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

Thursday December 5, 2013

Dear Chair Merrow,

I want to applaud the CEQ's draft recommendations for legislation and while there is much to laud, I want to highlight three proposed recommendations:

Maintain the current capital budget for the Clean Water Fund to prevent raw sewage from entering rivers and Long Island Sound and to reduce nitrogen discharges that cause hypoxia in the Sound.

This is critical for Middletown and surrounding towns working to address the need to upgrade facilities in and around the Mattabassett District. I am grateful to your continuing effort to prioritize this need and the dangers of a funding shortfall which could have dire consequences for the Connecticut River and Long Island Sound.

Protect residents from harmful effects of imported waste products generated by hydraulic fracturing (fracking).

As we expand our reliance on natural gas and other states in the region expand hydraulic fracturing efforts, the potential of unregulated toxic waste -- exempted by Congress from federal regulation as a hazardous substance -- poses a serious potential public health hazard to Connecticut. Produced water, drilling fluid, mine tailings and other waste products all must be regulated to ensure that we know which products are entering our state and that they are being

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 conveyance reform underscore the importance in finding best practices to protect lands of high conservation value going forward. Any guidance the CEQ is able to provide in this area would no doubt be helpful to legislators.

Sincerely,

Matthew Lesser
State Representative

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Empowering Communities, Advocating Solutions.

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, many communities are still being served by aging and failing sewage infrastructure. Outdated sewage infrastructure can result in billions of gallons of raw or partially treated sewage being released in to the environment every year, which has an adverse impact on human health and biodiversity in aquatic ecosystems. Investing in waste water infrastructure can help protect shared drinking water resources, keep beaches open and restore fish and wildlife populations.

The Department of Energy and Environmental Protection (DEEP) estimates that over $5 billion is needed to fund wastewater infrastructure projects in Connecticut over the next 20 years. **CCE urges CEQ to support ample clean water funding in 2014 to help Connecticut meet its clean water goals, prevent sewage from contaminating shared waterways and improve biodiversity in Long Island Sound.**

II. Green Infrastructure

While certain communities in Connecticut have made significant investments in updating wastewater infrastructure in recent years, many communities still have severely outdated sewer systems. For example, most of Connecticut's major urban centers are served by combined sewer systems, which frequently overflow during heavy precipitation events. Advanced storm water source control (green infrastructure) technologies such as rain gardens, green roofs, permeable pavement and bio-swales can help re-direct, capture and reuse storm water to prevent sewage overflows, while restoring an area's natural hydrology.

CCE strongly supports the use of green infrastructure to reduce impacts from storm water runoff on surface and ground water resources. Unfortunately, Connecticut does not have a minimum requirement for storm water source control as a pre-requisite for allocating clean water funds. **CCE supports development of DEEP criteria that require municipalities to devote a**

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 treatment plants, septic systems, and drinking water infrastructure are not designed to remove these contaminants. While flushing is no longer recommended in Connecticut, it remains a common disposal practice at many hospitals and long-term care facilities. Recent studies conducted by USGS have found that effluent from institutions handling large quantities of medications can contain pharmaceutical levels 10-1,000 times higher than the national average.

The U.S. Environmental Protection Agency and CT Dept. of Energy and Environmental Protection both recommend that unused pharmaceutical drugs be incinerated, not flushed. However, there are currently no state or federal policies in place that prohibit improper disposal of pharmaceuticals at hospitals and long-term care facilities. **CCE urges CEQ to support legislation that prohibits health care facilities from flushing unused medications, while providing a framework through which institutions can access safer alternatives for disposal of unused pharmaceuticals.**

V. State Parks Funding

Connecticut's state parks are among our most valuable natural resources. They provide critical wildlife habitat and provide public access to some of the state's most pristine scenic, historical, and cultural assets. Unfortunately, funding for the state park system in Connecticut has fallen in recent years, leading to deep cuts in staffing and educational programming. Today, there are fewer than 80 professional parks employees serving 107 parks and 32 state forests in Connecticut. More parks personnel are expected to leave due to retirement each year, with DEEP replacing as few as 1 in 5 of those jobs because of budget constraints.

Cuts in funding for state parks have a direct impact on educational programming and can lead to park closures that last for the entirety of the park season. **CCE strongly urges CEQ to support adequate funding for Connecticut's state parks so that all state parks and forests may reopen to the public in 2014.**

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 siting of wind turbines, pending the development of wind-specific regulations by the CT Siting Council (CSC). This set into motion what has since become a lengthy, drawn out process, with CSC proposing multiple revisions of wind regulations, only to have them all voted down by the CGA Regulations Review Committee (henceforth referred to as "the committee").

The refusal of the committee to pass common sense regulations has left Connecticut with the dubious distinction of being the only state in the nation with a ban on wind power, now entering its third year. Wind power is a clean, emission free way to meet our state's clean energy goals, increase our energy independence and improve air quality, while reducing Connecticut's carbon footprint. Wind turbines can even help struggling farmers keep their land through lease payments from wind developers, or by giving them a second "crop" by selling unused electricity back to the electric grid. **CCE strongly urges CEQ to support an expedient and transparent process for passage of CSC wind regulations by the committee, while bringing an end to the undue wind moratorium.**

On behalf of CCE and our members in Connecticut, I appreciate the opportunity to provide testimony and look forward to working with you on these critically important issues. Please do not hesitate to contact me directly at (203)821-7050 or at lburch@citizenscampaign.org if you have any questions.

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 down the drain, but many do not realize that when we take a "pill" or other medications, nominally less than five (5) percent of the drug is retained by the body and the rest is going down the drain as waste. By elevating the water quality levels and standards of our rivers we will be, by definition, not only improving the water quality of these rivers but equally be improving the waters of Long Island Sound.

There are several sections along each of our State's rivers that could be raised to Class "A" status, almost immediately. Of course my immediate interest is the Hammonasset River in Madison, which by the way is also the eastern boundary of our State's largest and busiest state park. This river basically originates from Lake Hammonasset, a drinking water reservoir. Clearly, by selecting several river sections for water quality status elevation to Class "A", we are, almost immediately sending a clear message that these waters are vital to the quality of Connecticut living.

***** The time for action is now. *****

Herbert R. Gram

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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

- **sufficient funding be provided to allow state water supply planning to move forward as recommended by the Water Planning Council; and that**
- **sufficient funding be provided to restore an adequate network of stream gages and support any other data-gathering that is necessary for sound water supply planning.**

Since stakeholders concerned in water supply planning need to be able to see water supply plans, we recommend another measure that would facilitate more inclusive participation and comment:

- **modifying the current exemption of water company information from Freedom of Information requests.**

A more detailed position statement from FRWA is attached, with additional recommendations about statewide water supply planning.

Maintaining the current capital budget for the Clean Water Fund is critical to implementing the mandates of the federal Clean Water Act and associated state legislation. This fund helps remedy the discharge of raw sewage into our waterways and the discharge of nitrogen into Long Island Sound. Such discharges have well-known effects on public health and on hypoxia in the Sound. There is also increasing scientific evidence that high nitrogen levels in waterbodies support blooms of cyanobacteria that have toxic (including neurotoxic) effects that can affect people as well as ecosystems.

Since healthy waterbodies depend on good land management, FRWA supports authorizing **sufficient capital funds each year to preserve 12,000 acres of priority conservation lands.** For the same reason, FRWA supports CEQ's recommended procedures for the protection of state conservation lands, including a **standard procedure for initiating exchanges and conveyances** that ensures accurate information to be provided on the conservation value of the land in question; and **lasting legal protection for state lands defined as having high conservation value.**

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 unconscionable de-funding of CT DEEP.
- **Funding for adequate enforcement of environmental conservation regulations, and for full staffing of all state parks.** One concern on the Farmington River, and on other recreational rivers across the state, is a dramatic rise in littering, vandalism, and unsafe or disruptive recreational behavior at popular areas for boating, tubing, picnics, and fishing. In some places this has reached a level that deters visitors from returning and could suppress tourism, thus affecting local businesses. The closure and de-staffing of state parks, as well as the critical shortage of EnCon officers, are very likely linked to the over-use and abuse of our recreational areas.
- **More restriction on roadside spraying of herbicides and other pesticides, especially near bridges, wetlands, and watercourses.**
- **More restrictions on the use of pesticides on school grounds and public areas.**

Respectfully submitted,

Eileen Fielding

Eileen Fielding
Executive Director, FRWA

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 Watershed Protection Grant – prescribe in such grant applications that applicants provided such data are given additional 'points' when scoring grant applications.

New recommendations:

7. Require independent 3rd party analysis of the conservation value of the land sought to be transferred TO state ownership in exchange for state land. Third party analysis to be funded by the proponent of land exchange with the third party contractor selected by CT DEEP (or other state agency). All third party analysis draft reports describing the land to be given in exchange for state land to be reviewed by CT DEEP prior to release. All review comments to be addressed to CT DEEP's satisfaction PRIOR to release of final report.

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 greater pressure on land trusts which are simply not equipped to manage property for what is, in effect, public park purposes. Volunteer land trusts cannot be expected to maintain portable toilets for visiting hikers, operate campgrounds, maintain trails, police against unauthorized use, and perform the other functions that the DEEP is suppose to perform on State land that is open to the general public. Many trusts do own and maintain a few such properties, but they can never match the resources of the State.

I have also seen the impact on developers. A subdivider is willing to convey open space in a proposed subdivision because it can save on infrastructure costs and it's a marketing tool: "Buy your house next to protected open space and enjoy privacy and the beauty of nature at your doorstep." That marketing tool is of little value if the buyer fears that, instead of privacy and the beauty of nature, they'll be living next door to a firing range or a banquet hall. The marketing value is also reduced when a neighbor strips the vegetation from a supposedly protected area or builds a shed or swimming pool on it and the "protector" of that land takes no action to remedy the encroachment.

Nor is the problem restricted to the DEEP. Here in Glastonbury, the local Conservation Commission has allowed conservation easements to be swapped for increased development and has ignored flagrant violations of such easements. In one case, the Commission allowed (after the fact of construction) a large garage and storage building to be constructed on land that was subject to a conservation easement and in another, they ignored the cutting of every shrub and other understory plant so that the owner could get a better view of an adjacent open space area owned by the local land trust.

