



State of Connecticut
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*c/o Susan Merrow, Chair
Karl Wagener, Executive Director
Council on Environmental Quality
Public Forum on Draft Recommendations*

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ELECTIONS COMMITTEE

MEMBER
APPROPRIATIONS COMMITTEE
ENERGY AND TECHNOLOGY COMMITTEE
INTERNSHIP COMMITTEE

disposed of appropriately. I hope that you will provide continued guidance to ensure that proposed legislative remedies are sufficient to protect the public.

Grant legal protections to lands of high conservation value – including state parks, forests, and wildlife management areas – so that they remain protected in perpetuity.

Specifically with regard to lands of high conservation value, I would respectfully invite that the CEQ advise the legislature on how one specific issue, which is how to protect state owned land of high conservation value.

If we know in advance that state owned land is of conservation concern, we need new mechanisms to protect it, particularly for land currently owned and used by state agencies other than DEEP.

In the last session, the legislature passed legislation granting a conservation easement for lands at the DDS Southbury Training School to an outside nonprofit.

If this is a formula that works, we need to standardize the model and work to educate agencies whose primary mission is not conservation about potential options and ways in which they can protect land without compromising their mission. Other recommendations you make regarding to protect lands of high

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FOR THE ENVIRONMENT



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Connecticut Council on Environmental Quality

December 5, 2013

Testimony by Citizens Campaign for the Environment

My name is Louis Burch, program coordinator for Citizens Campaign for the Environment (CCE). Supported by over 80,000 members in Connecticut and New York State, CCE works to empower communities and advocate solutions that protect public health and the natural environment. CCE would like to offer the following recommendations to the Council on Environmental Quality (CEQ) to be considered for inclusion in the CEQ 2014 legislative agenda.

I. Clean Water Funding

Healthy water bodies are essential to our health and quality of life in Connecticut. Unfortunately, communities are still being served by aging and failing sewage infrastructure. Outdated

minimum percentage of allocated clean water funds to be invested in advanced storm water management techniques.

III. **Pesticides & Children's Health**

The growing body of peer reviewed scientific evidence indicates that exposure to pesticides increases a child's risk of developing cancer, as well as a range of neurological, respiratory and endocrine problems, even at low levels. Connecticut has established itself as a nation-wide leader in children's health, by banning the use of chemical pesticides at elementary schools in 2005, expanding the ban to middle schools in 2007, and finally including day care facilities in 2009.

While the ban on pesticides for K-8 schools and day care facilities is an important first step, it fails to protect students in grades 9-12, who are still susceptible to the dangers of toxic exposures. Research tells us that high school students may in fact have a greater level of exposure to pesticides, especially when involved in outdoor sports activities.

CCE strongly supports expanding Connecticut's existing children's health protections by extending the ban on toxic pesticides to include high school green spaces and playing fields (grades 9-12). This legislation is an important step for safeguarding children's health, which can be implemented successfully while maintaining effective pest management and quality turf care.

IV. **Safe Rx Disposal**

Trace amounts of pharmaceutical drugs are contaminating our ground and surface waters through a number of pathways, including the flushing of unused medications. Flushing unused pharmaceutical drugs is a common disposal practice, despite the fact that modern sewage and drinking water infrastructure are not designed to remove

VI. Fracking Waste Disposal

Industrial oil and gas development using high volume hydraulic fracturing poses inherent risks to the environment and public health. Unfortunately, states without industrial oil and gas development are still impacted by the disposal of the waste products. In order to release oil and gas deposits in shale and other tight formations, oil and gas companies use millions of gallons of fresh water, mixed with a toxic cocktail of chemical compounds. These can include formaldehyde, methanol, ethylene glycol, diesel fuel, hydrochloric acid, ethyl benzene and toluene.

Recently, an independent analysis revealed that one-third of all natural gas wells are fracked with the use of carcinogenic compounds. Research also shows that shale formations can contain high levels of Naturally Occurring Radioactive Materials (NORMs), including Radium-226. These factors combine to produce a waste product that is highly toxic, potentially radioactive and carcinogenic, and notoriously difficult to dispose of safely.

Volumes of toxic, radioactive and caustic liquid waste by-products pose storage, treatment and disposal problems for neighboring states and municipalities, and strong regulatory protections are needed to ensure that these waste products do not jeopardize Connecticut's ground water resources and public health. **CCE respectfully urges CEQ to support meaningful regulations that ensure that hazardous waste products from oil and gas development are being disposed of properly.**

VII. Wind Moratorium

In 2011, the CT General Assembly passed what was intended to be a short-term moratorium on the development of wind-specific regulations by the CT

CITIZENS for a **CLEAN HAMMONASSET RIVER**

Keith Ainsworth
Harold Dolan
Ted Gardziel
Herbert Gram
Joan Gram

The Riverkeepers

Ronald Nash
Donald Rankin
James Staunton
Abigail White

5 December 2013

I would like to see a more concerted effort on the part of our DEEP to raise the water quality classification of Connecticut's rivers. Of great importance is the quality of our Long Island Sound, which is extremely dependent upon the quality of the waters that are flowing from these rivers into the Sound.

The justification for this action is more critical now than it has been in the past. It is common knowledge that even the most modern septic systems, Advanced Treatment Systems (ATS), and municipal sewer treatment plants, do little or nothing to filter out the myriad of chemicals and drugs currently used by many households in Connecticut. We are just now beginning to realize the impact that these drugs and chemicals are having on our fish, shellfish, crustaceans, and other aquatic life. We are told not to flush drugs



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**Comments to the Council on Environmental Quality on Draft Recommendations for Legislation
From the Farmington River Watershed Association
December 5, 2013**

The Farmington River Watershed Association (FRWA) is a private, non-profit 501(c)(3) citizens' group founded in 1953, dedicated to preserving, protecting, and restoring the Farmington River and its watershed through research, education, and advocacy. On behalf of FRWA, I thank you for the opportunity to comment on CEQ's draft recommendations for legislation in 2014.

FRWA strongly supports all recommendations in the draft published by CEQ on November 22, 2013, and has additional recommendations to suggest. Below are specific remarks about issues pertinent to river protection.

The Farmington River was recently proposed as a source of water supply for the University of Connecticut; the ensuing controversy pointed out the need to complete a statewide water supply plan as required many years ago by statute. We recommend that

“... just funding be provided to allow state water supply planning to move forward as

Riverbanks and floodplains are inherently prone to disturbance by flood, ice, and the erosion and deposition of sediment, as well as human-caused disturbance; these events produce bare soil that is especially vulnerable to colonization and takeover by invasive species. Exclusion of native river species by invasives disrupts and degrades valuable habitats and travel corridors for wildlife. FRWA therefore **strongly supports appropriation of funds to develop a plan for detecting and controlling new terrestrial invasive species.**

The state oversight of Alternative Sewage Treatment Systems is underfunded and compliance with DEEP's requirements for discharge and reporting is not adequately enforced. We support CEQ's recommendation for **amending statutes to impose more severe fines and shorter permit renewal intervals in the event of failure to submit required reports; in addition, we recommend sufficient funding for enforcing even the existing statutes.**

Legal protections against transport of hydraulic fracturing waste into or through the state should be **augmented by sufficient funding to detect illegal dumping of fracking waste.**

In addition to supporting CEQ's Nov. 22 draft recommendations, FRWA strongly recommends the following:

- **An overall increase in funding for adequate environmental monitoring.** Our organization supplements state monitoring of the Farmington River, but many rivers do not have the support of an active citizens' group to make up for shortfalls in state monitoring that are due to the

Nancy Alderman
Environment and Human Health, Inc.

I am sorry I cannot be with you and the CEQ Council Members at your open meeting on the December 5th - so I am sending what Environment and Human Health, Inc. (EHHI) would like to see CEQ put on their agenda for this legislative session. EHHI has three items of concern.

1. Require the CT DEEP to set "health protective" air standards for residential wood smoke emissions.
2. Removing Flame Retardants from infant and toddlers products, including infant mattresses, changing tables, nursing pillows, strollers, etc.. Of those children's products tested, 80% of them contained flame retardants. Many flame retardants are carcinogenic, others are endocrine disruptors and some are neurotoxins, harming children's development. There are many different chemical compounds used as flame retardants. When one is banned, industry simply substitutes the banned compound with another.
3. Banning fracking waste from being disposed-of in Connecticut.

Nancy Alderman, President
Environment and Human Health, Inc.

Dave Kozak

A few 'off the top of my head' suggestions to wish to consider in addition to the good recommendations already contained in the (attached) CEQ report concerning regarding suggestions to have more/better info. up-front in the land swap exchange process::

Existing recommendations (same #ing as attached) :

1. Need funding mechanism to conduct the proposed CT DEEP property management plans/data sheets. IF CT DEEP is not provided funding, then consider alternative model for collecting this information described in #7 below.
2. *Standard Procedure* – may wish to prescribe general guidelines outlining the type of analysis to be included in any proposed 'standard procedure' (e.g., analysis of the ecological and outdoor recreation value of land sought to be transferred out of state ownership should consider how the subject property contributes to the value of the larger ecosystem/landscape of which it is a part, evaluate property's value with respect to the position of the subject parcel within the larger context of other related ecosystems and 'protected' open space, etc.).
3. Provide incentives (\$?) for local conservation commissions to investigate legal status of existing state 'protected' open space. For example, municipalities that have documented the legal status of existing POS can use it to their benefit when proposing state greenway designations or requesting greenway funds, or, other state funds—Open Space and

Mark Branse

Dear Chairman Merrow and Mr. Wagener:

I am unable to attend the forum being held tomorrow morning, but I would like to share my observations about one particular item on the CEQ's legislative program for the upcoming session, specifically the "preserved, but maybe not" issue of public land preservation.

