



COUNCIL ON ENVIRONMENTAL QUALITY

Recommendations for Legislation

January 15, 2014

The Council on Environmental Quality (CEQ) publishes *Environmental Quality in Connecticut*, the state's annual report on the status of our air, water, land and life. The Council also is required by law (CGS Section 22a-12) to recommend legislation "for remedying the deficiencies of existing programs and activities." From its review of statewide environmental data and investigations of citizen complaints, the Council has identified important deficiencies and offers these recommended solutions.

THE FOUNDATION: RIVERS & SOUND, PARKS & LAND

What the environmental indicator data tell us: A handful of programs are the foundation of Connecticut's environmental progress. Without that foundation, we will see no improvement in our land and water. To meet its goals, Connecticut will need to:

1. Maintain the current capital budget for the **Clean Water Fund** to reduce the amount of raw sewage entering rivers and Long Island Sound and the nitrogen discharges that cause hypoxia (low oxygen) in the Sound.
2. Improve **protection for state conservation lands** to ensure their **preservation in perpetuity**.
 - Implement a unified procedure for initiating exchanges and conveyances of land, one that brings essential information to the public and the decision-makers early in the process. The information required, which could be from DEEP, should include facts about the parcel, the state's intended use of the parcel, the property's importance to climate change resilience, and the ecological relationship of the parcel to surrounding lands.
 - Grant additional legal protections to lands known to be of high conservation value – including state parks, forests, and wildlife management areas – so that they remain protected in perpetuity. More information and recommendations are available in a CEQ Special Report, *Preserved But Maybe Not*, on the Council's website.
 - Require any public agency to provide public notice and opportunity for comment prior to releasing or modifying a conservation easement.
3. Maintain the current capital budget for **farmland preservation**; preserve 2,000 acres each year.
4. Authorize sufficient capital funds (estimated to be \$20 million) each year to enable the state and matching-grant recipients to **acquire priority conservation lands**, in fee or easement, of 12,000 acres annually.
5. Appropriate sufficient funds (estimated to be an additional four million dollars annually) to allow all **state parks** to open in 2014 with enough staff to manage the properties as well as the destructive behaviors of some visitors.
6. Appropriate sufficient funds to mount an effective defense against a major ecological threat to Connecticut's native habitats: **invasive species**.
 - Require an appropriate agency (the Connecticut Agricultural Experiment Station, DEEP, Agriculture, or all three) to prepare and implement 1) a rapid-response plan for detection and eradication of newly discovered terrestrial invasive species and 2) a comprehensive plan for tackling the most serious invasive species in Connecticut' landscape (to complement the existing state plan for aquatic species).

FROM THE PUBLIC: PROBLEMS DISCOVERED, SOLUTIONS PENDING...

As we investigate residents' complaints and questions, the Council often identifies gaps or deficiencies in state laws that lead to inadequate protections for the state's environment. The following recommendations arose from Council investigations.

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 or 2015 when new federal emission regulations (which do not relate specifically to siting) are implemented.

- 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.

All-Terrain Vehicles

Illegal use of ATVs damages trails, parks, nature preserves and other properties. Enforcement is difficult.

- Improve law enforcement agencies' ability to enforce existing laws by including forfeiture of the vehicle as a potential penalty.

Alternative Sewage Treatment Systems

Alternative Treatment Systems are small sewage treatment systems that discharge treated effluent to groundwater. Some system operators comply with DEEP's discharge limits and reporting requirements while a significant number do not; the consequences are the same in each case because there is minimal oversight or enforcement.

- Amend water pollution control statutes to impose a minimum penalty of \$1000 for repetitive failure (i.e., two successive failures) to submit required monitoring reports for alternative sewage treatment systems.
- Shorten the time periods between permit renewals (from ten years to five) for facilities that fail to submit required reports.

Tower Siting

Applicants to the Connecticut Siting Council for telecommunications towers must notify abutting landowners but not the people who bear the visual impacts. Most applications *identify* the addresses with views of the proposed tower, but notice is not sent to those addresses.

- Amend CGS Section 16-50(b) to require notice of any application to the Connecticut Siting Council for a telecommunications tower to be sent to properties that will have a view of the tower with leaves off the trees.

Flowing Water, Flowing Wastes

Recent controversies highlight the risks of relying on *ad hoc* decisions when using streams and rivers for water supplies. The statewide water plan required by statute was never completed.

- Fund and adopt a statewide water allocation policy and plan as [recommended](#) by the Water Planning Council.
- Expand the [\(now diminished\)](#) network of stream gages so Connecticut can know where the water is.

Current law contains uncertainties and gaps that could expose Connecticut to hazardous wastes.

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

Running Bamboo

A few species of running bamboo (whether technically invasive or not) cause problems that are out of proportion to any benefit, and they defy many control efforts.

- Prohibit the sale and planting, by statute, of those species of bamboo that currently are [proposed](#) for prohibition by New York State.