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.
SENIOR ENVIRONMENTAL SCIENTIST
CME ASSOCIATES, INC

Sidney F. Van Zandt:

Dear Karl Wagener and CEQ Chair, Susan
Merrow,
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 help purchase and protect land of value that would otherwise be beyond their financial abilities to save those parcels.

One of the difficult issues for park managers is the use by **ATV's** in land prohibiting motorized vehicles. I would suggest that a license be required for these vehicles. The owners would then be identified and law enforcement agencies would be better able to enforce existing laws and future laws.

Alternative Sewage Treatment: As we are making extreme efforts to protect our drinking/fresh water supply and runoff into Long Island Sound, it is imperative that strong oversight be put in place for construction and review of each Alternative Sewage Treatment system with short term renewals put in place for each one.

Amend **Tower Siting** so that abutting land owners are informed.

As the precipitation in Southeastern Ct is down over 20.3 inches from normal for the year, it is vital that the State fund & adopt statewide water allocation policy and plans. This should include expanding the now diminished network of stream gages so CT can know the status of our water supply.

Sorry not to have been able to make this presentation at your hearing on December 5, 2013
Best Regards, Sidney F. Van Zandt

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 groups, since their inceptions, have given a further $8+ million in cash and goods to improve conditions in our severely underfunded System.

Despite decades of Friends' substantive efforts, the state of state parks only grows worse yearly. Unfortunately, the State has not realistically supported its facilities for 30 years and continues not to make the investments necessary to keep parks, a critical tourism network, well-maintained, safe and fully open for the families of Connecticut.

The most critical problem for the State Parks Division is its minimal number of full time field positions. At present, only 72 field staff members (17 park supervisors and 52 maintainers) are available to manage and maintain 107 parks and service the needs of 8 million annual visitors. This fiscal year, 15 of these 72 workers will be eligible to retire, conceivably bringing staff strength to 57 in the next fiscal cycle, one third the level of forty years ago. In 1971, park lands were half their present acreage, parks' 450 buildings were in dramatically better repair, general infrastructure was sound, and park visitors were fewer in number. Four decades ago, park field staff numbered 185.

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.

A precipitous decline in staff numbers has been matched by a sharp escalation in park problems. Deferred maintenance is an issue in nearly every park. Mainstay buildings are falling into disrepair; unique historic structures are crumbling; roads and parking lots are below standard. Vandalism and theft are rising dramatically. Misconduct and dangerous behaviors by an increasing percentage of patrons are inadequately addressed by staff because the size of the geographic area for which each manager is responsible has grown exponentially.

Without an immediate influx of personnel, there will be no choice, but to close some parks and campgrounds entirely and convert others to "walk-ins" removing picnic tables, shuttering bathrooms, and stopping trash pick-ups. There are simply not enough staff to give visitors an acceptable measure of comfort, cleanliness, safety or protection in every facility, let alone provide the enhanced education and sporting programs that families strongly desire. Connecticut's priceless natural resources can no longer be preserved without the presence of adequate human resources to sustain them.

It is almost impossible to fathom how the Park System which contributes $1billion 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 than that of all 5 boroughs of NYC. Only 72 field staff steward this land and service the needs of 8 million visitors and maintain over 450 buildings.

It's mind boggling enough to try to imagine caring for the land, structures and people were everything in a centralized area, but picture planting a bomb in the middle of that enormous land mass and fragmenting it into every corner of the state. Then visualize our 72 staff persons running around frantically between these widespread properties. Lending further complexity and difficulty to the care of the far flung properties are the character of those properties, water bodies, mountains, trails all inherently dangerous and visited by families with young children most of whom erroneously believe they are protected and safe in these landscapes. They are not. How could 72 people possibly take of 8 million visitors even with the short term assistance of seasonal workers. The majority of seasonals are still children themselves.

Disheartened, exhausted and overwhelmed are words that I would use to describe park personnel. I'd also apply those adjectives to a large number of Friends volunteers. We have worked for decades to improve conditions in parks; contributing labor equal to that of 41 staff persons, an hours contribution now greater than 50% of the total hours worked by parks' 72 field personnel. If with impending retirements, park staff levels drop to 57, Friends labor relative to staff totals will be over 70%. The Friends cannot continue to sustain this level of commitment. If additional personnel are not brought into the System, anger, which is already growing, will mount and the Friends will steadily lose membership 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.

In closing, the Friends would like to thank CEQ for its recommendation for increased staffing and its suggestions for helping insure that preservation land be better protected, that oversight become more vigorous and that the process for assessment be transparent and objective.

Respectfully submitted,

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Connecticut Forest & Park Association
Connecting people to the land since 1895

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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 thoughtful stewardship of forests, parks, and trails in Connecticut.

CFPA's history is inextricably linked with the formation of the State Parks and Forests as well as the management of the Blue-Blazed Hiking Trails that run through many of these natural and recreational jewels. Indeed, State Parks like Sherwood Island, Rocky Neck, Gillette's Castle, Talcott Mountain, and State Forests like Peoples State Forest would likely not have been preserved without the dedicated efforts and generous investments of CFPA Board Members like Frederick Chase, James L. Goodwin, Helen Binney Kitchel, Frances Osborne Kellogg, George Dudley Seymour, Curtis Veeder, Alain White, and many others.

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 management and long-term protection of the State Parks.

What does it mean to provide sufficient staff to all state parks? Today, there are only 72 full-time field staff (52 Maintainers, 17 Park Supervisors, and 3 others) responsible for the year-round management of 107 State Parks. 15 of these field staff are currently eligible for retirement and as staff leave only 1 in every 5 positions lost is being refilled. These figures are strikingly low when compared to the staffing recommendations from the 2003 Clough Harbor & Associates infrastructure study that recommended 204 full-time staff and 1,943 seasonals at a time when there were only 101 State Parks.

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 of providing staff in all State Parks, it would probably only take another $4 million. So, will the Legislature be willing to allocate an extra $4 million to protect our annual return of $2 billion and 9,000 jobs? So far, the answer from the Legislature has been "no," but we are hopeful it is time for this to change. Perhaps the upcoming report by the Program Review and Investigations Committee (likely available in January) can provide some good recommendations for new and improved funding mechanisms for the Parks?

The staffing situation is just as dire for two related divisions within DEEP that are essential to providing for sustainable land management and safe recreation – DEEP's Forestry division and its Environmental Conservation Officers.

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 Forestry division has 19 staff, 11 of whom are eligible for retirement within the next 5 years. There are only 7 staff dedicated to the management of 170,000 acres of State Forests (many more acres than in our State Parks), and there are only 4.5 staff to assist private forest landowners and municipalities that together own over 1.5 million acres of forests (approximately 85% of the total forests of Connecticut). This level of Forestry staff support is clearly inadequate compared to the wealth of forests we have in Connecticut. A 2008 Yale Study suggested that DEEP could sustainably harvest and generate revenues at 3 times the current rate (they are bringing in $500,000/year through harvests), and yet they only have the Staff capacity to have active Forest Management Plans on about half of the acreage of the State Forests. State Foresters return more value to the General Fund than they cost, but we are not making the investment in good forest management. Without greater investment, we

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 recreational fishing, hunting, wildlife, and other environmental laws; they respond to reports of nuisance bears and other wildlife; they are involved with search and rescue efforts in Long Island Sound as well as on State lands; and they are responsible for enforcing laws and regulations associated with the illegal use of recreational vehicles such as ATVs. EnCons are the primary back-up to the U.S. Coast Guard on homeland security issues, and often back-up State and municipal police departments on various law enforcement functions including narcotics enforcement and assaults. I almost don't want to ask the question, but what is the purpose of having strong environmental laws if we don't have the capacity to actually enforce them? Our EnCons are well-trained and heroic, but they are severely under-resourced.

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 protect the uses and values for which these public lands were acquired in the first place. The Conveyance Act bill language (or sometimes the lack thereof) can make it difficult to discern which properties are being targeted, and the properties that are the subject of a public hearing are often different than those that are amended to the final Conveyance Act voted on in the last days of the session with minimal public scrutiny or review by DEEP. CEQ's presentation "Preserved But Maybe Not" does an excellent job of spelling out the current problem and potential improvements, and we strongly support your proposals to 1) implement a standard procedure for initiating exchanges and conveyances of land, and 2) grant legal protection to lands of high conservation value. You will hear from other participants in the State Lands Working Group, but I want to make it clear that this is a top priority for CFPA in this coming session of the General Assembly.

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 under-resourced, and perhaps a stronger penalty like this will help discourage illegal recreational use of ATVs on state, municipal, and private lands.

Last year, I served as the Chair of the State Vegetation Management Taskforce that was established by DEEP to make recommendations on how to better manage roadside forests and strike a balance that keeps trees healthy, roads safe, and power as uninterrupted as possible. The Taskforce Report, amongst other things, emphasizes a policy of "Right Tree, Right Place" and includes a list of trees and shrubs that are compatible with aboveground electric power lines and related infrastructure. Ideally, the future roadside forest will gradually include a greater percentage of "Right Trees" than it currently does.

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 questions you may have.

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 or is not a conservation restriction of any kind on the land records that they must respect. In the case of the 270,000 plus acres in Recreation and Natural Heritage Trust, the answer appears to be, in all cases, No, there is nothing. This must be changed. We know that DEEP and OPM and the Attorney General are concerned to find a path to protection. We hope for a good outcome.

There is presently wide interest in constructing a rational, fair system for statewide water planning and management. CEQ has been working on this issue for a couple of years, and participated in the legislature's Water Summit last month.

Water planning that works for nature as well as utilities is a priority for Rivers Alliance. The present "system" is fragmented and flawed. We are grateful that CEQ is working on this issue. There is sure to be legislation coming up. I hope, too, that there will be interest in rolling back the water secrecy laws that block access to essential water data.

