns in consultation with local and state departments of health;
- enhancing public participation in administrative proceedings;
- educating municipalities on CT DEP regulations, policies and procedures; and
- providing training material on permitting processes.

Public Act 08-94 provides some protections for distressed municipalities and those neighborhoods and communities that are economically disadvantaged from what are termed "affecting facilities." Affecting facilities are statutorily defined to include any:

- electric generating facility with a capacity of more than ten megawatts;
- sludge or solid waste incinerator or combustor;
- sewage treatment plant with a capacity of more than fifty million gallons per day;
- intermediate processing center, volume reduction facility or multi-town recycling facility with a combined monthly volume in excess of twenty-five tons;

Environmental Justice

- new or expanded landfill, including, but not limited to, a landfill that contains ash, construction and demolition debris or solid waste;
- medical waste incinerator; or
- major source of air pollution, as defined by the federal Clean Air Act.

This legislation affected the listed activities proposed in either: 1) municipalities listed on the Connecticut Department of Economic and Community Development *Distressed Municipalities List*; or 2) in a United States census block group for which thirty-percent or more of the population are living below two hundred percent of the federal poverty level. As of January 1, 2009, an applicant who seeks a CT DEP permit for a new or expanded affecting facility or Siting Council approval for an affecting facility must:

- provide a *Public Participation Plan* as part of their application; and
- negotiate the need for and terms of a community environmental benefits agreement with the municipality. Prior to negotiating the terms of such an agreement, the municipality is required to provide the neighborhood or community where the facility is proposed to be sited with an opportunity to be heard regarding the need for and terms of a community environmental agreement.

In addition to the affecting facilities named in Public Act 08-94, an applicant seeking a solid or hazardous waste permit in a “distressed municipality,” as identified on the *Connecticut Department of Economic and Community Development Distressed Municipalities List*, must submit an environmental justice plan to the CT DEP. *An Environmental Justice Plan Guidance Document* for permit applicants is available upon request from the CT DEP Environmental Justice Program.

Potential CT DEP Permits, Registrations and/or Certifications

The Environmental Justice Program is not a regulatory program; however, specific environmental justice requirements are added to certain permit programs in listed distressed municipalities and economically disadvantaged neighborhoods or communities.

Financial Assistance

Financial assistance is not available at this time (6/2008).

Model Regulations for Municipal Consideration

No.

Web Page

www.ct.gov/dep/environmentaljustice

Contacts

Office of the Commissioner
Environmental Justice Program

Administrator - 860-424-3044

Outreach & Education - 860-424-3053

Complaint Investigation - 860-209-5612
860-463-6875

Illegal Dumping Hotline - 1-866-363-3867



Description

“Open burning” means the burning of brush on a residential property provided that the open burning is conducted by the resident (or designated agent) of the property and a permit for such burning has been obtained from the local burning official. For the most part, businesses are not allowed to open burn.

As it relates to open burning, “brush” means shrubs, vegetation or prunings less than three inches in diameter at the widest point.

Combustible wood products that are not considered brush include, but are not limited to: construction and demolition waste, or land-clearing debris such as stumps.

Municipal Connection

The chief executive officer of each municipality is responsible for nominating all local burning officials and has the authority to revoke any nomination. All burning official nominations must be certified by the Commissioner of CT DEP.

The open burning of brush at a municipal landfill, transfer station or municipal recycling center is allowed, provided the requirements outlined in the discussion below are met.

Municipal Responsibility

Except for actions on state-owned property, municipalities have the authority to regulate or ban the open burning of brush for any purpose within their boundaries. If open burning is not banned, the municipal open burning official (OBO) is responsible for issuing open burning permits to residents within such municipality.

Only the OBO can issue open burning permits for the following activities proposed on non-state-owned properties:

- 1) fire training exercises;
- 2) eradication or control of insect infestations or disease;
- 3) agricultural purposes;

- 4) clearing vegetative debris following a natural disaster; and
- 5) vegetative management or enhancement of wildlife habitat, or ecological sustainability on municipal property, or any privately-owned property permanently dedicated as open space.