As both of you are aware, I represent numerous municipal land use agencies as well as developers, citizen groups, and two land trusts, though these comments represent my views only and are not on behalf of any client. Since the Haddam land swap debacle and the attempt to construct a large police training facility in the Meshomasic State Forest in Glastonbury, I have observed a reluctance on the part of property owners to convey their property to *any* public agency—state or local—for land preservation. Most property owners who are selling or donating land for open space are seeking to know that it will be preserved in perpetuity and are willing to accept little or reduced compensation to achieve that objective. When they read that State land is at risk of being sold to a commercial banquet hall or used for a massive state training campus, they are understandable suspicious of "government." Tragically, the recent actions of the *State* have been unfairly attributed to the *towns*, so that property owners fear a local police firing range or garage site as much as they fear a State one. This, in turn, has placed extra pressure on land trusts which are simply not equipped to manage property for what is, in

Legislation is needed to restrict the situations in which State or local open space or conservation easements are waived, modified, exchanged, released, or otherwise sacrificed to development and self-interest. In those few situations where such measures are allowed, they should include a requirement for a public hearing and notice to all parties within a certain radius, such as 500 feet. Further, there should be mandatory steps that oversight agencies must take in the event of violations of open space protections. Private land trusts are vulnerable to the loss of their tax exempt status unless they can demonstrate to the IRS that they possess the financial and organizational ability to protect the lands that are within their care. No such incentive exists for State or local public lands.

I hope these comments are of help to the CEQ in charting its course for the upcoming legislative session. If you have any questions, please do not hesitate to contact me.

Sincerely

Mark

Atty. Mark K. Branse
BRANSE WILLIS & KNAPP, LLC

Richard Canavan

I will not be able to attend the public forum on December 5th; however, I am replying by email with a comment on one of the 'Citizen Complaints' topics, specifically Alternative Treatment systems. I would recommend that the Council promote a broader approach for problems with on-site wastewater treatment. It is my understanding that because of the state of regulations in Connecticut Alternative Treatment sewage treatment facilities are relatively uncommon compared with Rhode Island for example. Many conventional septic systems that are out of compliance with current standards or are not regularly maintained pose an even greater risk to water quality based on their sheer numbers, but may not have a requirement for submitting monitoring reports.

I don't disagree with the bulleted suggestions from the draft recommendations but if they only apply to a very small fraction of all systems then it may provide a false sense accomplishment while failing existing systems continue to present a much greater source of pollution to our surface waters.

Thanks,
Rick Canavan

Richard W. Canavan, Ph.D.

Sidney F. Van Zandt:

Dear Karl Wagener and CEQ Chair, Susan
Morrow,
December 9, 2013

As a former member of the CEQ in the 1970's and '80's, I wish to make some comments about your recommendations for legislation of 2014.

I urge you to **promote efforts to grant legal protection for lands of high conservation value.** As our organization, The Groton Open Space Association (GOSA) was founded in 1967, and with the help of the CT Forest & Park Association spearheaded the fund drive to "Save the Haley Farm" from the threat of development. It was successfully completed and became a State Park in 1970. Continued efforts by GOSA to protect the upper 50 acres continued on for 32 years until the State's purchase in 2003. Without legal protection, any development would be reviewed with horror if any part of that Park were removed or changed from an "Open Space" classification.

The **Clean Water Fund** needs to continue to have funding. Here in Groton our reservoirs serve many towns and as we are bounded by the Thames River and the Mystic River and the Sound, it is vitally important for the fisheries resources, our economic development, and the health of the Sound.

Appropriating sufficient capital **funds to protect open space** is vital, for Municipalities and Land Trusts to protect land of value that would otherwise be beyond their financial abilities to save

CEQ Forum and Public Hearing December 5, 2013

Dear Members,

Thank you for the opportunity to testify in support of CEQ's recommendations for increased staff and funding levels for the State Parks and Forest System.

My name is Eileen Grant. I am the President of the Friends of CT. State Parks, a coalition of 23 individual statewide Friends groups with overall membership of 6900 members, all of whom are volunteers. We provide monetary assistance, sponsor educational programming, advocate for increased resources and contribute over 79,000 volunteer hours annually to enhance visitor experience in our parks. These donated hours are valued at \$2.2 million per annum and are equivalent to the hours worked by 41 full time employees. In addition to labor, Friends

Not only are the numbers of park workers abysmally low, but the average age of the workforce in place is very high for the type of punishing work required in the field. For many years there have been virtually no opportunities for career advancement as positions have progressively disappeared and been defunded; aging maintainers in their forties and fifties remain fixed in place, performing the same duties as those when they began their careers as seasonal workers. As a result of being unable to hire adequate numbers of staff for decades, the Park System has only a handful of workers in their twenties and early thirties; older workers have few youthful reinforcements to share the toughest labor and the Park System has almost no people in the pipeline to replace departing Park Supervisors. In 15 years, almost every manager we now have will have retired. The bulk of our present pool of maintainers will also be at or near retirement. They are not likely to be our future Park Supervisors unless desperately needed managers' positions are immediately restored, and vacating maintainers' positions are allowed to be backfilled with talented candidates from the seasonal ranks.

It is almost impossible to fathom how the Park System which contributes \$1 billion and 9000 jobs annually to CT's economy and returns \$38 dollars to state coffers for every dollar invested could have become so weakened and dangerously close to collapse. The present state of State Parks has almost nothing to do with contemporary budget pressures; it is 30 years of unrealistic funding which has unduly strained a magnificent and beloved institution and now truly threatens its survival.

I don't think those who make funding decisions or even fellow environmental advocates fully grasp the scale and scope of our tiny park staff's responsibilities. Over the years, I've certainly presented statistics ad nauseum to better describe the realities of the work environment, but recitation of those facts and figures unfortunately has not prompted meaningful change. It is difficult to convey to those who do not perform heavy physical labor or who do engage in steady high volume customer service or who are not required to utilize broad based trades expertise how tough it is employ all three skill sets at the same time.

Park staff are responsible for the care and maintenance of approximately 250,000 acres or 390 square miles of land. That's equivalent to the square miles of New Haven, Bridgeport, Hartford, Waterbury, Stamford, New London, Middletown, Meriden, New Britain, Danbury, and Greenwich combined. It is 100 more square miles of land than the 172 field staff steward this land and

support. Despite so much effort, we are collectively losing ground and patience is depleted with those allocating park resources.

We are also alarmed, appalled and infuriated by recent land transfers of park and forest properties without public hearing or DEEP review. Our Friends groups have given substantially for the purpose of preserving and enhancing state properties for the enjoyment of every citizen. These properties are held in trust for this and all succeeding generations; it is totally unacceptable to have state lands wrested from the Park and Forest System to serve parochial interests. Our belief is that the weaker the System becomes through lack of adequate funding, the more vulnerable it will be to such assaults.

Because so little has been done for so long, the numbers of new hires will need to be substantial. To provide guidance as to numbers- The 2003 Clough Harbour Study , an independent assessment commissioned by the legislature recommends a level of 205 full time staff persons needed to execute core duties . Recalling that 40 years ago, staff numbered 185, the Clough recommendations are reasonable. Factoring in continuing attrition, we might estimate that an average 25 persons per year over a 10 year period would probably be required. However levels in the first two years should be higher than the average (front loaded) as training must begin apace to allow for larger than average numbers of those retiring in the near future.



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Good morning to you, Chairperson Merrow, Karl, and to the esteemed members of the Council on Environmental Quality. You provide such an important service to the State, and I thank you for holding this important Public Forum today!

My name is Eric Hammerling and I am the Executive Director of the Connecticut Forest & Park Association (CFPA). CFPA is the first conservation organization established in Connecticut in 1895. Our mission is to connect people to the land in order to ensure the protection and

I have three purposes for being here today: 1) to complement your excellent recommendations; 2) to add some depth to a few; and 3) to recommend a couple of new issues for your consideration.

First, we agree strongly with your recommendation that the legislature should "***Appropriate sufficient funds to allow all state parks to open in 2014 with staff.***" In 2013 and 2014, the State Park System is celebrating its 100-year anniversary, so we are particularly pleased during this significant historical milestone that you have put forward several "Draft Recommendations for Legislation" that, if implemented, would significantly improve the

The decision to *invest or not* in the State Parks is extremely important both to Connecticut's economy overall and to the many communities that host State Parks. The State Parks attract 8 million visitors every year, and according to a 2011 UConn economic study, the State Parks generate almost \$2 billion in annual revenues and support 9,000 jobs.

To do an adequate job of sustaining these benefits would not cost very much. Every year, the State Parks bring in ~\$6 million in revenues to the General Fund from parking, admissions, and camping fees. The expense of running a bare-bones State Parks System is currently ~\$12 million/year. So, the net annual cost to the State is only ~\$6 million. To achieve CEQ's request

If you look at the landscape of Connecticut, you see trees covering almost 60 percent of it. We are the 5th most forested state in the nation, and as CEQ pointed out in your 2012 Annual Report, Connecticut is first in the nation in our Wildland-Urban Interface ranking -- that means we have a higher percentage of our citizens living within close proximity to forests and related habitats than in any other state.