We feel especially fortunate that. CEQ, like Rivers Alliance, is interested in seeing reforms for the permitting and enforcement of non-traditional on-site sewage treatment systems. These are often called alternate or advanced treatment systems (ATS). They enable development in areas where the natural soils have a limited capacity to process septic waste. An AT system is a sort of packaged construction that encloses bacteria to treat organic waste. It is often extremely complex to run and malfunctions are common. The regulatory oversight is weak, and several years ago legislation was proposed to put moratoria or other restrictions on ATS. These systems have the potential to run well and provide benefits. But they also have the potential to contaminate state waters and disrupt any type of land-use planning or zoning that is dependent on traditional approaches to wastewater management. Simply said, a property that has capacity treat waste for,

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.

ADDENDUM

I hope CEQ will look into means to provide up-to-date standards for stormwater management. The science is available for proper estimates of volumes to be expected in extreme storms. But this science is not being incorporated into regulatory guidelines and rules.

Thank you again, Margaret Miner.
Sent via BlackBerry by AT&T

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 EPA, manufacturers, state air regulating agencies, test laboratories and other stakeholders all participated in this process. The EPA Phase 2 Program particulate matter emissions limit is 0.32 lbs/MMBtu heat output. Efficiency is built into an output based emission limit.

The HPBA OWF Caucus requested that the EPA regulate the OWF industry on September 29, 2007. The industry has been participating in and supporting the EPA Phase 1 and 2 Programs since January 29, 2007 and support the creation of an OWF category in the upcoming revisions to the Federal Regulations called the New Source Performance Standards (NSPS).

The current NSPS applies to woodstoves and has always exempted other wood heating appliances such as OWFs. EPA is updating the NSPS for woodstoves and establishing a NSPS for new wood heating appliances such as OWFs, indoor wood furnaces, pellet stoves, warm air furnaces, masonry heaters, etc. The potential timeline for the NSPS to be published is in 2014 with promulgation (enactment) in 2015. This means that the State of Connecticut siting requirements would not be eliminated until 2015. However, Central Boiler has offered during the legislative process strict PM limits of 0.32 lbs/MMBtu heat output along with reasonable siting requirements that would be applied to EPA Phase 2 Qualified Hydronic Heaters. Those siting requirements are in-line with other northeast States.

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 advocate for changes that we believe will work to everyone's advantage.

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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

Clean Water Fund: Rivers are second only to our coastline as Connecticut's most valuable natural features. The billions of federal and state dollars already spent to clean up our major rivers and Long Island Sound provide testimony to our historic commitment to preserving these important resources. Unfortunately, efforts to protect these resources from untreated sewage and other pollution remain unfinished. CACIWC supports the recommendations for the State of Connecticut to maintain the current capital budget for the state Clean Water Fund and reduce nitrogen discharges associated with hypoxia in Long Island Sound.

Farmland: CACIWC supports efforts to preserve farmland and other open space land for conservation purposes. These include efforts to authorize sufficient funds to preserve open space and maintain a sufficient capital budget for farmland preservation to support a goal of permanently protecting 2,000 acres of existing farmland per year.

Conservation Lands: CACIWC has long been supportive of efforts to preserve important habitats in Connecticut especially those lands of high conservation value. All of our member conservation commissions work to identify, index, and preserve critical habitats within their municipalities. While state conservation lands are not directly managed by local conservation commissions, these parcels all add to the greater network of preserved land necessary to maintain critical habitats that can support a diversity of threatened and other important species. The importance of providing preservation in perpetuity cannot be understated. Use of standardized procedures for initiating exchange and conveyances of lands, along with better legal protection for maintaining high conservation lands in perpetuity, will also maintain confidence that sold or donated lands will remain preserved. CACIWC also supports the goal of preserving 12,000 acres of priority conservation lands by state and matching grant recipients.

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.

All-Terrain Vehicles: Many of our member commissions struggle to prevent noise pollution and trail damage resulting from ATV use in local parcels. CACIWC has long supported recommendations for enhancing law enforcement efforts to control these problems with requirements for vehicle registration and strict penalties, including vehicle forfeiture, for their use in restricted areas.

Alternate Sewage Treatment Systems: CACIWC strongly supports efforts to protect our groundwater from alternate sewage treatment systems that do not comply with discharge limits regulated by the State of Connecticut Department of Energy and Environmental Protection (DEEP). These include proposals to establish minimum penalties and shorter permit renewal times for non-compliant facilities.

Tower Siting: As the maintenance of the aesthetic quality of Connecticut ridges and open space land are also important goals of many of our member conservation commissions, CACIWC supports the CEQ recommendation for notification of property owners including owners of open space parcels, who would have views of proposed towers.

Flowing Water, Flowing Wastes: CACIWC has long supported efforts to preserve Connecticut's rivers and streams. Unfortunately, efforts to protect these resources are under threats from diversions for water supply use. CACIWC supports efforts to adapt and fund water allocation policy to protect these resources along with efforts to expand the stream gage network to provide important stream flow data. Regulation of toxic exposures from imported wastes from hydraulic fracturing (fracking) operations should also be supported.

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.

CACIWC is a non-profit organization working to protect Connecticut's wetlands, watercourses, and other natural resources through support and education of the 2000+ volunteers and staff that carry out the responsibilities of Connecticut's Conservation Commissions and Inland Wetlands Commissions. CACIWC, representing its member commissions, works with municipalities and environmental groups to promote public support for the judicious management and conservation of Connecticut's natural resources. For additional information contact Alan J. Siniscalchi, President at board@caciwc.org or visit www.caciwc.org.

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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.

We strongly urge CEQ to declare that protecting our children from the hazards of toxic pesticides, which are products designed to kill living things, is of highest priority, and that the school grounds ban be preserved intact.

Protecting Our Renewable Portfolio Standard

It has become economically challenging for Trash to Energy plants to sell the electricity they generate, given the momentarily depressed price of natural gas. Legislation has been introduced to award these plants Class I Renewable Energy Credits (RECs) to boost their income. The current process to evaluate CRRA may recommend such action. Class I RECs are intended to promote renewable energy sources such as solar and wind. Taking the opportunistic step of promoting Trash-to-Energy RECs from Class II to Class I would seriously impact development of these priority sources.

We request that CEQ recommend that legislation elevating T-T-E RECs to Class I be unconditionally rejected.

Part 2. Sierra Club Recommended Issues

Part 2A. Priority Issues

Fracking Waste

Connecticut is not at risk from fracking operations, as the only shale deposits in the state are not commercially viable. We are, however, at risk from import of fracking wastes from other states for disposal and application as road treatment. These wastes are toxic and radioactive, threatening both human life and the environment.

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 not 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 Wagener's excellent white paper, Preserved But Maybe Not: The Impermanence of State Conservation Lands, authoritatively describes the issue.

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

Conveyance Bill Process

A flawed and inadequate legislative process, the annual Conveyance Act, is a substantial part of the problem of protecting state open space lands. The process must be reformed so that it protects the public interest. Public hearings, full information disclosure, requiring a DEEP investigative study, involvement of the Environment Committee (which has never in 20 years had a chance to vote on the Conveyance Act) are elements of the solution. While these changes have to be incorporated in the legislative rules rather than statute, it is important that they be addressed in CEQ recommendations.

Part 2B. Additional Important Issues

Toxics

Passing a Chemicals of Concern to Children bill has been a legislative priority for several years, but has failed each year due to massive industry lobbying. The Sierra Club feels that the intentional introduction of toxics into our environment is very much an environmental issue. We join with the Coalition for a Safe and Healthy CT, led by Clean Water Action, in supporting this bill.

Meds Recovery

Finding a away to keep unused/discarded meds from ending up in our water has been a difficult challenge, partly because of federal rules requiring a police presence. Legislation which supports an effective program to reclaim these drugs is necessary for protection of the state's waters.

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.

Stream Gage Funding

Stream gages have served as a monitor of river health for almost a century. Several have been decommissioned in the past few years because of budget cuts. Preserving the historical record is vital to monitoring stream flow and deciding on diversion permitting. Costs are low, and the gages are maintained in partnership with the US Geological Survey. The funding should be restored.

Part 3. Funding

The Sierra Club strongly supports robust funding for:

-DEEP, for decades one of the lowest funded agencies of its type in the county
-Clean Water Fund
-Farmland preservation
-Acquisition of conservation/open space lands
-State parks

Part 4. Possible Legislation

Extended Producer Responsibility aka Product Stewardship

EPR provides a key element of our Solid Waste Management Plan. It requires manufacturers to set up a program for takeback and proper disposal of their products post consumer use. It encourages design of products for easy disassembly and minimal waste. DEEP now has considerable expertise designing and implementing EPR programs. We have programs for electronics, paint, and now mattresses. We expect carpets and batteries to be next. These new

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. 1, 2013
Dec. 5, 2013 Environmental meeting

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.

Bozrah, CT - has declared running bamboo a nuisance with a 40 foot setback on existing bamboo. http://neme-s.org/Bamboo/Bozrah_Ordinance.pdf

Rose Valley, PA - new 11-25-2013 has declared running bamboo a nuisance - 10 foot setback on existing bamboo
http://www.rosevalleyborough.org/storage/ordinances/Bamboo%20Ordinance%20131008.pdf
article 11-25-2013:
http://www.delcotimes.com/general-news/20131125/rose-valley-council-adopts-ordinance-regulating-bamboo

Smithtown, NY - 10 foot setback on all existing bamboo - simple and effective
http://ecode360.com/15100285?highlight=bamboo#15100285

Bamboo laws have recently passed with full bans on planting and/or maintenance of existing bamboo *indicating the seriousness of the harm* caused by destructive *Phyllostachys* running bamboo.

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

Malverne, NY - Video showing damage in Malverne, NY
http://landing.newsinc.com/shared/video.html?freewheel=90733&sitesection=repam&VID=24790045

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.

Yellow groove bamboo is like cancer to land. Yellow groove bamboo is the worst continual nuisance I can imagine. Yellow groove destroys land and everything in its path. Yellow groove bamboo robs you of your quality of life and free use of your property.

I founded the Institute of Invasive Bamboo Research. Starting in 2010, I documented approximately 600 invasions of *Phyllostachys aureosulcata* - yellow groove bamboo. The data collection is part of my research. I also keep the database spreadsheet of invasions for the State of Connecticut. The data is then entered onto EDDMapS (Early Detection and Distribution Mapping System, 2013). Field Researcher Terri Groff has assisted in this documentation.

