

LONG ISLAND SOUND ASSEMBLY
REPORT TO THE
CONNECTICUT GENERAL ASSEMBLY

**Pursuant to Section 25-155
of the Connecticut General Statutes**



December 2007

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
OPEN WATER DREDGE DISPOSAL IN LONG ISLAND SOUND	8
BROADWATER NATURAL GAS FACILITY PROPOSAL	14
HARBOR MANAGEMENT	16
CLEAN WATER FUND BOND AUTHORIZATION	19
PRESCRIPTION DRUGS IN LONG ISLAND SOUND	20
STORM WATER MANAGEMENT	21
HAZARDOUS WASTE DISPOSAL	23
ENVIRONMENTAL EDUCATION PRIORITIES	25
APPENDIX I:	
MEMBERSHIP IN THE LONG ISLAND SOUND ADVISORY COUNCILS	27
APPENDIX II: MEMBERSHIP IN THE LONG ISLAND SOUND ASSEMBLY	29
APPENDIX III: FORMATION OF THE LONG ISLAND ASSEMBLY	30

EXECUTIVE SUMMARY**Long Island Sound Assembly 2007 Report**

The Long Island Sound Assembly (LISA) herewith submits its sixteenth annual report to the Connecticut General Assembly. The following summary sets forth the primary recommendations, accomplishments and concerns of LISA.

SECTION I**Open Water Dredge Disposal in Long Island Sound****REQUESTED ACTION**

LISA requests that the General Assembly continue to contact the members of Connecticut's Congressional Delegation and request:

- **That they continue to expend all efforts to obtain federal financial support for the Regional Dredged Material Management Plan (DMMP) for Long Island Sound.** While the Army Corps of Engineers and the U.S. Environmental Protection Agency have begun to schedule formal scoping meetings, public meetings and workshops as part of the DMMP development process, funding is still needed.
- That they continue to pursue increased federal funding of Connecticut dredging projects.
- That they continue to pursue federal funding of research and development of innovative dredge disposal technologies to enable economical upland reuse.
- That they continue to pursue federal funding for the creation of Environmental Impact Statements for the New London and Cornfield Shoals dredge disposal sites. **In the absence of such Statements, the New London site is slated to close in 2011.**

In addition, LISA requests:

- That the General Assembly support DEP Commissioner McCarthy in her efforts to enlist the aid of Connecticut's Congressional Delegation and New York regulators in ensuring that provisions of the DMMP:

- Reflect the needs of Connecticut harbor cities and towns for a streamlined dredge disposal permitting process utilizing the Connecticut Department of Transportation's Dredging Project Coordinator.
- Are effective and reasonable in protecting the environment of Long Island Sound and Connecticut waterways.
- Are timely to ensure continued accessibility to the designated sites that can be used for the deposition of dredged sediments, including the New London and Cornfield Shoals sites.
- Recognize that background concentrations of some constituents, such as cadmium, that are found in sediments in Long Island Sound may be naturally occurring and may not be contaminants.
- Provide regulatory alternatives with a flexibility that does not currently exist in the so-called Ambro Amendment to the Ocean Dumping Act.
- That absent timely action in the development and issuance of a DMMP, and absent the cooperation of New York State representatives, the General Assembly should initiate measures to support the repeal of the Ambro amendment to the Ocean Dumping Act.
- That members of the General Assembly consider bonding to fund grants or low cost loans for municipal harbor dredging projects in order to supplant dwindling federal appropriations. This presently is being done in other New England states.
- That the General Assembly establish a Harbor Improvement Fund, similar to what was proposed in the 2007 Raised Bill 7070, that would allocate an initial bond of \$50 million dollars for State harbor improvement projects including, but not limited to, projects such as the preparation of DMMPs, harbor planning coordination, dredging, and other coastal facility repairs which support commercial and recreational maritime activities.
- That support is accorded to DEP research projects designed to investigate alternative technologies for upland dredge reuse and its development of General Permits for the reuse of Soils and Sediments to comply with the stated DMMP goal of reducing or eliminating open water dredge disposal.
- That additional support is accorded to DEP research projects to design, in cooperation with the Army Corps of Engineers, appropriate Confined Aquatic Disposal (CAD) cells that can be used as a disposal alternative for dredged material which has been determined to be unsuitable for unconfined aquatic disposal. The CAD cells could be large enough for federal projects plus any additional private projects that might occur during the same dredging mobilization effort.

SECTION II **Broadwater Natural Gas Facility Proposal**

REQUESTED ACTION

LISA requests:

- That the State of Connecticut continue to articulate to the Federal Energy Regulatory Commission (FERC) rejection of the Broadwater proposal for construction of a Liquefied Natural Gas (LNG) Floating Storage Re-gasification Unit (FSRU) and to explore alternate locations for the storage of LNG to serve the Long Island Market. We strongly recommend the creation of a Regional Energy Policy to identify the number and siting of LNG storage facilities as a comprehensive approach to mitigate the lack of capacity.