So, we love our trees, trees provide numerous societal and environmental benefits, and we live amongst them. Wouldn't it make sense to invest in better management and care of our forests? Of course it would, but that is not what we are doing here in Connecticut. The DEEP

are converting what should be our greatest natural asset with the potential to be a sustainably managed revenue-raiser into a liability.

The EnCon Officer force at DEEP has similarly inadequate staffing. With a broad jurisdiction that stretches beyond state lands, there are only 34 EnCon field officers supported by 2 district captains and 8 field sergeants to cover the entire state. As a comparison (perhaps not apples to apples but to give a sense of scale), the City of Stamford alone has 224 police officers, 50 sergeants, 11 lieutenants, 8 captains, 2 assistant chiefs, 1 police chief, and 19 support staff who represent their police force. EnCons are responsible to enforce commercial and

Of course, we want to make sure that State Parks and Forests are well-managed and it takes people to do this, but we also need to ensure that State lands are protected for the enjoyment of future residents and visitors to Connecticut. So, I am pleased that CEQ has made a priority of strengthening the protection of the state's conservation lands.

As you know, the Conveyance Act is a tool used by the Legislature every year to trade, sell, or give away state lands for various reasons. Every year we are reminded that most State Forests, Parks, Wildlife Management Areas, and other conservation lands are vulnerable because there is either nothing or very little on the public land records that would legally

Thank you for your recommendation on invasive species. A comprehensive plan would be a helpful improvement. We would also like to work with you and perhaps also with the 3 agencies with an interest in invasives, to develop tax or other incentives for landowners who are willing to eradicate invasives under the direction of a plan assembled by a certified professional such as a forest management plan, a wildlife habitat management plan, or perhaps a farm plan. Imagine if the work done on invasives under such a plan were tax deductible?

Also, thank you for your recommendation on ATV forfeiture. As I mentioned, EnCons are

However, there is a major problem with this concept in many towns. When a new subdivision with a tree planting plan is presented to a town's Planning and Zoning Commission(s), there is no requirement that the municipal tree warden (the position in every town that presumably knows the most about trees) be consulted on the tree planting plan before it is approved. A requirement for a formal consult before approval of a tree planting plan would help ensure that the future trees planted along roadsides in the town are those that will be the right trees in the right places.

Thank you again for the opportunity to testify today, and I'd be glad to respond to any

Sharon Botelle:

Hi Karl - Just got notice of your meeting this morning - I wanted to write to the council to say that after the fiasco of the Haddam Land Swap, your recommendation for legislation to protect open space in perpetuity is exactly what is needed. Thank you for including that in your recommendations.

There is also another matter that is not addressed and I am not sure if it is the council I should be contacting on this but it has come to our attention that the "DEEP is no longer authorized to provide bottled water to and/or install and maintain treatment systems at residential locations ...with polluted wells" See following link:

http://www.ct.gov/deep/cwp/view.asp?a=2715&q=324998&deepNav_GID=1626

This is a concern for us as we are unsure how this will affect us in the future. At the moment we have our filters and bottled water but don't know how much longer. Nothing has changed here regarding our water issues - and so it goes...

Regards,
Sharon Botelle

Margaret Miner:

To. Chairman Susan Merrow and all members of the Council on Environmental. Thank you so much for your dedicated work for the natural resources of Connecticut. You provide invaluable service to the state, year in and out. Your expertise in science, law, and policy, combined with caring and empathy, is MUCH appreciated.

Rivers Alliance of Connecticut is the state nonprofit working to protect all the state's waters. Our members and member organizations represent many thousand Connecticut residents.

We support the entire CEQ recommended agenda for 2014, including the funding advice. Government officials have shown awareness of the importance of supporting sewage treatment, land conservation, and (to some extent) state parks.

Rivers Alliance strongly supports your attention to the vulnerability of state-owned conservation land to conveyance out of conservation for a variety of inappropriate uses. ED Karl Wagener's report on the status of supposedly protected lands is brilliant.

As a leading member of the State Lands Working Group, we know that there is a strong coalition ready to work with you. We ask you especially to aim at providing legal protections to these properties. Statutory references are not sufficient. When conveyances are proposed, legislators want to know if there is any indication of any kind on the land records that they

say, 5 two-bedroom residential units by traditional processes may be able to accommodate 100 or more with an AT system. This may be good or bad, but it needs proper management.

Rivers Alliance is increasingly alarmed by the expansion of toxins in our waters, air, and soil. These toxins come from pesticides, pharmaceuticals, and plastics. They harm the health of human and wildlife. We must control our addiction to excess pesticide use, and we certainly cannot afford to bring more toxins into the state.

Which brings me to the subject of fracking. CEQ has provided important research on the regulatory system that would apply to the import of waste from hydrofracturing shale to obtain natural gas. On the East Coast fracking is intensifying in Pennsylvania and pending in New York. The process uses and spoils many millions of gallons of water in a year and produces toxic and radioactive waste, liquid and solid, in large volumes. In Connecticut, the main threat is not fracking here (for the foreseeable future) but the waste can come in by many avenues and be disposed of in a variety of ways on ground and in or near water. There is a distinguished and large coalition of legislators, health experts, and environmental advocates that will be aiming to ban fracking waste in Connecticut. They have done extensive research, which will be communicated to you today and in the weeks ahead. Your insights and efforts on this issue will be welcome and important.

State of Connecticut – Outdoor Wood Furnaces

COUNCIL ON ENVIRONMENTAL QUALITY

Draft Recommendations for Legislation November 22, 2013

Air Pollution from Outdoor Wood Furnaces

Outdoor wood furnaces (OWFs), which are subject to minimal siting requirements but no emission limits, can be significant sources of harmful air pollution. Connecticut's current statutory requirements for siting OWFs will expire in 2014.

Adopt a bill that improves existing statutory requirements for existing OWFs and limits pollution from new OWFs. Do NOT let existing requirements expire, as they are slated to do, without adopting new ones.

Dear Council on Environmental Quality,

Vermont was the first State to regulate outdoor wood furnaces (OWFs) beginning in 1997, followed by the State of Connecticut in 2005.

- **STATE OF CONNECTICUT: Public Act 05-227 – July 8, 2005**

Since that time, several more States added or updated regulations based upon work done in EPA's Hydronic Heater Voluntary Partnership Programs (Phase 1 and Phase 2).

The industry has been working on revisions to the NSPS for many years and EPA's proposal is currently in the Office of Management and Budget (OMB) as of July 26, 2013. We understand that the first phase of the new NSPS for OWFs would establish an emission limit of 0.32 lbs/MMBtu heat output, the same limit of the EPA Phase 2 Program, the same PM limit in other northeast States (VT, ME, NH, MA, MD, and NY) and the same limit Central Boiler has supported being enacted in Connecticut for the last 4 years. HPBA and manufacturers of OWFs recently had a meeting on November 14, 2013 to discuss EPA's NSPS proposal with OMB, an important step in moving the NSPS process forward.

Over the past seven years, Central Boiler has made repeated proposals for change that we believe would make the system work better in Connecticut. We've met with the co-chairs of the Environment Committee and many legislators in an attempt to be part of the solution. We offered, for instance, a proposal four years ago (and every year since) to put a limit on particulate matter emissions from any new OWF sited in the state. We've also been advocating better enforcement of the smoke nuisance provisions of the Public Health Code by municipalities and the state as a way to reduce complaints on problem OWFs. We've also endorsed better consumer information and protections. Although legislation has not passed on OWFs in a number of years, we will continue to



Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.

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COMMENTS TO THE COUNCIL ON ENVIRONMENTAL QUALITY (CEQ), DRAFT RECOMMENDATIONS FOR LEGISLATION Thursday, December 5, 2013

The Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. (CACIWC) is pleased to submit comments on the State of Connecticut, Council on Environmental Quality (CEQ) Draft Recommendations for Legislation as presented at its December 5, 2013 Public Forum. CACIWC appreciates the opportunity provided by the CEQ to review these recommendations and offers the following comments organized in the format of the November 22, 2013 Draft Recommendations for Legislation document.

THE BASICS: LAND, RIVERS, SOUND AND PARKS

and only to our coastline as Connecticut's most valuable

State Park Operations: Our state parks are an important part of our natural heritage and provide opportunities for our residents to enjoy and experience the beauty of our natural environment. These opportunities are particularly important for our youth and residents of our urban areas. As Connecticut celebrates our *State Parks Centennial*, CACIWC strongly encourages funding be made available to staff and open all state parks starting in 2014.

Invasive Species: A major focus of CACIWC's education and outreach efforts has been directed to promote the identification and control of invasive plants by municipal conservation commissions and their agents and partners. Additional efforts to control invasive species are needed to reverse their continued adverse impact on native species and Connecticut's natural biodiversity. CACIWC strongly encourages legislative initiatives to provide funding and other support for the planning, rapid detection, and control of all invasive species and rapidly spreading species of *Phyllostachys* bamboo.

CITIZEN COMPLAINTS: PROBLEMS UNCOVERED, SOLUTIONS FOUND

Air Pollution from Outdoor Wood Furnaces: The CACIWC board recognizes the inadequacy of existing laws and regulations to protect the environment and public health from the substantial air pollutants emitted from these devices. While adopting a legislative fix to prevent expiration of siting criteria and set fuel and operating requirements could help, CACIWC continues to support close monitoring and enforcement of existing units and a statewide moratorium on the installation of new units until emissions standards protective of environmental quality and public health are established.