Phyllostachys aureosulcata - Yellow groove bamboo is a giant temperate timber bamboo from Chekiang Province, China. The bamboo was introduced for trial as a stake and forage bamboo, and a farm usage crop. This is the most aggressive cold hardy running bamboo with maximum height of 45 feet / cold hardy to -15 F.

The infestations are widespread throughout Connecticut. Yellow groove bamboo has escaped to wetlands, parks, preserves and open space. [Click on county to open EDDMapS records below]
http://www.eddmaps.org/distribution/usstate.cfm?sub=55473

'Desperate residents are calling for help' where the running bamboo is spreading from property to property and street to street. For all these properties, bamboo abatement to stop the damages 'cannot even begin' until the bamboo is setback and removed off the property lines so that it does not regenerate back in. **A no bamboo buffer zone on existing bamboo is the solution to halt these invasions.** A no bamboo buffer zone on existing bamboo will allow a property owner

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

Naturalized undisturbed areas spreading from plantings - Parks and Preserves:

Westport, CT - invading along wetland and spreading to park:
http://www.eddmaps.org/distribution/point.cfm?id=3070487

Pemberwick Park Greenwich, CT - 8 inch circumference on canes - invading walking trails
http://www.eddmaps.org/distribution/point.cfm?id=2818599

Cat Hollow Park, Killingly, CT
http://www.eddmaps.org/distribution/point.cfm?id=3059906

Spreading towards Christiano Park, Greenwich, CT
http://www.eddmaps.org/distribution/point.cfm?id=2818919

Kiwanis Park, New Canaan, CT
http://www.eddmaps.org/distribution/point.cfm?id=2017836

Hollow Park, Woodbury, CT
http://www.eddmaps.org/distribution/point.cfm?id=2645935

Avalonia Preserve, Stonington, CT
http://www.eddmaps.org/distribution/point.cfm?id=2936058

Rose Hill Wildlife Mgt. Area - Preserve, Ledyard, CT
http://www.eddmaps.org/distribution/point.cfm?id=2646451

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) Groton Long Point, CT: http://www.eddmaps.org/distribution/point.cfm?id=2650013

source of rhizomes: multiple large infestations on waterways in this town - verified resident across the street has dug bamboo from the above naturalized EDDMapS #2650013 to start an infestation EDDMapS #2656731

3) Trumbull, CT: http://www.eddmaps.org/distribution/point.cfm?id=2646653

source of rhizomes: http://www.eddmaps.org/distribution/point.cfm?id=2646652

4) Bulls Bridge, Kent, CT: http://www.eddmaps.org/distribution/point.cfm?id=2648329

5) Westport, CT: http://www.eddmaps.org/distribution/point.cfm?id=2684888

source of rhizomes: http://www.eddmaps.org/distribution/point.cfm?id=2684848

6) Norwalk, CT: http://www.eddmaps.org/distribution/point.cfm?id=2818810

source of rhizomes: http://www.eddmaps.org/distribution/point.cfm?id=2684807

7) Preston, CT: http://www.eddmaps.org/distribution/point.cfm?id=2931982

source of rhizomes: http://www.eddmaps.org/distribution/point.cfm?id=2641664
and other sources documented on waterways nearby.

8) Pine Brook Preserve, Haddam Neck, CT:
http://www.eddmaps.org/distribution/point.cfm?id=3058413

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

Four infestations are invading along the ballast of railroad tracks - one record shown:

Greenwich, CT: Riverside Station - http://www.eddmaps.org/distribution/point.cfm?id=2062620

Scroll to *Phyllostachys* species to see all records that have been entered:
http://www.eddmaps.org/tools/stateplants.cfm?id=us_ct

Letter dated 6-29-2012 by Curt Johnson - Senior Attorney and Program Director of Connecticut Fund for the Environment - calling for listing yellow groove running bamboo on the Invasive Species List as a first step toward controlling what appears to be one of the most **destructive invasives.** Bamboo Letter: http://neme-s.org/Bamboo/Bamboo_Invasive_Letter_6-2012.pdf

Infestation on Dogwood Rd., Orange, CT referenced in above letter:
http://www.eddmaps.org/distribution/point.cfm?id=2642210

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
Auburn, AL 36849
jameshmiller@fs.fed.us

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

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

From: Miller, James H -FS <jameshmiller@fs.fed.us>
To: Caryn Rickel (cri1611553@aol.com) <cri1611553@aol.com>; dennis.barclift <dennis.barclift@agi.alabama.gov>; Nancy Loewenstein (loewenj@auburn.edu) <loewenj@auburn.edu>; Stephen Enloe <sfe0001@auburn.edu>; cbargero <cbargero@uga.edu>
Sent: Thu, Aug 23, 2012 12:07 pm
Subject: FW: APHIS-PPQ has cleared one WRA

As Caryn Rickel, in Conn, can testify and provide further locations, this a super problematic species in the lag phase. It should be considered for our ALIPC list and restricted production and sales in AL. Jim

James H. Miller, Ph.D., Emeritus Research Ecologist
Invasive Plant Research
Southern Research Station
521 Devall Drive
Auburn, AL 36849
jameshmiller@fs.fed.us

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

From: Koop, Anthony L - APHIS
Sent: Tuesday, August 21, 2012 8:23 AM
To: Alison Halpern; becky.n.azama@hawaii.gov; Brian McGrew; Brianne Blackburn; Dave Burch; Dawn Rafferty; Dean Kelch (dean.kelch@cdfa.ca.gov); Greg Haubrich; Jamie Greer; Jeanetta Cooper; Jim Wanstall; Matt Voile; Mitch Coffin (mitch.coffin@nebraska.gov); Rachel Seifert-Spilde; Rich Riding; Robert Little; Ron Moehring (Ron.Moehring@state.sd.us); Ryder, Steve; Scott Marsh; Slade Franklin; Tim Butler; Amy Ferriter (Amy.Ferriter@agri.idaho.gov); Barney, Jacob; Erickson, Carol -FS; carol.holko@maryland.gov; Caton, Barney P - APHIS; charden@clemson.edu; Claire Wilson; drise@mt.gov; Doria Gordon (dgordon@TNC.ORG); FICMNEW; Fowler, Glenn A - APHIS; ISDA Noxious Weeds Program (weeds@agri.idaho.gov); Joe Bischoff; John Peter Thompson; Karan A Rawlins; Karen Castro (Karen.Castro@inspection.gc.ca); Karie Decker (kdecker4@unl.edu); Fuoss, Kelly A -FS; Ken Allison (Ken.Allison@inspection.gc.ca); Kerrie Kyde (kkyde@dnr.state.md.us); Langeland,Kenneth A; Man-Son-Hing, Anthony - APHIS; mjordan@tnc.org; Maxwell Boyle@fws.gov; Mike.Cooper@agri.idaho.gov; Mike Reed (mike.reed@douglascounty-ne.gov); Larry.Nichols@vdacs.virginia.gov; Rick Iverson (Rick.Iverson@ncagr.gov); Leal, Ruben -FS; Smith, Larissa; Sylvan Kaufman; Timothy Sweeney (timothy.sweeney@agriculture.ny.gov); Travis, Matthew A - APHIS; Usnick, Shaharra J - APHIS; Vuledzani Mutavhatsindi (VuledzaniM@nda.agric.za)
Cc: Newton, Leslie P - APHIS
Subject: APHIS-PPQ has cleared one WRA

Hello,

The United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ) has completed a weed risk assessment (WRA) for the following species. This

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
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

Attachments:

USDA APHIS. 8-20-2012. Weed Risk Assessment for *Phyllostachys aureosulcata* - McClure (1945)
http://neme-s.org/Bamboo/WRA_Phyllostachys_aureosulcata._8_20_2012.pdf

PPQ Weed Risk Assessment Background Information:
http://neme-s.org/Bamboo/PPQ_WRA_Background_Information_Apr_2012_1_1.pdf

http://www.invasiveplantatlas.org/subject.html?sub=55473

http://www.invasive.org/browse/subthumb.cfm?sub=55473&Start=1&display=60&sort=2

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.

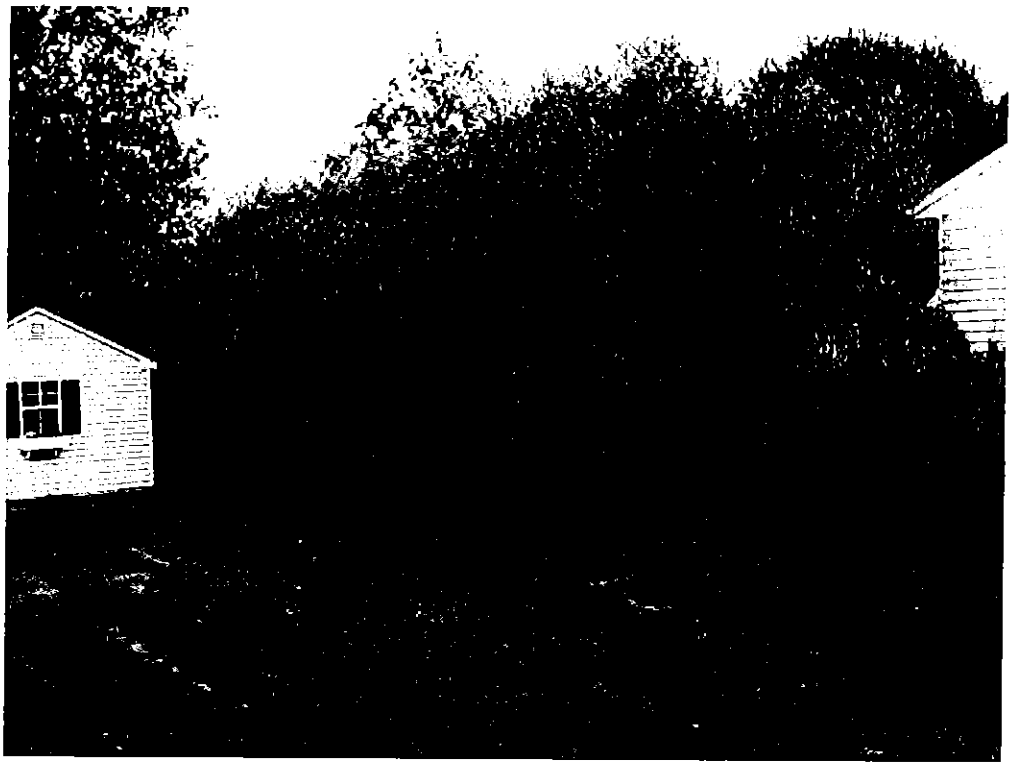
In mid-2007 our neighbor planted bamboo along his property line. As time went by, it became apparent that the barrier was compromised and bamboo spikes began to grow in our yard. The spikes predominantly appear in the spring time and they continue to grow in the summer/fall. The spikes are growing around 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.