Open burning laws of the state or municipality may be enforced by any peace officer within that peace officer’s area of jurisdiction. Note that this will not appear in a peace officer’s “ticket book” since it is not an infraction, but a misdemeanor crime, subject to fine and imprisonment. Municipalities may establish other enforcement tools through local ordinances.

Statutory Citation

CGS Section 22a-174(f)

Discussion

Open burning can pollute the air and make it difficult for people with respiratory problems to breathe. Open burning can also create smoke and odor nuisances, as well as health risks to nearby residents, particularly in densely populated areas. Therefore, the CT DEP encourages the use of alternate methods of disposing of brush, such as chipping, grinding, composting and recycling.

The burning of non-processed wood for campfires and bonfires is not prohibited providing such activity is conducted in a manner that is consistent with any local restrictions imposed on such burning and that it does not create a nuisance.

No open burning of brush shall occur:

- 1) when national or state ambient air quality standards may be exceeded;
- 2) where a hazardous health condition might be created;
- 3) when the forest fire danger in the area is identified by the Commissioner of CT DEP

Open (Outdoor) Burning

as extreme and where woodland or grass land is within one hundred feet of the proposed burn;

- 4) where there is an advisory from the Commissioner of the CT DEP of any air pollution episode;
- 5) where prohibited by an ordinance of the municipality; and
- 6) in the case of a municipal landfill, when such landfill is within an area designated as a “hot spot” on the open burning map prepared by the Commissioner.

Municipalities are allowed to conduct open burning of brush at a municipal landfill, transfer station or municipal recycling center, provided a permit for such burning is obtained from the local fire marshal of the municipality where the facility is located. Such permit, along with the approval of the chief executive officer, must be submitted to Commissioner of CT DEP by the fire marshal. A permit for the open burning of brush at a municipal landfill, transfer station or recycling center shall be issued no more than six times during any calendar year. The burning of leaves, demolition waste or other solid waste deposited in such landfill is prohibited.

The burning of wood or other waste materials in a drum or other similar container is prohibited.

Potential CT DEP Permits, Registrations and/or Certifications

The Commissioner of CT DEP is responsible for:

- certifying the nomination of any local burning official;
- approving or disapproving any OBO’s proposed permitting of burning brush at a municipal landfill, transfer station or municipal recycling center; and,
- authorizing, in writing, fire breaks for the purpose of controlling forest fires, and

controlled fires in salt water marshes to forestall uncontrolled fires.

In addition, the Commissioner of CT DEP is responsible for authorizing open burning for the following purposes on state-owned properties:

- fire training exercises;
- eradication or control of insect infestations or disease;
- agriculture;
- clearing vegetative debris following a natural disaster; and
- vegetation management, enhancement of wildlife habitat or ecological sustainability.

Financial Assistance

Financial assistance is not available at this time (6/2008).

Model Regulations for Municipal Consideration

No.

Web Page

www.ct.gov/dep Select “Programs and Services” at the top of the page, then select “Air” then select the “Open Burning” link on left navigation bar.

Contact

Bureau of Air Management
Engineering and Enforcement Division
Field Enforcement Program
Phone: 860-424-3702

Outdoor Wood-Burning Furnaces and Wood Stoves

Description

An outdoor wood-burning furnace (OWF), is a wood-fired boiler in a small, insulated shed with a smoke stack. OWFs heat water that is carried through underground pipes to heat a home or building, domestic hot water, a swimming pool, a spa or a hot tub.

Woodstoves are heat and/or cooking sources most commonly installed within a residence.

Municipal Connection

Outdoor wood-burning furnaces and wood stoves generally lack air pollution controls in their smoke stacks or chimneys, and as a result, they contribute to air pollution. The release of smoke and particulate matter can be a nuisance to neighbors (thereby generating complaints), and a threat to air quality.