Conservation of Streams, Ponds, and Wetlands through Support of Local inland Wetlands and Watercourse Agencies (added proposal): The CACIWC Board of Directors appreciated the opportunity to participate in the October 1, 2010 roundtable meeting organized by the CEQ Subcommittee on Wetlands Training Requirements. The board was encouraged to see that many important recommendations discussed at this meeting were included in the 2011 and 2012 draft recommendation for legislation but disappointed that this issue was not included in the 2013 draft recommendations. The board remains concerned over the limited resources available to support the training of members and staff of municipal inland wetlands and watercourse agencies. The board urges CEQ to support future legislative initiatives to provide increased resources for training and oversight to ensure that ongoing training is maintained within each Connecticut municipality.

CACIWC again appreciates the opportunity to provide testimony on these important legislative issues. The CACIWC Board of Directors will be pleased to work with the CEQ in support of issues of importance to our members.



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Martin Mador, Legislative and Political Chair

Council on Environmental Quality
Recommendations for Legislation
December 2013

Statement of
Martin Mador, Legislative and Political Chair

The Sierra Club-Connecticut Chapter provides this statement as guidance to the Council on Environmental Quality for its recommendations for the 2014 Legislative session.

Part 1. Playing Defense

School Grounds Pesticides

Three things are guaranteed in life: death, taxes, and attempts to rollback the longstanding prohibition of pesticides application on K-8 school grounds. We are faced with this attempt every year by the pesticide applicators trade association, called the Connecticut Environmental Council. Children from the hazards of toxic

While existing law and regulation may be protective, we strongly advocate for clear and specific legislation to ensure unconditionally that these wastes are not brought into the state.

Pesticides

Overuse of pesticides is a significant threat to human health and to wildlife such as bees. We have developed safe, organic alternatives, equally effective at no increased cost. Expert training for these methods is readily available. We recommend:

- expanding the school grounds ban to all K-12 schools
- establishing a ban on application in parks and recreational areas where children play
- removing the preemption preventing towns from establishing controls stricter than those of the state
- incentive programs to promote transition to safe, organic, methods

State Open Space Lands Protection

State owned open space lands are not protected. The proposed recent disposal of land in Haddam clearly illustrates this. Landowners considering donating open space land to the state no longer trust the state to keep a promise. Five organizations, including the Sierra Club, have been developing language which implements protection for both existing lands and those to be acquired in the future. Karl Wager's excellent white paper, Preserved But Maybe Not: The Impermanence of State Conservation Lands, authoritatively describes the issue.

The CEO should strongly endorse legislation which would secure these protections.

Outdoor Wood Furnaces

These systems are a significant source of irritation and air contamination to neighbors. Stricter regulation is necessary to protect the health of these victims.

Alternative Treatment Systems

Pollution of our ground and surface water is at risk when ATS systems are not maintained and inspected regularly. As we continue to develop lands which are not candidates for septic systems or connection to a distant sanitary sewer system, ensuring that ATS installations operate as designed is necessary.

ATVs

ATVs continue to be a threat to state open space lands, as heavy use degrades the land and compromises public access and enjoyment. At a minimum, enforcement of existing law should be enhanced.

Vulnerable Users

The past few years have seen efforts to strengthen penalties for causing motor vehicle accidents involving pedestrians, bicyclists and other vulnerable users. Such penalties will help in promoting the use of non-vehicular transportation. Sierra has consistently supported this legislation.

programs should be encouraged as soon as DEEP has the capacity to implement them, either in 2014 or 2015.

Statewide Water Policy

There seems to be unanimous enthusiasm for taking the next step in water resource management: a statewide water policy. The recent imbroglio over UCONN's needs for additional water and the lack of clear guidance over choosing a source has put the issue clearly before us. It is likely proposed legislation may not be available in time for the 2014 session, but the need for it should be emphasized.

Part 5. Regional Governance

Connecticut abolished county government around 1960. We now do land use planning and regulation at an atomized level: the towns. It is impossible to conduct environmentally protective land use oversight on this scale. We are slowly merging our Regional Planning Organizations (RPO) and converting all of them to the Council of Government (COG) structure. When completed, this will give us as close to a county government structure as possible. Emphasizing the role of COGs and routing funding to the towns through them will have many economic and environmental benefits. Encouraging this process to proceed rapidly should be a top priority.

Caryn Rickel CPCU
Institute of Invasive Bamboo Research
13 Edgehill Terr., Seymour, CT 06483

**DECLARE RUNNING BAMBOO A NUISANCE
WITH A 40 FOOT SETBACK ON EXISTING BAMBOO (NO BAMBOO BUFFER ZONE)
TO STOP THE SPREAD AND DAMAGES**

Dear Council on Environmental Quality,
Dec. 5, 2013 Environmental meeting

Dec. 1, 2013

For the record my name is Caryn Rickel of 13 Edgehill Terr., Seymour, CT. I am writing to strongly urge legislation to: Declare Running Bamboo a Nuisance with a 40 foot setback on existing bamboo from adjoining properties. The setback or no bamboo buffer zone is critical to stop the continual spread and damages to adjoining property to include private and public property, roadways, wetlands, parks, preserves, and open space.

Hempstead, NY - full ban on planting and maintenance
http://neme-s.org/Bamboo/Hempstead,_NY_Ordinance.pdf

Dover, DE - full ban
<http://bugwood.blogspot.com/2012/07/invasive-bamboo-outlawed-in-dover.html>

Effective 2014: New York State - has listed both: Yellow groove bamboo - *Phyllostachys aureosulcata* and Golden bamboo - *Phyllostachys aurea* as invasive species.
<http://www.dec.ny.gov/regulations/93848.html> - scroll midway under Section 2: Plants.

New York State Department of Environmental Conservation in listing 2 species of *Phyllostachys* running bamboo as invasive species: "Invasive species are non-native species that can cause harm to the environment, the economy or to human health. These regulations are expected to help control invasive species, a form of **biological pollution**, by reducing the introduction of new and spread of existing populations, thereby having a positive impact on the environment."

With *Phyllostachys* invasive running bamboo the invasion and damages are continual each year. Each successive invasion is more destructive than the previous year's invasion. Yellow groove bamboo is impossible to contain.

to protect his property before the bamboo invades. Running bamboo cannot exist in the no bamboo buffer zone or setback. Running bamboo spreads astonishingly fast, undetected underground with spread in all directions. "When one realizes it is a problem it is almost too late". A setback on existing bamboo will stop the continual nuisance and damage to adjoining properties. **To declare *Phyllostachys* running bamboo a nuisance with a 40 foot setback on existing bamboo as Bozrah, CT has done will fill in the gap to protect both private and public property from the spread and damage caused by harmful *Phyllostachys* running bamboo.**

ATTACHED EXHIBIT A and EXHIBIT B

Very truly yours,
Caryn Rickel, CPCU
Institute of Invasive Bamboo Research

EXHIBIT A: Click on EDDMapS below to view some of the 600 documented infestations.

EXHIBIT B: Two emails received from James H. Miller, Ph.D. - Emeritus Research Ecologist for purpose of showing the seriousness of the harm caused by *Phyllostachys* running bamboo.

Most recent EDDMapS records: <http://www.eddmaps.org/profile.cfm?user=2610>

Most recent disturbed areas spreading from plantings - Parks and Preserves:

Beseck Meadow, Durham, CT – invading natural area - approx. 250 feet of yellow groove spreading: Assessment report pdf available *
<http://www.eddmaps.org/distribution/point.cfm?id=2689069>

Newtown, CT - escaping to Newtown open space and Paugussett state forest
<http://www.eddmaps.org/distribution/point.cfm?id=3067061>

Many infestations are in drainage ditches serving as a means of rhizome dispersal. Example in Occum, CT where bottom images of EDDMapS record shows water drain with bamboo.
<http://www.eddmaps.org/distribution/point.cfm?id=2651587>

**Eight possible naturalized cases in Connecticut
all *Phyllostachys aureosulcata* - rhizomes washing downstream**

1) Southbury, CT - George Bennett Park:
<http://www.eddmaps.org/distribution/point.cfm?id=2016120>

source of rhizomes: <http://www.eddmaps.org/distribution/point.cfm?id=2016118>

2) G. ... Long Point, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2650013>

Additional infestations - wetland

- 1) Occum, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2642213>
- 2) Groton, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2656734>
- 3) Wallingford, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2689086> *

* loose rhizomes, invading Muddy River, Wallingford, CT - Assessment report pdf available *

- 4) Westport, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2684896>

Above infestation spreading to wetland marsh/pond on adjoining back street from infestation in item 5 above. [EDDMapS #2684848] - and spreading close to Metro north train tracks on I-95.

- 5) Groton, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2646645>
- 6) Groton, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2651593>
- 7) New Milford, CT: <http://www.eddmaps.org/distribution/point.cfm?id=2657175> and

<http://www.eddmaps.org/distribution/point.cfm?id=2657177>

EXHIBIT B: Two emails received from James H. Miller, Ph.D.- Emeritus Research Ecologist for purpose of showing the seriousness of the harm caused by *Phyllostachys* running bamboo.