Last year, we hired a lawn service and inquired if there is any treatment to eliminate bamboo from growing in our yard and the response was no. My husband and I have tried to speak to the neighbors for 3 to 4 years about the bamboo growing in our yard to no avail. They recently replied that **"all plants grow"** and that the plants are **"grandfathered in"** and there isn't " **a damn thing anyone can do about it.**" Additionally, we were met with hostility, profanity and name calling by our neighbors after we sent them a letter outlining our concerns about the continued bamboo encroachment onto our property.

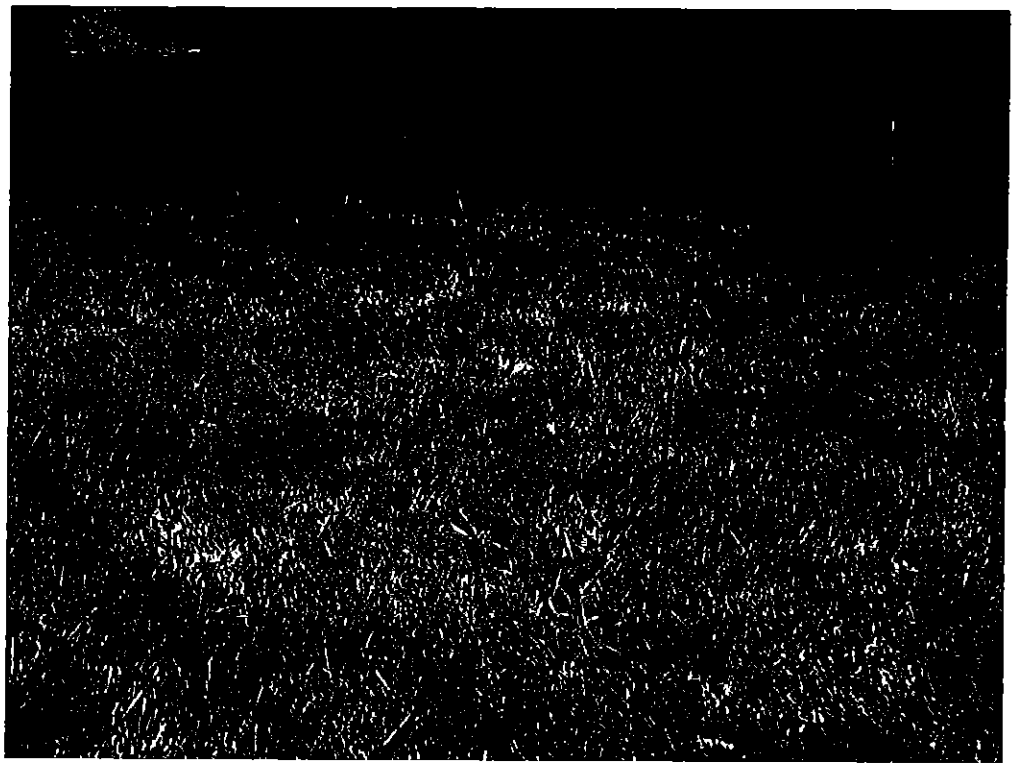
Recently, an abatement company informed us the only way to stop the bamboo growth is to completely remove the bamboo plants which are on our neighbor's property and dig up both yards to remove any rhizomes that have grown underground. Until then, there is nothing we can do to stop the bamboo growth and to protect our property and my house value.

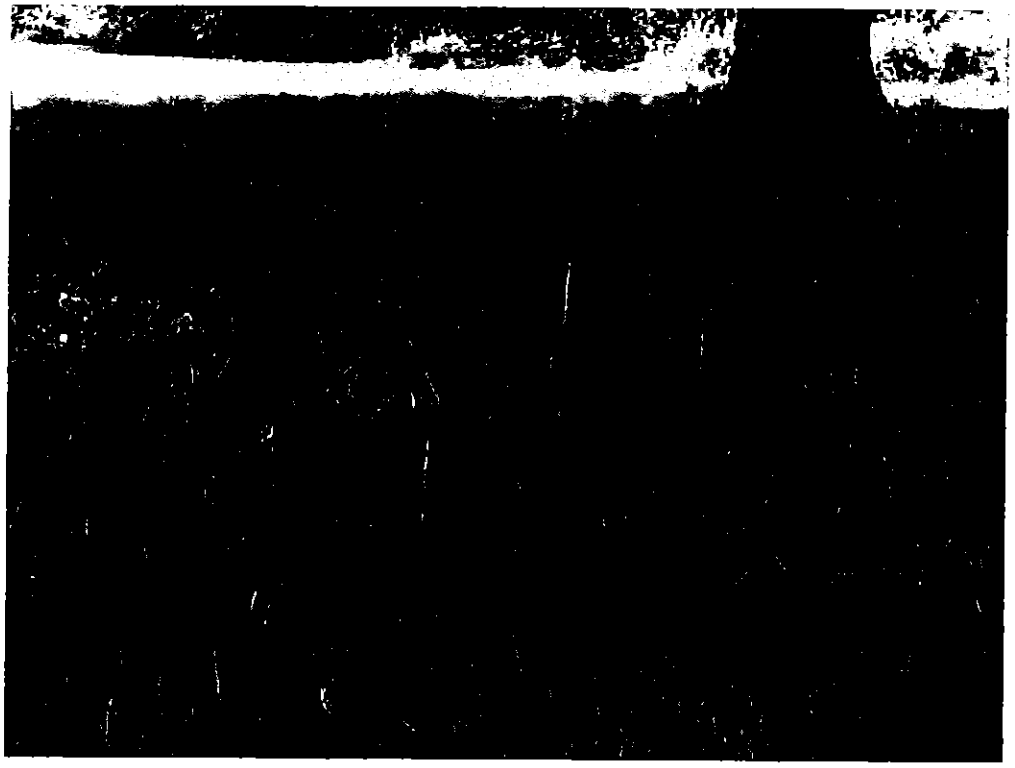
Lastly, the bamboo plants are less than 20 feet from the wetlands and we understand that is a significant concern with the Wetlands Commission. Our backyard borders wetlands which are located in the Tanglewood Open Space and have a 100 year flood plan. Our property also has a sewer line easement that runs from the street to the wetlands. The sewer line was replaced in 2005 by the Town of Wethersfield. The sewer line easement runs between our property and our neighbor's property. It is only a matter of time before the bamboo spreads to the wetlands and overtakes the area.



