



January 2011



STATE OF CONNECTICUT
COUNCIL ON ENVIRONMENTAL QUALITY

Recommendations for Legislation 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 CGS Section 22a-12 to recommend legislation “for remedying the deficiencies of existing programs and activities.” From its investigation of citizen complaints and review of environmental indicators, the Council has identified several deficiencies and offers the following recommendations.

(Order does not indicate priority.)

PART ONE: Capital Investments in Land and Water

STATUS (Bar shows progress toward state’s goal as of December 2010)		RECOMMENDATIONS
CLEAN RIVERS, A SOUND ALIVE 	<p>Area of Long Island Sound with low oxygen levels expanded from 2004 through 2009, but showed some improvement in 2010.</p> <p>Most rivers do not fully meet water quality targets, and progress is slow.</p>	<input type="checkbox"/> 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 <u>is estimated</u> to be: <p style="text-align: center;">\$130 million</p>
FARMLAND 	<p>Preservation doubled in 2009 (to about 1400 acres) over 2008, and is on track to increase by even more acres in 2010-2011. To meet the state’s goal, preservation needs to average about 2,000 acres per year.</p>	<input type="checkbox"/> Preserve 2,000 acres per year. <p>Continued annual need for state bonding is estimated to be: <p style="text-align: center;">\$10 million</p> </p>
FORESTS, FIELDS AND PARKS <i>Accurate data unavailable</i>	<p>State acquisition has slowed greatly; goals are in jeopardy.</p> <p>Some towns have been acquiring land without state assistance, but acreage is unknown.</p> <p>There is no complete inventory of preserved lands.</p>	<input type="checkbox"/> Preserve 11,000 acres per year. This is a combined total for water utilities, nonprofit land trusts, cities, towns and the state. <p>Annual need for state bonding is estimated to be: <p style="text-align: center;">\$20 million</p> <p>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.</p> </p>

PART TWO: Improvements to State Statutes

CLEANING UP CONTAMINATED COMMUNITIES	<p>Remediation of a contaminated property and provision of a permanent potable water supply can take years, decades or longer.</p> <p>When drinking-water wells are found to be contaminated, provision of a permanent clean water supply requires action by several agencies. Meanwhile, the DEP must monitor about 3,500 residential wells.</p> <p>Each capital expense, however small, must be allocated individually by the State Bond Commission.</p>	<input type="checkbox"/> Consolidate in one agency all drinking water programs that relate to the provision of clean water to people with contaminated wells. <input type="checkbox"/> Direct the State Bond Commission to allocate state superfund and potable water dollars annually to the DEP and/or DPH in annual lump sums to allow cases to be addressed in order of priority.
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<p>PUBLIC NOTICE OF PROPOSED CELL TOWERS</p>	<p><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.</p>	<p><input type="checkbox"/> 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.</p>
<p>TREES: COMPENSATION FOR PRIVATE LANDOWNERS</p>	<p>Under <u>current law</u>, 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.</p>	<p><input type="checkbox"/> 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.</p>
<p>AIR POLLUTION FROM OUTDOOR WOOD FURNACES</p>	<p>Outdoor Wood Furnaces (OWFs), because of their design, can <u>produce excessive air pollution</u>. They might not be suited to a densely-populated state. Complaints consume significant DEP staff time. <u>Current law</u> does not address OWFs near schools, businesses, churches, etc.</p>	<p><input type="checkbox"/> Enact a moratorium on OWFs until 1) they consistently can be designed, installed and operated without generating excessive air pollution and 2) the DEP adopts regulations that will protect the public in all circumstances.</p>
<p>WETLANDS: MORE TRAINING MORE PARTICIPATION</p>	<p>Dozens of municipal wetlands agencies do not comply with <u>statutory requirements for training</u> and reporting. The current training requirement is that one member or staff shall have attended the <u>DEP's full three-segment training program</u> one time.</p> <p>Lack of training results in more wetlands lost (see statistical analysis in Special CEQ Report <u>Swamped</u>).</p> <p>Members' reasons for not attending usually involve time and convenience.</p> <p>Volunteer local commission members want to do a good job, and the state's emphasis should be on helping them.</p>	<p><input type="checkbox"/> Require the DEP to create a shorter, more convenient training program for members of municipal Inland Wetlands and Watercourse Agencies (IWWAs), and get more municipal wetlands officials to complete it.</p> <p>The CEQ is working on a series of detailed recommendations that will be published separately. These recommendations call for more convenient training, more participation, and a way for municipalities to recover costs (if any). Two no-cost recommendations that could be adopted immediately by the General Assembly include:</p> <ul style="list-style-type: none"> o Each IWWA shall report annually to the DEP that it held the currently-required annual meeting on training, the names of members who participated, and the training status of each member. The DEP shall keep a list of the training status of each IWWA. o Agents (staff) shall complete the annual update segment annually in order to <i>remain</i> qualified for the additional powers that <u>current statutes</u> grant when the agent completes training just once.

The Council received many additional suggestions for improving state environmental programs during 2010, especially at a public forum held in November at the Legislative Office Building. Many of these will be featured in *Environmental Quality in Connecticut* for 2010, scheduled to be published in early 2011. The Council will issue supplemental recommendations as legislative proposals advance.