-----Original Message-----

From: Miller, James H -FS <jameshmiller@fs.fed.us>
To: Stephen Enloe <sfe0001@auburn.edu>; Nancy Loewenstein (loewenj@auburn.edu)
<loewenj@auburn.edu>; dennis.barclift <dennis.barclift@agi.alabama.gov>; Dave Moorhead
<moorhead@uga.edu>; Rick Iverson (Rick.Iverson@ncmail.net) <Rick.Iverson@ncmail.net>
Cc: Caryn Rickel (cri1611553@aol.com) <cri1611553@aol.com>
Sent: Mon, Jul 30, 2012 3:50 pm
Subject: FW: **Major sweeping bamboo bans ALL NEW ** New Letter June 2012 Curt Johnson **

This plant is one of the worst invasive species in the east and now is loose in GA and other SE States (see PLANTS). There needs to be a rapid adoption of a ban to sale in all states. For the most information contact Caryn Rickel.

James H. Miller, Ph.D., Emeritus Research Ecologist

Invasive Plant Research
Southern Research Station
521 Devall Drive

ofc: 334-826-8700x36
fax: 334-821-0037
cell: 334-750-1526

From: Koop, Anthony L - APHIS
Sent: Tuesday, August 21, 2012 11:53 AM
To: Miller, James H -FS
Subject: FW: APHIS-PPQ has cleared one WRA

Tony

Anthony L. Koop (Ph.D.)
Plant Epidemiology and Risk Analysis Laboratory
Center for Plant Health Science and Technology
USDA - APHIS - PPQ

North Carolina State University
1730 Varsity Drive, Suite 300
Raleigh, NC 27606-5202

Phone: (919) 855-7429
Fax: (919) 855-7599
Email: anthony.l.koop@aphis.usda.gov

assessment is attached. We are also attaching a document that summarizes our WRA process and describes how to interpret our products. If you have any questions about our WRA process or this assessment don't hesitate to contact me.

Completed WRA:

***Phyllostachys aureosulcata* McClure**

If you are receiving this email, then you have either shown a general interest in our WRA products, or were involved in the initiation or development of this assessment. If you do not wish to receive notifications about completed WRAs, or know someone else interested in receiving them, please let me know.

Thank you for your time,

Tony

Anthony L. Koop (Ph.D.)
Plant Epidemiology and Risk Analysis Laboratory

Michelle Bonfiglio and James Bonfiglio:

Dear Council Members,

We are unable to attend the December 5th Environmental Meeting due to our work schedule. We would like our testimony read at the public hearing.

My husband and I purchased our home, 46 Ivy Lane, in 1997.

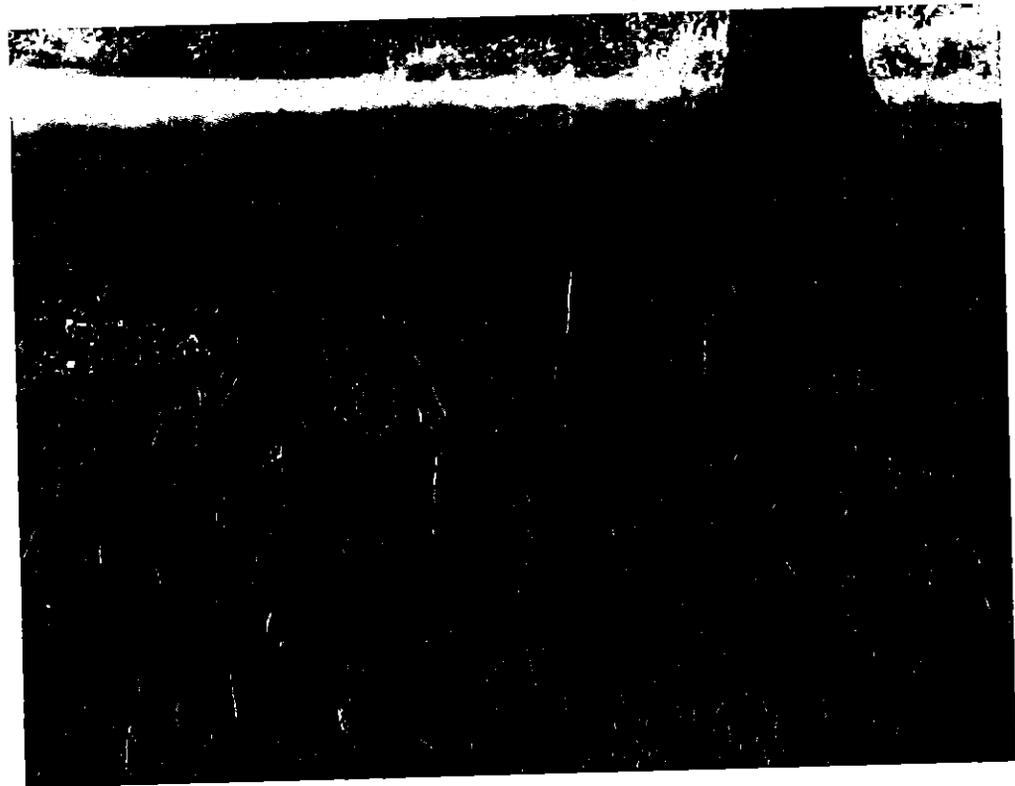
In mid-2007 our neighbor planted bamboo along his property line. As time went by, it became apparent that the barrier was compromised and bamboo spikes began to grow in our yard. The spikes predominantly appear in the spring time and they continue to grow in the summer/fall. The spikes are growing around our shed and throughout a significant portion of our yard. During the growing season, a large portion of our yard requires daily maintenance to remove the culms that grow relentlessly. Also, we lose the ability to use that portion of our yard due to the continued growth. We pay property taxes on the entire property and it is unfair that we lose the use of that area. Lastly, after rain or wet snow, the mature bamboo droops and falls into our yard, further diminishing the use of our property.

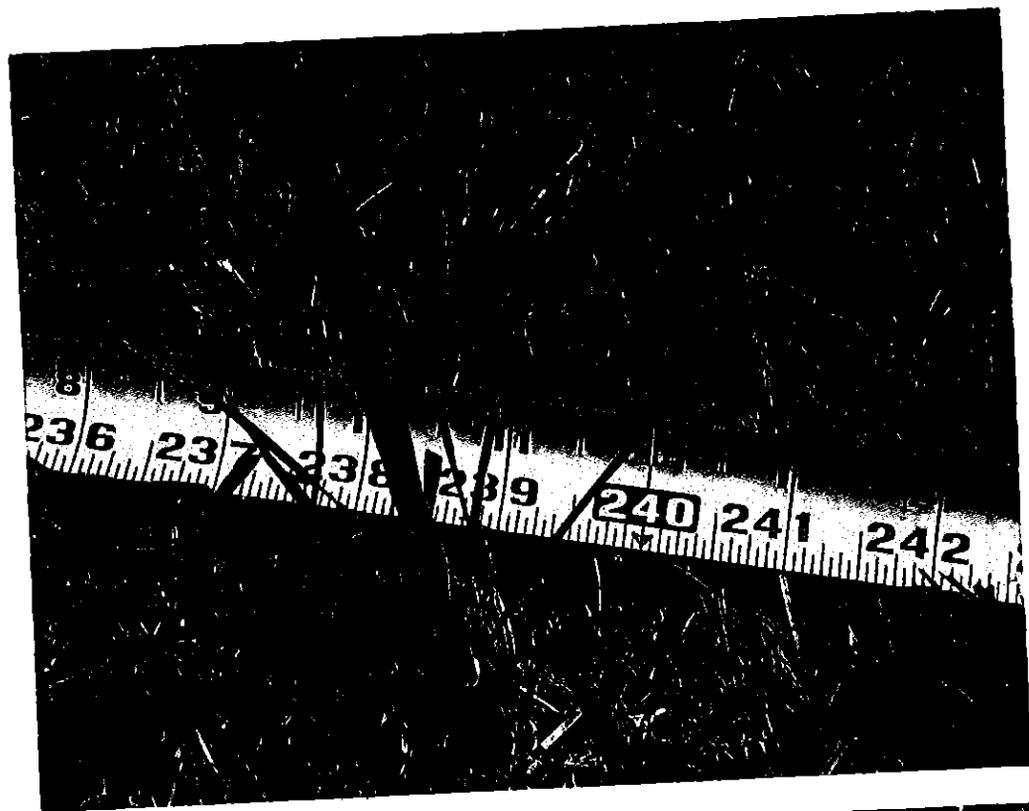
Needless to say, we are highly concerned about property damage to our home as well as our property value.



August 7, 2013: 3 Bamboo spikes with shed







To date, we have spent almost \$1,700 on legal fees and this amount will continue to climb if we decide to pursue legal action. The law that was implemented on October 1, 2013 is a great step but it doesn't do anything to address plantings prior to October 1, 2013. The people that have planted bamboo prior to Oct 1, 2013 are aware of this loophole and they use it as a shield to not accept responsibility for the damage the bamboo creates. We need the law to be strengthened to pierce this shield and remove the grandfather clause and require these owners to be completely responsible for the damage this horrible plant inflicts.

We are asking the Council to declare running bamboo a nuisance with a 40 foot set back on **EXISTING** bamboo - a no bamboo buffer zone to stop the spread and damages.

Thank you for your time, attention and consideration.