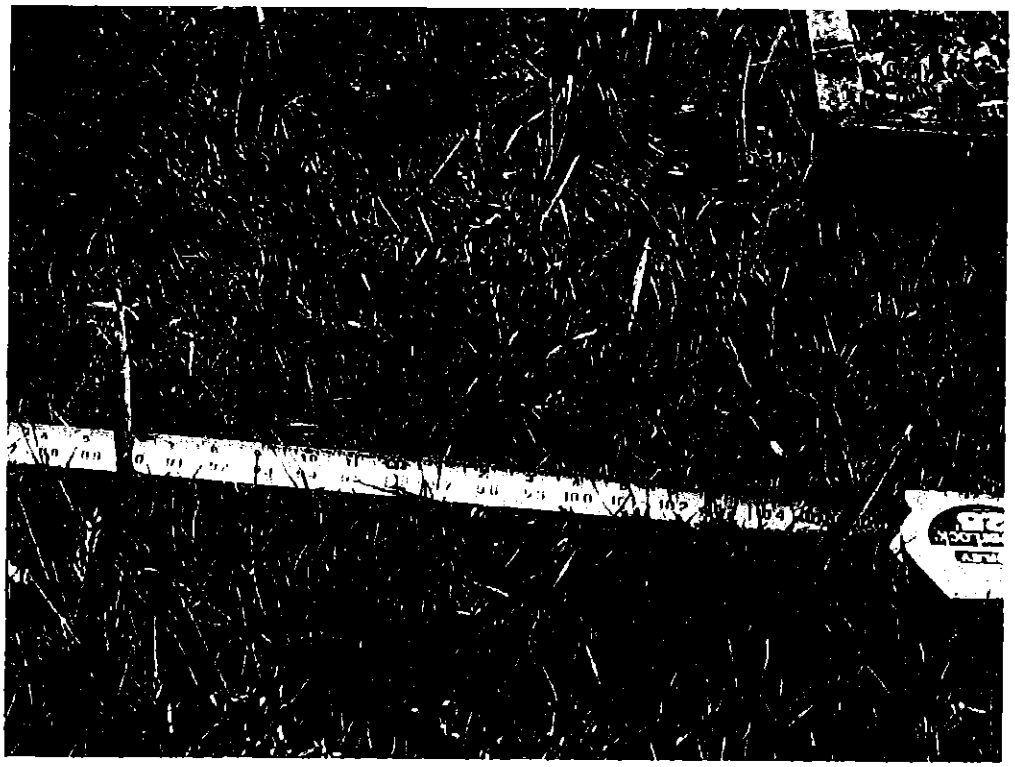
June 2013: Bamboo spikes in yard

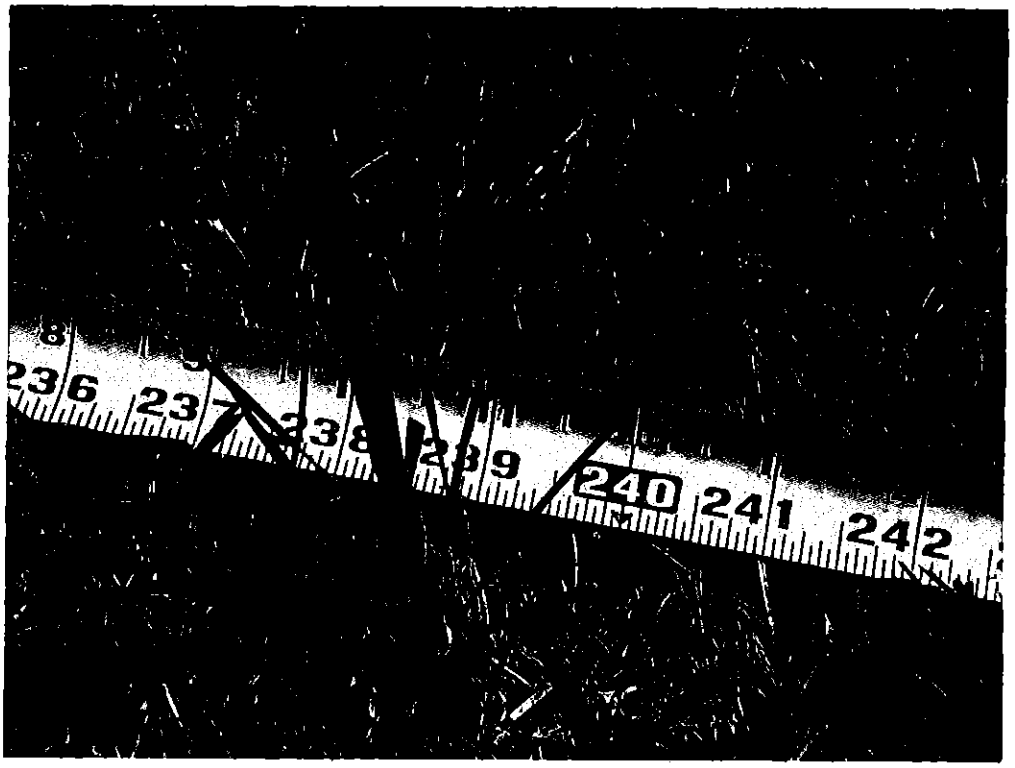
August 7, 2013: 3 Bamboo spikes with shed

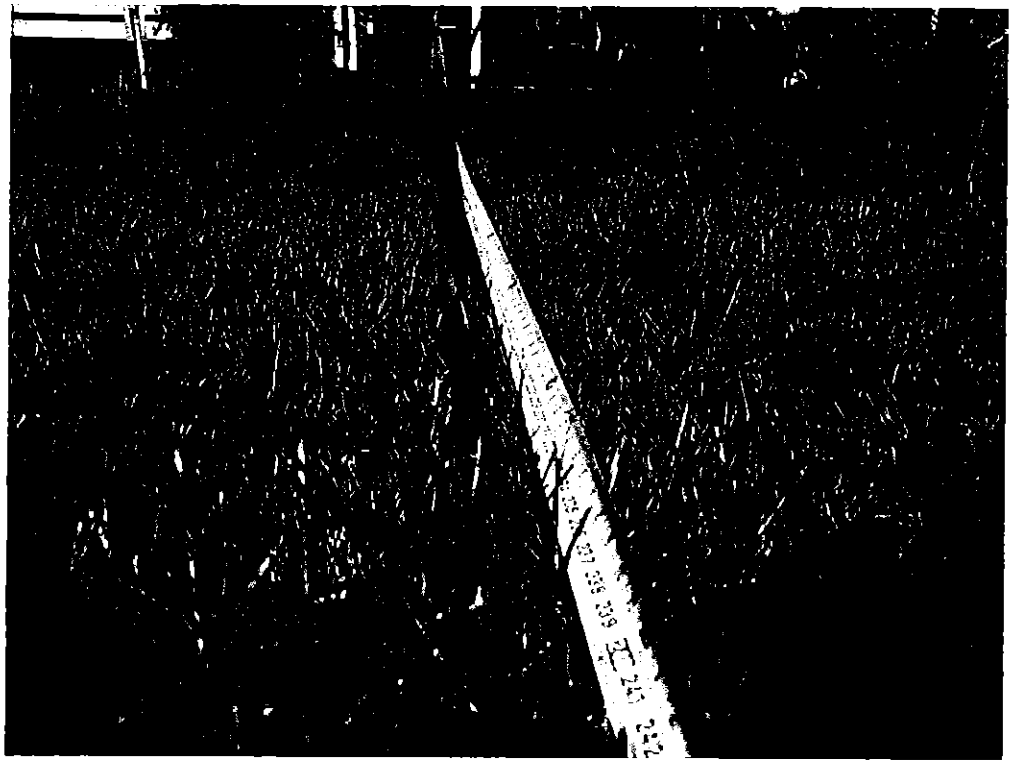




May 2013: Bamboo spike 8 ¾ feet from bamboo planting near shed







August 7, 2013: 2 Bamboo spikes from paver patio

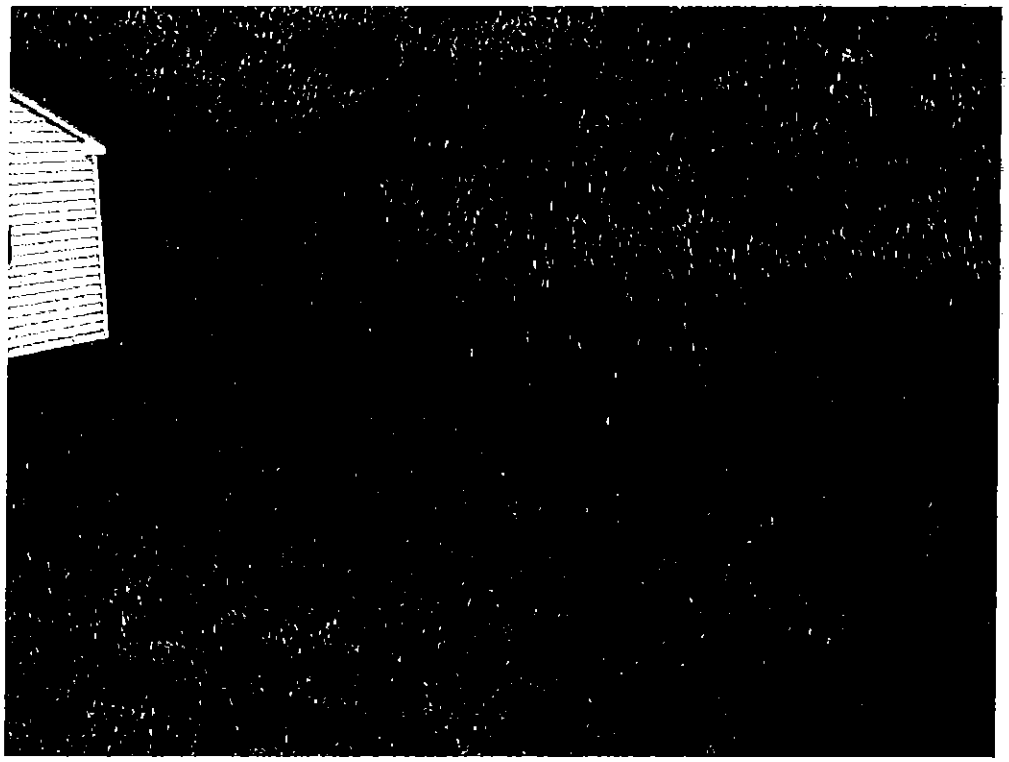
To date, we have spent almost $1,700 on legal fees and this amount will continue to climb if we decide to pursue legal action. The law that was implemented on October 1, 2013 is a great step but it doesn't do anything to address plantings prior to October 1, 2013. The people that have planted bamboo 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.

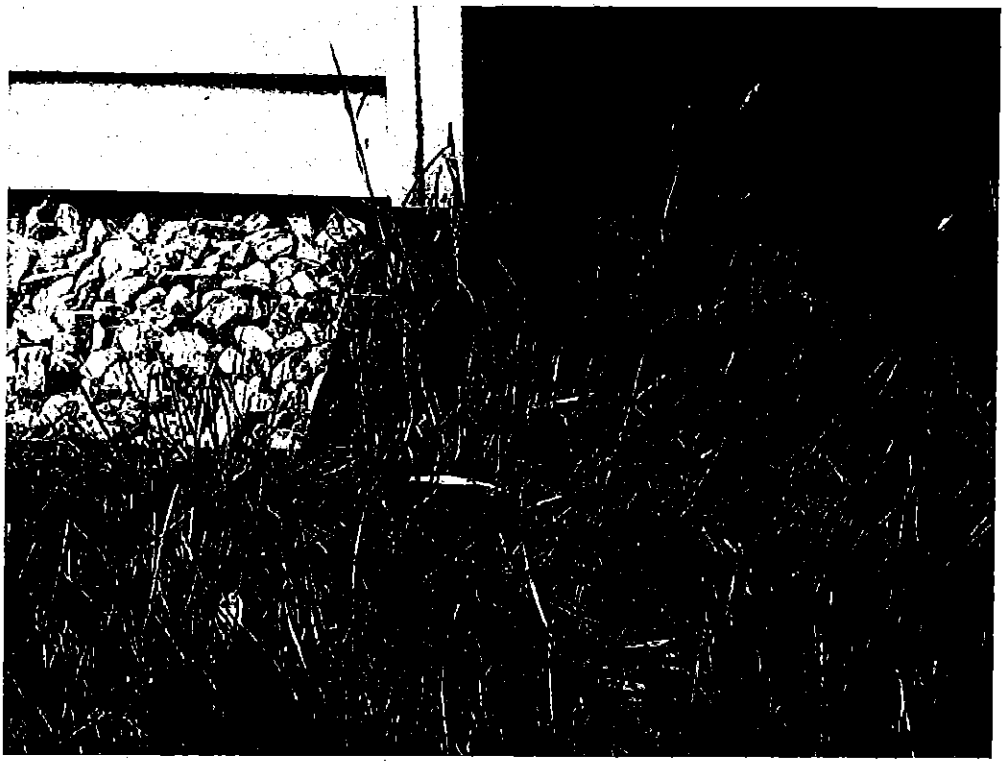
Thank you for your time, attention and consideration.