Wood stoves can generate complaints from neighbors relating to particulate emissions. If complaints are not effectively addressed at the municipal level, the CT DEP can be contacted to provide assistance.

Municipal Responsibility

Municipalities have the authority to regulate the location of OWFs and share enforcement authority with the CT DEP.

Municipal building permits are required for OWFs and for wood stoves. Local zoning permits are frequently required for the structure that houses an OWF.

Statutory Citation

CGS Sections 22a-170 through 22a-206

Discussion

Outdoor Wood-burning Furnaces

It is widely recognized that the OWF market is a niche market and there are many more woodstoves than OWFs in Connecticut and throughout New England. Nevertheless, OWFs appear to be creating the bulk of smoke-related nuisances on the residential level. Therefore,

the Department has notified trades people involved in the installation of such units about location requirements and the possible outstanding challenges associated with OWFs.

Smoke from OWFs contains unhealthy amounts of particulate matter (PM), dioxin, carbon monoxide, nitrogen dioxide, sulfur dioxide, hydrochloric acid, formaldehyde and other toxic air pollutants. Current state law specifies that all OWFs installed after July 11, 2005, must:

- burn only wood that has not been chemically treated;
- be located not less than 200 feet from the nearest residence not being served by the unit; and
- have a chimney that is more than the height of the roof peaks of residences located within 500 feet of the OWF, provided the chimney height is not more than 55 feet.

The state law governing OWFs does not alter the municipality's authority for regulating land use, including OWFs. In fact, CT DEP has found OWFs can still create local nuisances, even when in full compliance with the statutory location requirements. Options available to municipalities include, but are not limited to:

- adopting more restrictive location requirements for the installation of OWFs within their jurisdiction;
- limiting installations near schools, churches, commercial districts and other sensitive areas, as the statute only addresses requirements for set-backs from residences;
- requiring a zoning permit or special exception for the installation of an OWF (a building permit is required for the shed, the plumbing and any associated electrical work);
- requiring, as part of the local zoning or building permit process, documentation by

Outdoor Wood-Burning Furnaces and Wood Stoves

a licensed surveyor or professional engineer that the location of the OWF, distances to residences, and comparative heights of the stack and proximate residential rooflines meet the statutory standards, and that the installation of the OWF is in accordance with the manufacturer's written instructions.

Wood Stoves

Wood stoves are a popular source of heat in Connecticut homes. Although wood stoves rely on renewable resources and are frequently recommended by climate change mitigation proponents, they do produce smoke that contains unhealthy amounts of various pollutants. Careful operation of wood stoves can reduce their adverse impact on air quality. The best operational techniques include, but are not limited to:

- avoiding using wood stoves on days when the air quality index is high for particulate matter;
- using only seasoned firewood;
- using small, hot fires;
- refraining from burning garbage; and
- refraining from "bedding down" a fire to keep it burning for an extended period of time.

If there is a lot of smoke, it is a sign that something is wrong. Municipalities are encouraged to educate their wood stove owners on these best operation practices. Wood stoves manufactured and sold after July 1, 1992 must be certified by the U.S. Environmental Protection Agency (EPA). Encouraging residents to buy or use an EPA-certified wood stove will improve efficiency and minimize air quality effects.

Air Pollution Complaints

The CT DEP Air Pollution Complaint Line, 860-424-3436, is open for all concerns regarding smoke and other air pollution. It is operated from 8:00 am - 4:30 pm, Monday through Friday; voice mail is available for complaints made during evening and weekend hours, or a complaint can be emailed to dep.aircomplaints@ct.gov.

Potential CT DEP Permits, Registrations and/or Certifications

No CT DEP permits are required for OWFs or wood stoves.

Financial Assistance

Financial assistance is not available at this time (6/2008).

Model Regulations for Municipal Consideration

No.

Web Pages

www.ct.gov/dep Under "Programs and Services" at the top of the page, select "Air," then select "Outdoor Wood Furnaces" under "Featured Links" on the right side of the page.