Sincerely,
Michelle Bonfiglio
James Bonfiglio

June 2013: Bamboo and shed

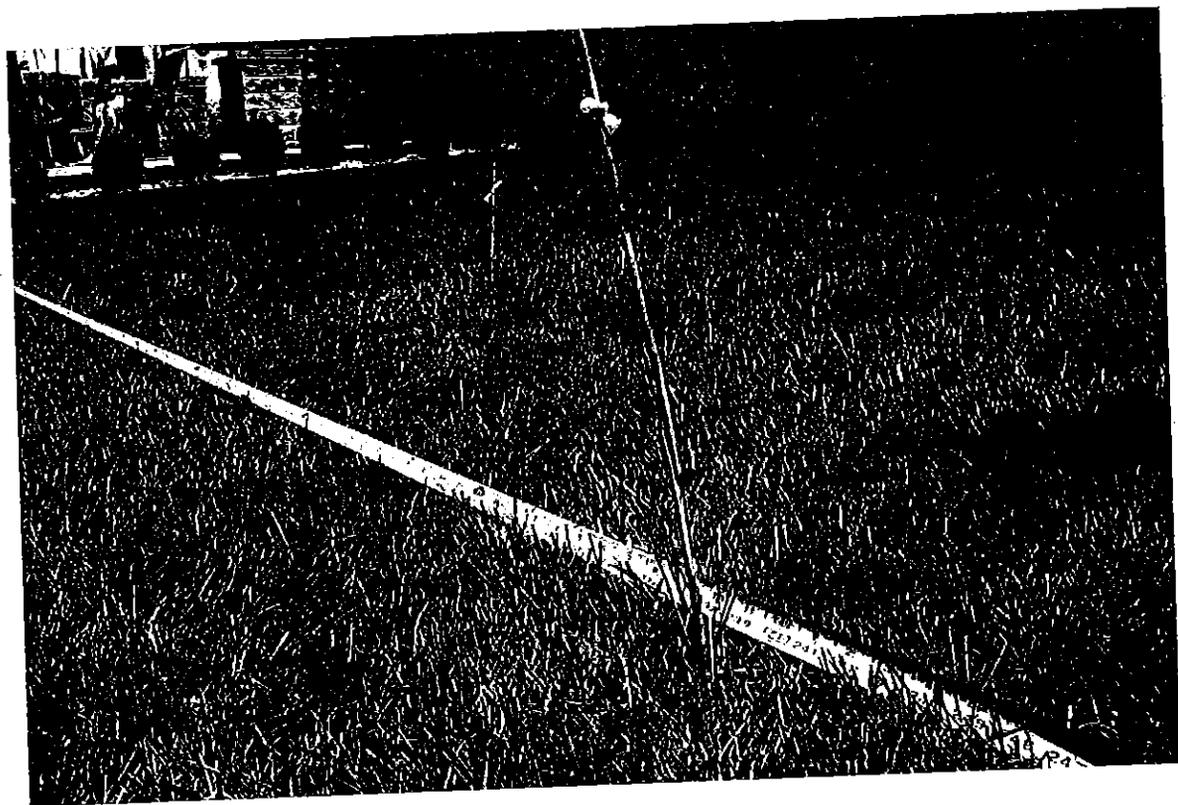


May 2013: Bamboo spike near shed in front



August 7, 2013: Bamboo spike less than 15 feet from 46 Ivy Lane House





Jeff Douglas:

I am unable to attend the meeting in person, as I work, however I want to make sure you are aware of the incredible problems related to running bamboo. This type of bamboo is being planted in many parts of the state by people who have no idea how invasive this is. This type of bamboo will continue to grow underground and spread out, over time, to literally miles away. This bamboo will break through cement walls, driveways, pools, septic systems, and there is no known poison to kill it. The damage from this stuff is immense. Home values are seriously affected if this cannot be removed.

In my case, my next door neighbor planted it on the property line about 5 years ago. Since then it has taken root, grown from a couple of small plants to a grove over 40 feet long and has started to invade our side. In order to get rid of it, the entire area, including our driveways must be dug down about two feet and completely hauled away. Our case is even more interesting, as the area where the bamboo was planted is a watershed area that carries back to the back of our property, where WE BORDER ON THE PAUGUSSETT STATE FOREST. This means that the loose rhisomes (these invasive roots) are able to be carried back and infest the state forest as well.

What we need from you Peter, is to help have it declared that running bamboo as a nuisance with at least a 40 foot setback from property lines and HAVE THAT APPLY TO EXISTING infestations. It is criminal that a neighbor can plant this horrible stuff that not only invades innocent, hard-working people's home asset, but will expand past the neighbor's property lines and infest other neighbor's homes as well.

Think about that. Would you like it if your neighbor planted this incredibly invasive growth next to your home, to make it impossible to sell?

State Representative to help their constituents, this is it. Please take action

Eileen Galla:

Dear Mr. Hearn,

I am writing to you with the knowledge that you are having your next meeting on Thursday morning, December 5th - and the hope that you will seriously consider making others aware of mine, as well as many others' concerns regarding an environmental plague that needs to be dealt with as soon as possible.

This plague I speak of is Running Bamboo. If you are an environmental expert than I am sure you already know about the nature of this grass - its growing habits and the rate at which its rhizome system spreads, how it destroys asphalt, sewer, septic (everything in its path) - and in the general havoc this stuff wreaks on properties both public and private, other than those properties where the hosts are situated. I am sure that you also know that the only reason this is not officially labelled as an invasive species - is merely because it does not (usually) spread by seed. If for some reason, you are NOT familiar with the destruction that Running Bamboo causes - I strongly urge you to research this and familiarize yourself with this issue because this is surely going to be a costly state environmental crisis within the next 5 to 10 years.....if nothing gets done on a legislative level - to prevent it from becoming one.

While I am aware of the state law that went into effect on October 1st of this year regarding the future planting of Running Bamboo - there still exists a very real and impending problem where this issue is concerned. This law does not protect those of us whose neighbors planted Running Bamboo on our property lines prior to the October 1, 2013 law taking effect! We seriously need legal protection on a state level from our legislators and we need people in your position to present this concern to our lawmakers ASAP! As state and town taxpayers, those of us whose property is being contaminated with an impending land contamination that looms - need the state

Sharon and Edward Wynne:

I am writing to you in regards to an environmental issue in the town of Orange, CT. My mother-in-law has a neighbor who planted running bamboo about 1 ½ years very close to the property line between his yard and hers. He has also planted it on the other side of his property which affects other neighbors. She is 88 years old, so I am writing this letter for her. My husband and I are concerned about the rate of growth of this plant. There is no buffer zone to stop its spread and the damage it can do to one's property. I have seen pictures of the damage done to yards, septic systems, roadways etc. I am in fear of what this can do. I, therefore, **request that running bamboo be declared a nuisance in the state of Connecticut.** As per Substitute Senate Bill No. 1016, Public Act No. 13-82 running bamboo can no longer be planted so that it runs beyond the boundaries of their property. However, the problem with existing running bamboo is also a serious one.

I am asking that my letter be read at the meeting on December 5th as a concerned citizen of Connecticut in regards to this problem. Due to my job, I am unable to attend the meeting in Hartford.

Sincerely,

Sharon and Edward Wynne

Joseph and Joan Marrone:

We are writing because work prevents us from being at the Dec. 5th Council on Environment Quality meeting. We ask that our testimony be heard at the meeting.

We believe that yellow groove running bamboo is becoming a major problem in Orange, as well as in many other areas throughout the state. Many properties have become invaded by this "plant", several of which are in our beautiful historic district. Aggressive underground rhizomes travel rapidly and can cause serious damage to septic systems, driveways, underground water/gas pipes, walkways, fences, foundations; etc. Properties are now becoming difficult to sell due to this threatening "plant".

Our next door neighbor has a grove of it planted less than 10' from our property line and less than 10' from the road. We live on wetlands with a forested border. Several years ago, we replaced our septic system with a new, fully-engineered one at a final cost of approximately \$40,000 in order to be fully compliant with the town's specifications. We are extremely concerned that our neighbor's bamboo rhizomes may be headed toward the destruction of that system, as well as impact other features of our property. A couple of years ago, the underground water pipe in front of the grove was impacted, sending water bubbling up through the street. We called the water company, and it was repaired. Additionally, this grove is so tall it touches the electrical wires, posing yet another danger.

It is our hope that you will work in the best interest of the citizens of CT regarding this issue. The bamboo issue has the potential of impacting many properties, resulting in very costly remediation. Those with bamboo planted on their properties must be the responsible parties. I strongly advocate that running bamboo be declared a nuisance, with a 40 foot set back on existing bamboo- a no bamboo buffer zone to stop the spread and damages.

Amy Day Kahn:

As I am unable to be at the meeting I wish to offer my plea to the Council in writing. I appreciate your time in listening to my story.

The purpose of this email to to declare ***Running Bamboo a Nuisance with a 40 foot set back on all existing bamboo. We want a "no bamboo buffer zone" to stop the spread and damage of such invasive plants.***

I have lived in Lyme since 1987 and own property that enjoys 50' frontage on the Connecticut River. My property occupies space within the Wetlands. Whenever I want to cut vegetation or plant native non-invasive species, I still have to appear before the Lyme Wetlands Commission to make sure I have the proper permit for these projects. We are very particular about what is planted (*or not*) in Lyme.

I wish to continue this tradition. Hence, I appeal to you to listen to what is happening to my home at this time.

I have a 20' right-of-way over my neighbor's property from Brockway's Ferry Road to the Connecticut River.

My neighbor planted *Phyllostachys Bissetii* (as identified by the field expert Terri Groff

George Klemp:

Although I cannot come to the meeting, my property is one of those affected by the running bamboo that originated from two properties away from us, has already taken over my neighbor's back yard, and has broken through to my property.