Sincerely,
Michelle Bonfiglio
James Bonfiglio

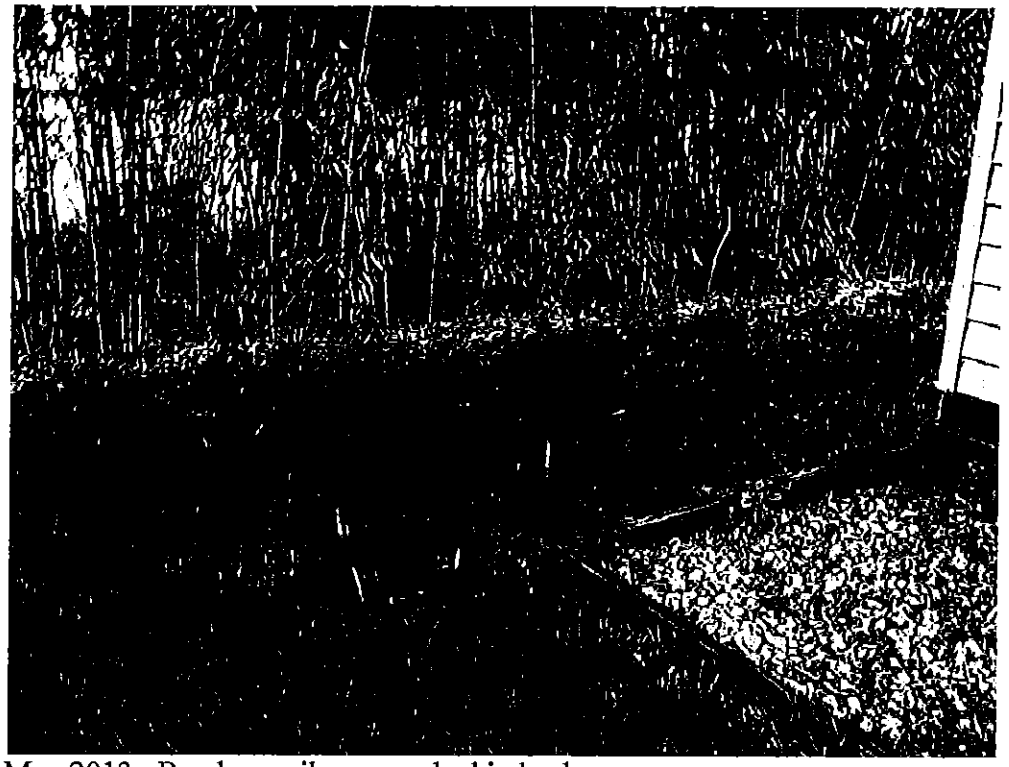
June 2013: Bamboo and shed



May 2013: Bamboo spike near shed in front

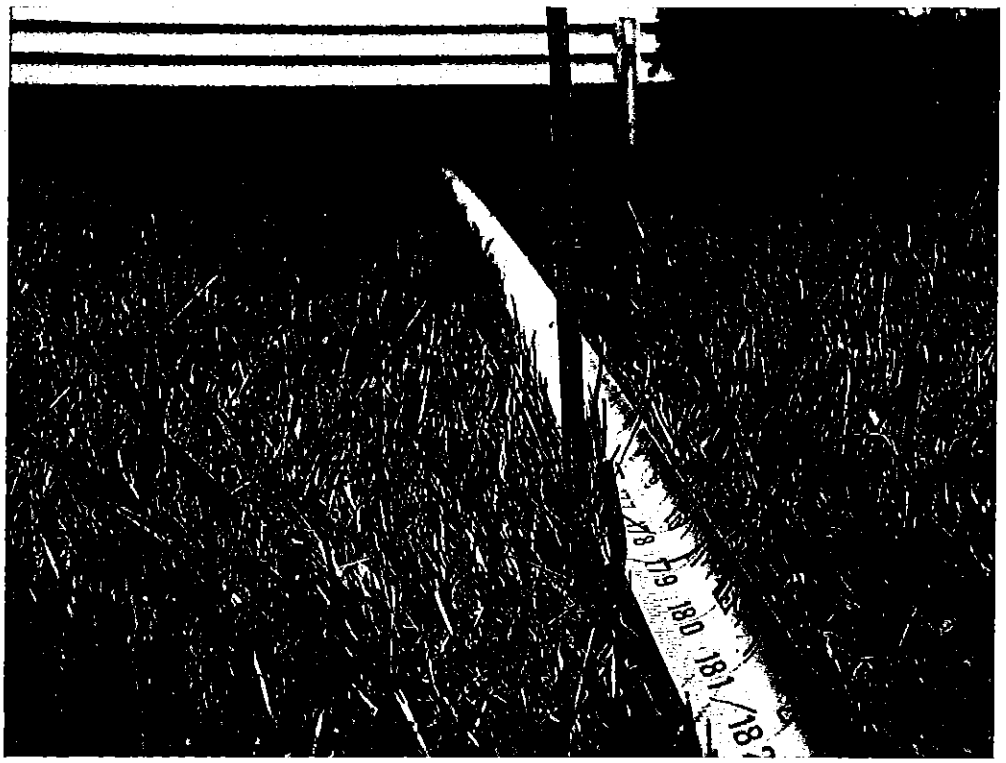


May 2013: Bamboo spikes near shed in back

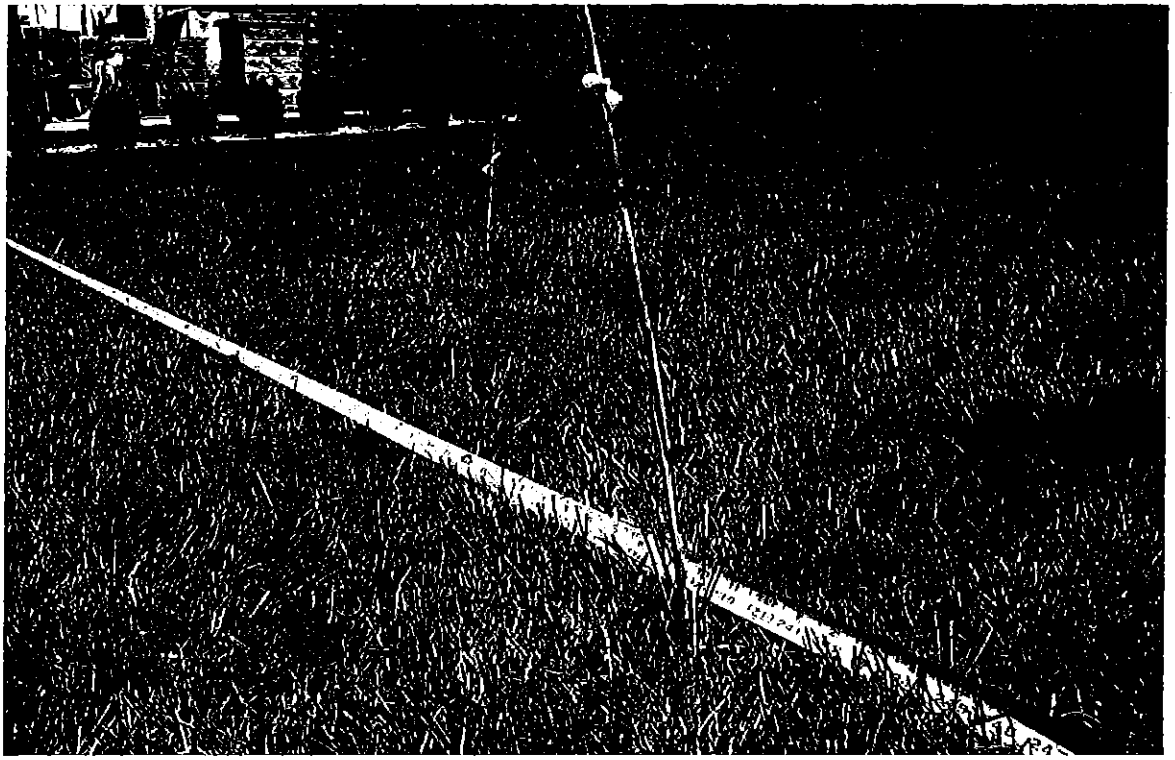


May 2013: Bamboo spikes near shed in back

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



August 7, 2013: Bamboo spike less than 20 feet from paver patio



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?

If there was ever a case for a State Representative to help their constituents, this is it. Please take action and thank you.

--
Jeff Douglas

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 values will be greatly reduced by the impending land contamination that looms - need the state to declare this intruder an official nuisance, and to require a no-bamboo buffer zone between residential/public/commercial properties AND .....most importantly, a 40' (or more) property line setback on all EXISTING Running Bamboo. I know that property owners have the right to bring legal action against their neighbours who plant this, once the Running Bamboo has already RUN onto their property and ruined their lives - however, this is far too financially, emotionally, and physically costly for any innocent, taxpaying property owner to have to endure!

Yes, at that point it is far too late and in many cases the land is permanently contaminated and the victim has already had to reach into his/her own pocket to replace the Bamboo ravaged plumbing/sewer/septic system and the mental aguish he/she has suffered simply can't be priced out. It is with all of this on my mind, that I implore you to take this issue very seriously and to understand the urgency of getting the proper legislation passed as swiftly as can be - in order to protect all of CT's private and public environments from astronomically costly yet preventable crises.

Thank you for your time and for giving this issue the attention it requires.

Sincerely,
Eileen Galla

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 am 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.

Very truly yours,
Joseph and Joan Marrone

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.

In 2002 my neighbor planted Phyllostachys Bissetii (as identified by the field expert Terri Groff on July 27th, 2013) along 160' of this mutual property line. It has now taken over the 20' ROW so densely that a cat can't even walk through it (let alone my right to pass and repass on foot or in a motor vehicle). This bamboo has also marched onto my property and has spread 15' into my parking area and lawn space. The invasion of this bamboo has been the most aggressive in the past two years.