Air Quality Index

www.ct.gov/dep Select "Air Quality Index" from right navigation bar under "Updates & Advisories."

Contact

Bureau of Air Management
Engineering and Enforcement Division
Field Enforcement Program
E-mail: dep.aircomplaints@ct.gov
Phone: 860-424-3702

Wildlife Issues: Animal Possession, Nuisance Animals & Wildlife Rehabilitators

Description

Wildlife issues include concerns regarding wild animal possession, the handling and management of nuisance wild animals and the role of wildlife rehabilitators.

Municipal Connection

Municipal officials, particularly police and/or animal control officials, are frequently contacted regarding wild animal possession, nuisance animals in and around yards, and animals that are found sick, injured or orphaned.

Local zoning officials may be contacted by individuals applying for state permits to possess wildlife. Falconers and wildlife educators are required show proof to CT DEP that they are in compliance with all local laws before obtaining permits to house wild animals on their property.

Municipal Responsibility

A municipal zoning enforcement officer may be asked to review local land use laws to determine if a municipality prohibits the possession of wildlife or the building of structures that house wildlife. When applicable, zoning enforcement officers may be asked to sign CT DEP application materials for falconers, educators and/or wildlife rehabilitators stating that these individuals are in compliance with all local land use ordinances.

Statutory Citation

CGS Sections 26-1 through 26-168a

Discussion

Each year, the CT DEP Wildlife Division receives several thousand calls for assistance from residents who have problems with wild animals. These conflicts typically include: wild animals damaging crops, livestock or property; wild animals posing a threat to human safety; injured or diseased wild animals; or wild

animals taking up residence in areas where they are unwanted. Information and suggestions for resolving nuisance wildlife problems are available on the CT DEP Web site for the most common species, including bats, bears, beavers, coyotes, deer, foxes, geese, pigeons, raccoons, skunks, squirrels and woodchucks. Homeowners can also refer to the list of *Nuisance Wildlife Control Operators* on the CT DEP Web site to find a local company that can be hired to remove nuisance animals.

The Department appoints volunteers as wildlife rehabilitators. Once trained, wildlife rehabilitators are authorized to care for sick, injured and orphaned animals. A list of these volunteers is available on the CT DEP Web site. Please note that wildlife rehabilitators are *not* allowed to care for black bears, bobcats, coyotes, adult deer, adult raccoons, adult fox, adult skunk or venomous snakes.

CT DEP licenses are required to possess raptors (birds of prey) for the purpose of falconry. As part of the licensing process, an applicant must demonstrate to the CT DEP that the structures that will house the birds are consistent with local zoning requirements, and that the practice of falconry is permitted in the land use district in which it will occur.

Potential CT DEP Permits, Registrations and/or Certifications

Wildlife Custodians:

Authorization is required to care for sick, injured or orphaned wild animals as volunteers.

Nuisance Wildlife Control Operators:

Authorization is required to trap and remove nuisance animals from structures and yards, and charge a fee for their services.

Falconry:

Authorization is required to possess up to three raptors for the purpose of hunting and is issued only to licensed falconers.

Wildlife Issues: Animal Possession, Nuisance Animals & Wildlife Rehabilitators

Possession Permits:

Authorization is required to possess wild animals for the purpose of education or public exhibit.

Financial Assistance

Financial assistance is not available at this time (6/2008).

Model Regulations

No.

Web Pages

General Wildlife

www.ct.gov/dep/wildlife

Black Bear Information

<http://www.ct.gov/dep/blackbear>

To Report a Black Bear Sighting

<http://www.depdata.ct.gov/wildlife/sighting/beerpt.htm>

List of Licensed Nuisance Wildlife Control Operators

www.ct.gov/dep/wildlife Select “Nuisance/Distressed Wildlife” on left navigation bar, then follow the link under “Nuisance Wildlife Control and Rabies Brochure.”

Contact

Bureau of Natural Resources
Wildlife Division
Phone: 860-424-3011