Having recently become acquainted with the seriousness of the issue, I can tell you that I am frustrated by the fruitless attempts to control the plant, which originated beyond our borders and cannot be eradicated without the offending neighbor taking action to do so himself, which he is unwilling to do. We are not alone with this sue: over 40 residents in Westport have bamboo on their properties and are likely as frustrated as I am at its presence and resiliency. Cutting it down, burning it, or trying to kill it with chemicals (environmentally harmful) does not stop it. The only way to remove it is to dig it up. That's why I am appealing to you to support a retroactive ban on this plant and require those responsible for planting or propagating it to have it removed.

A number of towns in at least three states have lately discovered the seriousness of the issue and have passed or are in the process of passing ordinances requiring control of this plant or its total eradication. Some think the bamboo issue is a joke; it is not. As I see it, it is just like an underground oil spill that infects adjoining properties; it cannot simply be grandfathered in and those responsible given a pass.

Next, you will receive letters from others who cannot attend tomorrow's meeting. I will be

Lynne Sebastian:

I am George's wife. I too was planning to write to you, as I cannot be in Hartford on Thursday either. But I believe George has spoken eloquently for us both. A couple of things he didn't mention: We have thousands of dollars invested in an arbor vitae hedge, which we believe is an important feature of our property. It has been invaded by bamboo. George works hard every spring pulling out bamboo from our plantings, pretty much to no avail, because it always comes back.

There is a bigger issue too: the plants are growing through the nearby MetroNorth tracks, and they threaten to grow through the pavement on I-95. There is a lot of potential liability for the state lurking here. Please investigate this issue and vote to adopt the measures we are proposing.

Thanks for your help.

Lynne Sebastian

James & Marissa Vallillo:

December 4, 2013

Council on Environmental Quality
300 Capitol Ave
Hartford, CT 06106

Dear Sir or Madam:

This testimony is in reference to the "Council on Environmental Quality - Dec. 5 Environmental Meeting" that I am unfortunately unable to attend due to work travel. However my personal situation with bamboo is dire and I give permission and would appreciate that my testimony be read in the public hearing on December 5th in the Environmental Meeting.

We are residents of a small beach community in the Lords Point Association in Stonington CT. We recently purchased a small plot of land in 2009. We have since built a brand new structure on this property which serves as a vacation home for our family.

Unfortunately we have a neighbor (57 Boulder Avenue) who is in a legal battle with an abutting neighbor and the previous owner of our property. The owner of 57 Boulder Avenue has since planted *Phyllostachys bisetii* bamboo to spite the abutting properties approximately in 2005/2006. The bamboo was planted right on our property line with an insufficient barrier. **The bamboo has since spread into our property by 4 feet and we have visible rhizomes in the yard with bamboo shoots all over the property and it is encroaching our deck, foundation and driveway.**

We fear for the future damage that will arise based on what we have seen to date. We are concerned that the neighbor we are dealing with will be unsympathetic to any problems that the spread of the bamboo will cause.

Anne C. Egan:

December 5th Environmental Meeting, Hartford, CT

I am anxious to add my thoughts to your meeting. Please declare running bamboo a nuisance with a forty foot setback on existing bamboo - a no bamboo buffer zone to stop the spread and damages.

I live in Milford, Connecticut and have been plagued by running bamboo for the last five years. I have spent over \$15,000 on the landscaping and irrigation system in my yard. Despite my best efforts to limit the spread of the plant, because the surrounding properties allow it to grow unchecked, the bamboo continues to invade my property. It grows through the weed control barrier and sprouts up through the plantings. Every spring it moves closer to my deck and home.

Legislation is needed to protect my home and my peace of mind.

Thank you for your thoughtful consideration.

Anne C. Egan

Jillian Murphy:

I am writing from Old Saybrook about a serious concern with invasive running bamboo. I live on Main Street in a historical home built in 1697, and the yellow groove running bamboo that my neighbors have planted is beginning to spread to my property. It will continue to grow and spread rapidly --- and will result in significant damages to my property. My foundation, blue stone patio, driveway, and lawn are all close by, which concerns me a great deal. I also worry about the state of my home -- a historical property -- and the bamboo reaching the house, which won't be long. Our properties are also adjacent to marsh lands, to which the bamboo will pose a threat.

I've tried to work cooperatively with my neighbors and explain my concerns, but they don't get it, and don't want to remove the bamboo. It is planted right on the property line, and a barrier will not contain it.

At this point, the new bill effective Oct 1, 2013, does not help me. My only option is to sue my neighbors, which will be expensive and time consuming, and will require that I allow the bamboo to grow -- and take over my property -- until the legal process is completed (which will be years). There will be a great deal of damage to my property if I wait for a law suit to go through.

So, I am writing to request a new bill that will declare running bamboo a nuisance with a 40 foot

Tom Corcoran:

Yellow groove bamboo has created a very difficult situation for completely innocent property owners in this state and around the country. There is no question regarding the damage caused by the indiscriminate sales and use of this plant (*phyllostachys*) as a "fast growing privacy screen" by uninformed property owners and irresponsible sellers.

I have been involved in removing this organism after it has spread from one property to another via the "root" system (rhizomes). It is an extremely labor intensive, time consuming and very expensive process which affects completely innocent property owners who simply happen to live adjacent to someone who values a fast growing "privacy screen" over the potential harm they may do to others. Once the organism escapes from a 'containment barrier' (which is only a matter of time) the game is pretty much up for the innocent neighbors and the expensive, time consuming and labor intensive process to simply protect one's property begins.

If the innocent property owner is unable to remove the invading organism due to physical or financial limitations the plant will eventually over-run their property, potentially compromising structures, foundations, paved areas and sanitation systems. This plant simply has no place in the ecosystem of the northeastern United States where natural predators and diseases do not exist to keep it in check.

Once the rhizomes establish themselves they form massive, concrete like root balls which are eventually attach themselves to

R Blake Audett:

Re: Dec 5, 2013 Environmental Meeting

The purpose of my communication is to declare running bamboo a nuisance, environmental/biological pollution with devastating consequences if not completely removed. I don't believe a buffer zone of any distance will stop the infestation of this non indigenous plant.

My personal situation started about a year ago with the purchase of a home in Westport, CT. The house has running bamboo in the front on the property line down the driveway. There is also a patch of over 100 culms in the backyard also on the property border. This bamboo went under the fence then emerged on our side and has taken over a large chunk of property. The bamboo was planted by my neighbor years ago. At the time of the purchase we had no idea what running bamboo was. Neither the real estate agents, inspectors nor attorney disclosed that my neighbors running bamboo had invaded our property and was spreading throughout our property.

About six months ago the rhizomes started spouting up in the driveway. We were planning on paving it so we began to investigate the sprouts and how they spread. Once we learned about the underground network of rhizomes we approached the neighbor to ask if he would remove it. He told us that he put in a barrier on his side of the property and it was fine.

We have spent hours cutting down and removing what we can get to on our side of the property. We know now that fighting off the rhizomes will continue until all the bamboo is removed permanently from
the driveway. The bamboo is driving up through the sidewalk in front of our neighbor's

Joseph L Scalabrino:

To the : Council on Environmental Quality
Dec. 5th 2013 Environmental Meeting

Dec. 4, 2013

To whom it may concern,
I am asking that this letter be read at the public meeting as testimony for a problem I am having with running bamboo; I will not be able to attend the meeting personally due to prior commitments.

My wife and I have been residents of Branford for 38 years. A next door neighbor planted bamboo on their property a few years ago, a variety I now know to be *Bambusa Phyllostachey's*. They have since sold the house to another family who tried to remove the growth by cutting down a section near my land on the north side of the property. The bamboo is again growing at a rapid rate in the section cut down because the roots were not removed. Over the years the bamboo spread to a backyard neighbor's property destroying a section of the fence that separates the two properties. The back yard neighbor must have liked the bamboo because it has spread across their property which borders my yard on the eastern rear of my property.

The bamboo has infiltrated my yard at the corner of the other two properties. I have attempted to cut down the shoots over the years but this has not worked. The bamboo has sprouted up, at some points, as much as 10 feet on my land. I have spent many days digging up spreading roots that resemble snakes. I have tried to dig them out when I can attempt to dig them out. When

Trudy Meyer:

I am sorry I can not attend the public hearing but I am working and can not take the time off. I would like my testimony read in the public hearing.

We purchased our home in the fall of 2012, just 1 year ago. We did not know what running bamboo was nor was it ever disclosed from the seller or agent. As the winter progressed last year, and the snow began, our neighbors bamboo culms were laying across the power lines in our driveway going to our house. We were outside all hours of the night knocking these snow drenched culms off our power lines that were so stretched, touching the roof of our cars, ready to pop off the house. It was so dangerous. Then as the spring came, we noticed all these little "sprouts" coming up in our white stone driveway. Then noticed them coming up into the city sidewalk that had just been paved. We soon discovered they were rhizomes. My neighbor had planted running bamboo on the border of his property. He put a barrier on his side of the property but not mine. We spent almost every weekend of the entire Spring, Summer and Fall cutting out bamboo and endless hours researching how to get rid of it. We have a natural gas line very close to the bamboo rhizomes and we are concerned the rhizomes will break the line. The city water and septic lines are in the vicinity too. There is also bamboo on the back of our property. Again, a border on his property with 40ft mature plantings. We are in the process of having the rhizomes professionally taken out of the back of our yard, We don't know yet what the extent of the damage is on our property. The Rhizomes are spreading well into our yard from numerous directions. Without this proposed ordinance we will never be able to control it. Maintaining it will be a full time job.