My neighbor offered to "remove" it from my property this past summer. Although I explained that it would be necessary to dig up the roots at the source of the original plant to eradicate it and that he should burn it on the property site, he just dug 9" into the soil on my side of the property line to "get rid of the plant". This has only made the invasion more aggressive (as shoots started appearing in October). This has also severely damaged the value of my property. (As well as the quiet enjoyment thereof.)

The new law effective October 1, 2013 is of no value to those of us who suffer from invasive bamboo that was planted before that date. Whether done naively or spitefully, this plant has no redeeming value and should be stopped immediately. It will only destroy neighborhoods if left unattended and harm neighbor relations and property values as well.

Thank you for your attention,

Amy Day Kahn

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.

No doubt you will receive letters from others who cannot attend tomorrow's meeting. I will be in Moline Illinois for the next two days; otherwise I would be at the meeting in person. If I were able to be present, I would urge the adoption of a bamboo ordinance declaring bamboo a nuisance with a 40 foot setback on all bamboo to protect both private and public properties. Since I can't be there, I expect this letter will make my position clear. Although I believe that people should be free to do as they wish on their own property, so long as it isn't illegal, doesn't harm the environment, and doesn't affect the property rights of others, running bamboo MUST be regulated, and I ask for your support.

Sincerely,

George Klemp

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 though 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 bissetii 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. We feel that without legal rights our property will be damaged without any recourse.

We need a legislative bill that will declare running bamboo a nuisance and ask for a 40 foot setback on any existing bamboo to help protect our property from contamination. This no bamboo buffer zone will help stop the spread and damages. It will force a person and/or property owner who currently has bamboo on their property to be responsible for the care and containment of the bamboo. The bamboo property owner needs to be responsible for any damages financially and functionally, that arise to neighboring properties. A property owner who plants bamboo must do so using the proper containment measures. If those measures are not taken, or are unsuccessful the planter needs to be responsible, "each and every year", for any remediation needed by the property owner where the bamboo has encroached. **It is only fair and just to protect the rights of someone's property. It seems that making sure those rights are protected is what this bill will make happen. I was unaware of the damage that bamboo can cause when we purchased this property and fear that my property value and those of people in a similar situation as I will have no recourse. It is frightening that bamboo is used as a weapon against a neighbor. This plant is an underground ninja that wages war against innocent neighbor's causing major damages and leaves them with no protection or recourse.**

We sincerely ask for your consideration on putting forth this legislative bill, we thank you in advance for taking action against this invasive plant.

Sincerely,

James & Marissa Vallillo

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 ia 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 property setback line on existing bamboo. I know it's going be a big concern for all of CT very soon, and we need to do everything we can now. We need a no bamboo buffer zone to stop the spread and damages.

Best regards,
Jillian Murphy

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 very difficult to remove. If they are allowed to spread they will eventually attach themselves to retaining walls, foundations, underground pipes as well as boulders and tree roots making their removal that much more difficult and damaging.

The only real solution to the problems caused by this highly invasive nuisance would be an outright ban as is occurring in some jurisdictions around the country. A set-back provision would be helpful although absent a clear, legal understanding of the potential liability of irresponsible owners and sellers of this plant there is no real solution to the harm this plant will continue to inflict on innocent property owners. Simply stated, folks cannot understand the harm this organism can cause unless they experience it themselves.

Please feel free to contact me with any questions you might have or for more information.

Sincerely,

Tom Corcoran

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 my neighbor's house. We can see the bamboo driving up through the sidewalk in front of our neighbor's house. With the power and determination of this biological hazard we have no hope of paving our driveway.

We went to the town for assistance with no success. We were directed to the new law affective Oct 1, 2013 that prevents planting new running bamboo but does not address existing circumstances. We've met with an attorney regarding a civil law suit. We have also hired a professional to remove and protect our property via containment. This strategy is only temporary as the encroaching rhizomes spread 20', 360 degrees in multiple layers unground to a few feet deep.

We learned that many residences have successfully appealed their property tax as a result of the stigma associated with running bamboo. Our resale capability and home value has suffered because of the infestation.
We have inherited a situation with grave consequences. Had we known of this situation before purchasing the house we would have made the removal a condition of the sale. We invested in the house in good faith only to learn that this nuisance cannot be controlled and will spread and choke off anything in its path.

Without an ordinance in place to remove running bamboo and protect private and public property from the damaging spread of this invasive plant we are left with only one course of action, a civil law suit against our neighbor. Obviously, this does not make a comfortable living environment. Forcing each homeowner into a lawsuit, putting neighbor against neighbor to protect their investment does not serve the community, town or state.

We support a no buffer zone to stop the spread of running bamboo.

Regards,

R Blake Audett

Joseph L Scalabrino:

To the : Council on Environmental Quality
Dec. 5_th 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 Bambosa 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. These roots sometimes appear near the surface which is when I can attempt to dig them out. When removed they look like a fish bone with roots streaming off of the main cord. These snake-like shoots give rise to a root ball that sprouts a new plant. The problem is that I have to wait to find where the shoot has gone before I try to dig it out. This is too late to stop the overall growth rate of the plant. In one area, the root system has gone under an 35 year old, established pine tree that may have to be removed to get at the bamboo. I am willing to pay a landscaper to remove this invasive and destroying growth from my land but it would be throwing good money after bad if the neighbors do not remove their growths. I am afraid that my property may be devalued if this spread is allowed to continue. My wife and I have spoken to other residents in Branford that are having a similar problem. One has it growing up through their driveway and another has told us that the bamboo is beginning to invade their neighboring wetlands.

The bamboo should be labeled a nuisance; It should be forced back from any neighboring property at least 40 feet; property owners that have the bamboo on their land should be forced to keep it under control with a threat of legal action (something I would hate to see happen); all buffer zones should be eliminated; and there should not be a grandfather clause that would allow existing growth to continue to spread.

Please adopt a law that will keep this plant from developing into a greater problem.

Thank you,
Joseph L Scalabrino

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.

We need 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

What we have discovered in a very short time is that the damage from this environmental pollution will be catastrophic to anything in its path. Nothing will survive. The cost and time to remove the rhizomes and maintain this has been endless and will continue to be until we get this law passed like the one that just passed in Rose Valley, Pennsylvania and Bozrah Connecticut. We need this ordinance to protect personal and public property.

Thank you,

Trudy Meyer

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 when I bought my home, I considered planting it myself for privacy purposes. Once I began reading about it, I realized that I did not want the responsibility of any invasions. Unfortunately, others did not research and did not heed my advise. We live on a dead end street in Milford, CT. It is a very small street with maybe a dozen homes. At the end of the street are the **wetlands** which will be affected if this problem is not addressed. The potential contamination that this one person has created is mind boggling. **There is wild life in the wetlands which will probably be destroyed when the bamboo reaches** it.

Another concern that I have is that I saw bamboo growing near the railroad tracks in Westport. Do we need yet another catastrophe with a potential train derailment if bamboo invades the tracks? People need to be educated and held accountable for the damage they are doing to other peoples property and lives.

I am asking for the Council to please declare bamboo a nuisance with a 40 foot set back line on existing bamboo- a no bamboo buffer zone to stop the spread and damage.

Respectfully,

Christine Begej

Kevin Rogers

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.

Thank you.

Charles Sherwood

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 zoneand (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 L 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.*
- *EVERY MAJOR NEWSPAPER, AFFILIATE NETWORK TV AND CABLE CHANNEL IN CONNECTICUT HAS RUN MAJOR FEATURE STORIES ON THE HORRORS OF BAMBOO....*

I urge CT to pass Legislation to swiftly ***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.... Additionally, proper remediation might also be stipulated (see above)***

If we follow the lead like many of the towns in Long Island, the state could levy a $500 a day fine for any homeowner who has not removed the nuisance of running bamboo. (within a given period of time)..It would give the State income....and BEST of all it will salvage neighboring properties from continual bamboo plight, sprawl and damage.

Bamboo....GREAT for flooring, NOT for neighbors....!!

Priscilla S. Weadon

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 multypling!!!

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

December 1, 2013

Dear Peter Hearn,

I am writing this letter in the hope that it will not only reach you, but that it will be read aloud at the Environmental Quality Council Meeting on December 5th. . I am unable to attend in person, but I consider the following issue urgent.

I have a next door neighbor who is planting all kinds of running bamboo everywhere on his property without barriers. Although he knows the facts about this plant's root system – that once established it spreads 20 feet a year, he does not seem to care about neighboring properties.

My home is my life! I've lived there for 48 years, moved in when I was twenty-five. I was married in the back yard. I brought my babies home to this house. My husband and I cleared much of the land ourselves and planted things of beauty. Each marks a special occasion or is a memorial planting. We created every garden, every stone path - by hand. In October of 2007 my husband and my close friend died in this home. It has always been my sanctuary. Now, as a widow in my seventies, I continue to work each day so that I can continue to live here. What right does someone else have to destroy it? When running bamboo invades my property it will be too late, resulting in costly land remediation and a lengthy lawsuit. I am well aware of the state law that went into effect October 1, 2013, Public Act No. 13-82. But my neighbor is growing it all over and with no barriers, allowing it to run. I have no protection be-
-fore it gets to my land.

Therefore, I am urging you all to declare Running Bamboo A

Nuisance, requiring a Forty Foot Setback on Existing Running Bamboo and a No Bamboo Buffer Zone to stop the spread and damage caused by this destructive species.

This is not a problem that can be ignored or put off to deal with, as waiting and/or denying it's existance will only allow for the situation to get worse. Here in Connecticut, many towns are dealing with the effects of bamboo infestation already. Contaminated land, lower property values, threatened infrastructure, historic sites, in fact....anything underground that is in the path of bamboo's spreading rhizomes is at risk!

Thank you for considering my feedback. I wish you courage and wisdom in dealing with this scourge.

Sincerely,

Nancy C. Mahon

Nancy C. Mahon
176 Surrey Drive
Orange, CT 06477

*Please don't allow my home to be destroyed.