



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

Barbara C. Wagner
Chair

M. Howard Beach

Janet P. Brooks

Liz Clark

Bruce R. Fernandez

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TESTIMONY

TO: Committee on Appropriations
Connecticut General Assembly

FROM: Barbara C. Wagner
Chair

DATE: February 24, 2011

SUBJECT: Proposed Budget

Good evening. My name is Barbara Wagner. I am here tonight as the chair of the Council on Environmental Quality. I am accompanied by Council member Janet Brooks.

The Proposal

The proposed budget eliminates funding for the Council on Environmental Quality (CEQ) and puts the Council within the proposed Department of Energy and Environmental Protection (DEEP). The implementing bill, Governor's Bill 6386, Section 36, provides that the Council would still exist with all of its mandatory duties and responsibilities. The CEQ already is within the DEP for administrative purposes only; this bill would eliminate that distinction and also eliminate the Council's authority to hire staff or expend other funds.

The Council spent considerable time discussing how the proposed consolidation might work, and asked me to speak tonight on the necessity of **independence** and **staff**. If consolidation is inevitable, it doesn't matter where we might end up administratively as long as the Council's functions and communications are independent of any Commissioner and are supported by qualified staff.

Independence and Objectivity

The Council was created in 1971 (CGS Sections 22a-11 through 22a-13) alongside the Department of Environmental Protection to report objectively and without bias on the status of Connecticut's air, water, land, wildlife and other environmental

\$100,000 – usually more than the entire annual budget of the CEQ.
Under our recommendations, agencies will be producing much shorter and more readable EIEs.

Found land: In 2007 you adopted one of our recommendations for improving the public notice and environmental review of surplus state lands before they are transferred out of state service. In December 2010, we were pleased to publish in the *Environmental Monitor* notice of the first fruit of that change: because of comments submitted by interested and knowledgeable residents, the DEP requested and received 12 acres of open space from another agency. So the State of Connecticut now is 12 acres closer to its open space goal, and at no cost. Prior to this law, the state would not have known of the land's natural resource values and would have let it slip away.

In the same vein, the Council made an interesting discovery in 2009: the DOT had bought hundreds of acres of "scenic lands" in the 1960s and 1970s, and these lands had been largely forgotten. We notified the governor, and she brought all of the relevant agencies to the table. Within weeks, all of these lands had been mapped in a digital format and are now available on the state's geographic information website for all to use. Again, hundreds of acres of open space were put in the ledger at no cost. There are many additional opportunities for "no-cost" acquisitions.

In December, the Council wrote to Governor-elect Malloy with five recommendations that would improve the environment and save money:

1. Reduce the cost of CEPA compliance by 50 percent.
2. Make progress toward farmland and open-space preservation goals with no-cost "acquisitions."
3. Consolidate drinking water programs in one agency.
4. Allow the DEP and the private sector to move faster on Transfer Act projects.
5. Give the public better access to public documents.

That letter is attached.

Also attached is a summary of recent CEQ accomplishments.

Who will lose services if the budget proposal is implemented?

1. Everyone. No one, from the governor to the person on the street, will have an accurate assessment of the condition of our environment and trends (positive and negative) in our air, rivers, coastal waters, farmland, forests, energy efficiency, and wildlife. If we spend hundreds of millions of tax dollars per year on improving the



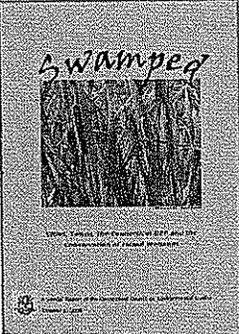
February 2011



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Summary of Council Actions That Have
 Improved Connecticut, 2005 – 2011

Established in 1971 alongside the Department of Environmental Protection (DEP), the CEQ has published dozens of reports and resolved thousands of complaints. Many reports have resulted in major changes to state policy that continue to yield dividends years after publication. For example, 1997's *The New Race for Open Space* showed that Connecticut's land conservation program was moribund; it had no funding, no goals, and was entangled in red tape. The report was widely acknowledged as having helped move the state toward what is now a streamlined and effective land conservation program. Every year since, we report on the progress toward the goals the Governor and General Assembly established. The table below summarizes more recent examples.