My neighbor will not remove his bamboo, he loves it. It is encroaching on my property in numerous places, as well as two other adjoining private properties and town property.

Marion Dodd:

Please carefully consider the new bill on running bamboo. Running bamboo is a terrible nuisance and very destructive to neighboring property if not contained. The problems with existing bamboo must be addressed as well as new plantings. Please support the bill to declare a 40 foot setback for all running bamboo including existing bamboo plantings and the no bamboo buffer zone to stop the spread and damage that this invasive plant reeks on our natural environment.

Our situation is that we have neighbors that planted it right next to a protected salt marsh. They live on a 50 x 100 foot lot. The bamboo is spreading not only into the wetlands but into the abutting neighbors' yards. They have no setback at all. In the spring it will be fully invading both neighbors' yards on either side of their lot. It has no place here. They planted it out of ignorance, but actually have no worries that it will grow 30-40 feet high and spread onto property they do not own. We have tried to talk to them to no avail. We need the law on our side. Please do not hesitate to support this new bill.

Thank you,

Marion Dodd

Re: Council on Environmental Quality Dec. 5, 2013 meeting:

I am writing to let you know that we have property in Branford, CT (16 Hopson Avenue) and it is being overtaken by bamboo. My brother-in-law lives next door (18 Hopson Avenue) and it is affecting his property too.

Our next door neighbor planted Bamboo several years ago and it has taken over my yard. Nothing we do gets rid of this stuff! Very frustrating and scary, as it's making its way toward our house/foundation. We need help!!!

We need for you to: ***Declare Running Bamboo a Nuisance with a 40 foot setback on existing bamboo - a no bamboo buffer zone to stop the spread and damages.***

Unfortunately I have to work on Thursday, so I cannot attend the Environmental meeting. **Please be sure my letter is read in public comments.**

If you have any questions for me, please do not hesitate to contact me.

Many thanks for your time,

Susan Sansone

Christine Begej and Kevin Rogers:

I will not be able to attend tomorrow's meeting on Environmental Quality, but would like to express my concerns to you. I hope that you can relay my message for me.

I am writing on behalf of myself and my neighbor regarding a bamboo issue. I take great pride in my home and garden and while working in my garden in 2009, I saw a "shoot" among my flowers which looked like bamboo. (I have a dated picture) I asked him if he planted bamboo on his side and he said he did. I asked him to please remove it as it is invasive and I do not want it in my garden. He replied that he would take care of it. (FYI, there is a 6 foot fence between the properties which does obstruct my view). What I did not realize until recently is that he transplanted the bamboo to another area of his property. The bamboo has now invaded the neighbor on the side of his property and has traveled all around his garage, now invading the property next door to me. **We have 4 properties invaded because of the man who did not research bamboo or listen to me.** Kevin Rogers, my next door neighbor has had numerous "shoots" pop out but had no idea what it was. The rizomes have infiltrated his yard and are destroying his 30 foot arborvitaes. He also has an in ground pool with a concrete sidewalk around it. The properties are not large so it is only a matter of time before his pool is destroyed. The neighbor with the invasion behind Kevin's home has no clue about the damage that he may have in his yard or garage. I know it is only a matter of time before the "shoots will appear again in my garden since property lines are so close. The reason I know a little about bamboo is that I planted it at my home. I considered planting it myself for privacy purposes. Once I began

Karen and John McKenna:

I am unable to attend the council meeting, but would like to pass on my request that the State of Connecticut name bamboo as a "nuisance plant".

I have lived in Orange, CT, most of my life. I am often driving around town, and have noticed the bamboo plant cropping up in various locations. I was very surprised when a neighbor of my 88 year old mother, who also lives in Orange, planted a large plot of bamboo very close to her property line.

Based on information given to me by one of my mother's neighbors, I became very concerned about the impact of this plant on my mother's property. This plant is very difficult to control, has a high rate of growth, and impacts on septic and well systems, both of which my mother has.

Please urge the council to name bamboo a nuisance plant, and provide information about the destructive quality of this plant to all cities and towns in Connecticut so they may act on this.

You have my permission to read this letter.

Thank you. Karen and John McKenna

Charles Sherwood:

Dear Mr. Hearn:

In the neighborhood in which I live, there are several properties that have running bamboo infestations, one of which borders my property. Over the past few years, I have seen the bamboo plants that are on my border multiply at a rapid rate with some crossing over the property line. There was one plant that actually pierced the asphalt of my driveway. There are many bamboo shoots that are now growing through the hedge that is on the property boundary, some as tall as 15 feet. At the rate that the bamboo is running, it will infest my property in the near future.

While I respect the rights of my neighbors regarding their property, I should be afforded the same rights. I believe that bamboo can be destructive in one's yard and I do not wish to have it run onto my property.

I am respectfully requesting that running bamboo be declared a nuisance in the State of Connecticut. Further, I urge that a 40 foot setback from boundary lines be created for existing bamboo so that it can no longer be grown in those areas.

Dr. Lawrence Messina:

This e-mail is being written in regards to the December 5th 2013 meeting of the Council of Environmental Quality. As a resident of Orange Ct my neighbors and I are facing a problem with bamboo that has invaded our neighborhood, due to a uncaring homeowner. I am well aware of the destructive power of bamboo roots and asking that the following items be enlisted in the state of Ct. (1) A no bamboo zone and (2) A forty foot setback on existing bamboo plantings.

Thank you.

Sincerely,

Dr Lawrence Messina

Priscilla S. Weadon:

Unfortunately I have just come down with the flu and cannot attend the December 5th Environmental Meeting tomorrow..If you could be so kind as to make sure that ***my testimony is read out loud during the public hearing, I think it will give you a huge sense of how urgently CT needs additional bamboo legislation:***

My bamboo nightmare started about 5 years ago when my neighbor planted it to act as a screen of sorts between his home and mine. Of course it is purchased just because bamboo is **THE FASTEST GROWING WOOD/GRASS ON THE PLANET**...And thus making it the "Perfect and Cheapest alternative to commercial fencing (which in most town cannot exceed 6' tall by law)...**Yet bamboo will reach over 25' tall with a trunk radius up to 4"..**

Some compelling facts you should know about (neighbor's); bamboo taking over your property:

- ***IT GROWS IN LAYERS THAT SEEK THE SUN/HEAT AND USUALLY GROWS UNDERGROUND A MINIMUM OF 20' PER YEAR***
- ***NEW BAMBOO WILL EMERGE AND SPROUT IN MAY AND I WILL SHOOT UP AT A RATE OF 2-5 INCHES PER DAY...***
- ***BAMBOO WILL WRAP AROUND SEWERS, BREAK THROUGH ASPHALT AND IN MOST EUROPEAN COUNTRIES CANNOT BE PLANTED IN THE GROUND, BUT ONLY IN 2" CERAMIC POTS (BY LAW)***
- ***IT CANNOT BE KILLED BY ANY COMMERCIAL PESTICIDE ..THE ONLY WAY TO permanently GET RID OF BAMBOO IS TO BACKHOE IT UP, SIFT OUT THE RHIZOMES>>>>WHICH THEN MUST BE INCINERATED OR THEY WILL TAKE ROOT IN A LANDFILL AND PROCESS BEGINS ALL OVER AGAIN.***

THE CABLE CHANNEL IN CONNECTICUT HAS RUN

Enilda Rosas:

"Council on Environmental Quality - Dec. 5 Environmental Meeting"

I am sorry that I cannot attend this meeting because I could not get out of work. Sorry to miss this one for I have been there many times in the past few years. Also, it is difficult for me to drive as I had foot surgery. It is extremely important that this testimony be read in public.

My bamboo nightmare is such that I can no longer enjoy my backyard because it virtually does not exist anymore due to the damage that the adjacent bamboo which grows and multiplies into my yard. Grass no longer grows because of all of the chemicals that I have tried on the bamboo roots trying to get them eliminated but to no avail. Forget the gardens!! And flowers and roses!!

These roots are indestructible. They will grow season after season even if you dig them up if you leave the tiniest piece behind, because they grow like grasses in a basket weave pattern and shallow form, it is nearly impossible to dig every piece. So the entire yard has to be dug up down to 4 feet. Then a plastic layer has to be installed and new 4 feet of new soil has to be filled in. They are extremely invasive year after year growing stronger and multiplying and multiplying!!!

Your entire yard has to be encased in 3 feet of stainless steel to prevent the roots from penetrating and growing back into your yard.

I had quotes from landscapers to the tune of \$18 to 22,000. For my tiny backyard.

The roots grow and destroy septic tanks, water pipes, driveways, tennis courts, to name a few... they will even grow in between siding.

It is a complete nightmare!!! You really have to live it or see it to believe it. I invite you to do so. There is plenty abounding.

I am in favor of declaring Running Bamboo a Nuisance with a 40 foot set back on existing bamboo - a no bamboo buffer zone to stop the spread and damages.

Thank you!!

Respectfully,

Enilda Rosas

Denise Cappella:

Running bamboo-

I was unable to attend the meeting concerning running bamboo due to work but I would like to see a 40 ft buffer zone for the bamboo. My neighbor's running bamboo has invaded my property and every year it spreads. He has not done anything about this.

Thank you for your time.

Denise Cappella