REPORTS / ACTIONS	COUNCIL ACTION	OUTCOMES / IMPROVEMENTS
<p>"Environmental Quality in Connecticut" <i>Every year since 1972</i></p> 	<p>Annual report on condition of Connecticut's environment. Comprehensive, accurate and unbiased. The only such report produced.</p> <p>Foundation of report is consistent set of 32 indicators, updated annually.</p> <p>Report focuses evenly on successes and failures.</p> <p>Report focuses on state as a whole, not just on DEP activities or jurisdiction. Includes agriculture, energy, public health, transportation and land use, and includes municipal performance.</p> <p>In 2009 the Council began to publish its required recommendations as a separate "Checklist of Recommended Legislation to Remedy Connecticut's Biggest Environmental Deficiencies"</p>	<p>This report is read widely and is considered the authoritative source for information on the condition of Connecticut's environment. It is cited frequently year-round by other agencies, the news media and researchers.</p> <p>The Council has completed a transition away from paper copies to an interactive web version that debuted in 2007. This has resulted in greater circulation and lower costs.</p> <p>The Council's reports have led to countless improvements in Connecticut's environmental laws and programs, in turn improving air quality, wetlands, parks and forests, releases of toxic materials such as mercury and MTBE, and compliance. Additional specific improvements are detailed below.</p>
<p>"Preserved But Not Protected" <i>2005</i></p>  <p>Stumps on Farmington Land Trust property where 120-year-old trees were taken (Page 2)</p>	<p>Prompted by citizen complaints of illegal felling of trees in protected conservation lands by trespassers, the CEQ conducted a year-long investigation of such problems.</p> <p>Encroachments were found to be widespread on state, municipal and land trust lands.</p> <p>The CEQ found that the DEP had no surveyors on staff and was unprepared to defend its parks and forests.</p> <p>Penalties for encroachments were found to be woefully inadequate.</p> <p>This CEQ Special Report led directly to legislation.</p>	<p>P.A. 06-89, An Act Concerning Encroachment on Open Space Land, comprehensively updated statutes pertaining to encroachments, and was put to use immediately in defense of parks, forests and preserves.</p> <p>The DEP was able to hire a surveying team and has begun to reclaim public land that had been taken over illegally by private parties.</p>
<p>"Swamped" <i>2008</i></p> 	<p>Special 2008 CEQ Report found that many towns do not comply with statutory requirements for training and for reporting to the DEP.</p> <p>Report found through statistical analysis that training is highly effective, and that lack of training results in more wetlands lost.</p> <p>The same report found evidence that combined wetlands/zoning commissions are less protective of wetlands than separate wetlands commissions.</p> <p>The Council's two-year investigation grew out of a citizen complaint about illegal activity in wetlands.</p>	<p>Council's recommendations regarding training requirements and separation of commissions have been proposed in legislation.</p> <p>The CEQ sponsored a roundtable where representatives of numerous organizations and agencies outlined future improvements that could be achieved to make wetlands training more widespread and convenient for municipal wetlands agency members.</p>



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December 30, 2010

The Honorable Dannel P. Malloy
Governor-Elect of Connecticut
State Capitol
Hartford, CT 06106

Dear Governor-Elect Malloy:

As you probably know, the Council publishes the state's official report on the condition of Connecticut's environment early in the calendar year. We will complete the report for 2010 as soon as all essential data become available. Last year's report can be viewed at www.ct.gov/ceq. The same statute that requires the Council to report on environmental conditions and trends (CGS Sec. 22a-12) instructs the Council to recommend legislation "for remedying the deficiencies of existing programs and activities." Early in January, we will submit this year's recommendations to you and the General Assembly.

In the meantime, as you prepare your budget and legislative initiatives in these extraordinarily challenging economic times, we understand that you are searching for savings and efficiencies in all programs while, ideally, enhancing the outcomes of those programs. With that in mind, the Council offers five suggestions that could be implemented fairly quickly, in some cases through administrative action, and would improve Connecticut's environment.

1. Reduce the cost of CEPA compliance by 50 percent. Under the Connecticut Environmental Policy Act (CEPA) as currently operating, state agencies may pay consultants hundreds of thousands of dollars to write Environmental Impact Evaluations (EIEs) of limited value to decision-makers or the public. In FY07-08, consultants were paid \$343,000 in state capital funds for two EIEs, far out of proportion to their value to the state. Agencies should be encouraged to prepare concise EIEs (30 to 40 pages), as is done in several other states. This can be implemented by having the DEP overhaul the 1978-era CEPA regulations to include a target length and scope for EIEs. In the case of public-private partnerships, PA 10-120 allows the private party to speed the process by paying the state agency for the cost of the EIE. More concise EIEs should save state agencies money and allow job-creating developments that do not have major negative environment impacts to begin construction.

term, cost-efficient solutions to several problems that might not be included among the highest-priority recommendations. I would welcome the opportunity to discuss any of this information with you or your staff. I can be reached at my law office at 860-657-4345. Our Executive Director, Karl Wagener, is always available at 860-424-4000 to answer questions and provide any additional information you might want.

Sincerely,

A handwritten signature in black ink, appearing to read "Bar C W", written in a cursive style.

Barbara C. Wagner
Chair