This recommendation is based on three overriding concerns:

1. US Coast Guard and local public safety resources do not have the funding in place to address the safety and security risks of this project.
2. There are projected to be significant adverse environmental impacts on marine life, soils/sediments and water quality.
3. The lack of a Regional Energy policy to comprehensively address the energy needs of the Connecticut, Long Island and New York markets, collectively.

SECTION III **Harbor Management**

REQUESTED ACTION

LISA requests that the General Assembly continue its efforts to improve and enhance the implementation of the Connecticut Harbor Management Act of 1984 (P.A. 84-287) by:

- Reviewing the status of the state boating account to determine if the amount of funds currently distributed to municipalities should be adjusted upward to reflect existing conditions.
- Identifying opportunities to advance the coordination and review of applications and permits to build docks, piers, bulkheads, etc. between local Harbor Management Commissions and the Connecticut Department of Environmental Protection (DEP).

- Introducing new legislation that would provide a state dredging policy and funds to achieve timely and environmentally sound maintenance dredging of Connecticut's ports and harbors.
- Strengthening the harbor master program through funding of training programs and additional compensation for harbor masters and deputy harbor masters to ensure safe and beneficial use of Connecticut's navigable waters.

SECTION IV
Clean Water Fund Bond Authorization

REQUESTED ACTION

LISA requests:

- That the General Assembly continue its efforts to enact bond authorizations in future years in order to restore funds that were diverted from the Clean Water Fund, and to maintain a sufficient annual commitment for funding to assist in implementing backlogged sewer and de-nitrification construction and facility planning projects.

SECTION V
Prescription Drugs In Long Island Sound

REQUESTED ACTION

LISA requests:

- That the General Assembly convene a group consisting of representatives from Connecticut Hospital Association, Connecticut Medical Society and American College of Healthcare Executives (representing nursing homes) to devise a practical, cost effective plan to:
 - a) Reduce the amount of pharmaceuticals that must be disposed of and
 - b) Dispose of pharmaceutical prescription and non-prescription products in an environmentally sound manner.

SECTION VI
Storm Water Management

REQUESTED ACTION

LISA requests:

- Funding to provide public education programs directed at the negative impacts of stormwater runoff and what can be done to improve water quality in the State's water bodies and Long Island Sound.
- Encourage interaction and cooperation of State Agencies towards improvement of stormwater runoff from the State roadway system, with the common goal of reducing pollution in the State's waterways.
- Provide funding mechanisms to municipalities to meet EPA Phase II Stormwater mandates.

SECTION VII
Hazardous Waste Disposal

REQUESTED ACTION

LISA requests:

- That a user-friendly statewide, standardized hazardous waste disposal program be established similar to HazWaste Central in the Greater New Haven area.
- That funding or legislation is used to encourage more effective advertising for the programs that are currently in place.
- That funding is provided for public education programs designed to familiarize people with the natural alternatives to using hazardous materials.

SECTION VIII
Environmental Education Priorities

REQUESTED ACTION

LISA requests:

- That funding of Long Island Sound Councils and Assembly and their educational initiatives is continued.

SECTION I

Open Water Dredge Disposal in Long Island Sound

PREFACE

The Long Island Sound Assembly continues to maintain that, to remain operational, Connecticut's ports and harbors must have access to the designated sites that can be used for the deposition of dredged sediments deemed suitable for open water disposal. These projects maintain access to port facilities, military bases such as the United States Naval Submarine Base, oil terminals, marinas, commercial fishing and other marine facilities. If Connecticut's ports and harbors were not able to use these four sites, it is believed that the negative impact on Connecticut's economy would become massive, triggering possible business failure and loss of jobs. It is imperative to keep these sites open as potential dredge disposal sites. It is imperative to keep Connecticut's ports open and commercially viable, and it is imperative that such dredging projects and disposal operations be performed in an environmentally and economically sound manner.

REQUESTED ACTION

The Long Island Sound Assembly requests that the General Assembly continue to contact the members of Connecticut's Congressional Delegation and request:

- **That they continue to expend all efforts to obtain federal financial support for the Regional Dredged Material Management Plan (DMMP) for Long Island Sound.** While the Army Corps of Engineers and the U.S. Environmental Protection Agency have begun to schedule formal scoping meetings, public meetings and workshops as part of the DMMP development process, funding is still needed.
- That they continue to pursue increased federal funding of Connecticut dredging projects.
- That they continue to pursue federal funding of research and development of innovative dredge disposal technologies to enable economical upland reuse.
- That they continue to pursue federal funding for the creation of Environmental Impact Statements for the New London and Cornfield Shoals dredge disposal sites. **In the absence of such Statements, the New London site is slated to close in 2011.**

In addition, the Long Island Sound Assembly requests:

- That the General Assembly support DEP Commissioner McCarthy in her efforts to enlist the aid of Connecticut's Congressional Delegation and New York regulators in ensuring that provisions of the DMMP:
 - Reflect the needs of Connecticut harbor cities and towns for a streamlined dredge disposal permitting process utilizing the Connecticut Department of Transportation's Dredging Project Coordinator.
 - Are effective and reasonable in protecting the environment of Long Island Sound and Connecticut waterways.
 - Are timely to ensure continued accessibility to the four designated sites that can be used for the deposition of dredged sediments, including the New London and Cornfield Shoals sites.
 - Recognize that background concentrations of some constituents, such as cadmium, that are found in sediments in Long Island Sound may be naturally occurring and may not be contaminants.
 - Provide regulatory alternatives with a flexibility that does not currently exist in the so-called Ambro Amendment to the Ocean Dumping Act.
- That absent timely action in the development and issuance of a DMMP, and absent the cooperation of New York State representatives, the General Assembly should initiate measures to support the repeal of the Ambro Amendment to the Ocean Dumping Act.
- That members of the General Assembly consider bonding to fund grants or low cost loans for municipal harbor dredging projects in order to supplant dwindling federal appropriations. This presently is being done in other New England states.
- That the General Assembly establish a Harbor Improvement Fund, similar to what was proposed in the 2007 Raised Bill 7070, that would allocate an initial bond of \$50 million dollars for State harbor improvement projects including, but not limited to, projects such as the preparation of DMMPs, harbor planning coordination, dredging, and other coastal facility repairs which support commercial and recreational maritime activities.
- That support is accorded to DEP research projects designed to investigate alternative technologies for upland dredge reuse and its development of General Permits for the reuse of Soils and Sediments to comply with the stated DMMP goal of reducing or eliminating open water dredge disposal.

- That additional support is accorded to DEP research projects to design, in cooperation with the Army Corps of Engineers, appropriate Confined Aquatic Disposal (CAD) cells that can be used as a disposal alternative for dredged material which has been determined to be unsuitable for unconfined aquatic disposal. The CAD cells could be large enough for federal projects plus any additional private projects that might occur during the same dredging mobilization effort.

BACKGROUND

The Regional Dredged Material Management Plan (DMMP)

- On May 13, 2005, Governors Rell and Pataki announced a joint agreement with the U.S. Environmental Protection Agency and the Army Corps of Engineers that outlines conditions requiring state and federal agencies to work cooperatively to develop and implement a regional Dredged Material Management Plan (DMMP). The agreement, which involved negotiations between the New York Governor's Office, New York Department of State, the federal Environmental Protection Agency, ACE, and the State of Connecticut Governor's Office, will continue Connecticut and New York efforts to protect and restore Long Island Sound. The agreement has a sunset date of 2013 and imposes 14 specific restrictions designed to ensure that alternatives to open water disposal are sought, and only if absolutely necessary, allow for the safe disposal of dredging materials in two sites. If any of the restrictions are not met, the EPA has agreed to rescind the two disposal site designations and cease open water disposals there.
- New York and Connecticut must now further reconcile their differences in how dredged materials should be handled for open water disposal and arrive at a consensus on the management of disposal at two Long Island Sound sites through public hearings, open debate, and technical analysis. The U.S. Environmental Protection Agency and the Army Corps of Engineers have begun to schedule formal scoping meetings, public meetings, and workshops as part of the DMMP development process; however progress is slow and funding is not immediately available.
- The Army Corps of Engineers estimates that the DMMP will require \$16M in funding and require 5 to 7 years to complete. Of this, half or \$8M will come from federal appropriations and the President's budget, \$4M from Connecticut appropriations and \$4M from New York State appropriations.
- Connecticut DEP Commissioner McCarthy has advised the Connecticut Congressional Delegation that the DEP does not advocate the immediate repeal of the Ambro amendment to the Ocean Dumping Act, but does advocate using the DMMP as a framework for the investigation of the Ambro environmental

requirements and their effects on the legitimate interests of the maritime trade industry, while also protecting the environment. However, Connecticut DEP and Army Corp of Engineers personnel, in addition to other stakeholders have recognized that the Ambro amendment:

- Does not affect any other estuary in the entire country.
 - Has driven EPA's interpretation to not allow capping of contaminated sediments in Long Island Sound, although many agencies view capping as a viable best management practice.
 - Is estimated to add a factor of up to ten times (10x) to the cost of a project, in addition to time delays.
 - Results in less regulatory flexibility in analyses, testing, and suitability determinations of dredged sediments.
 - Continues to be the subject of repeal.
- Absent timely action in the development and issuance of a DMMP, and absent the cooperation of New York State representatives, the General Assembly should initiate measures to support the repeal of the Ambro amendment to the Ocean Dumping Act.

Funding Opportunities

- Immediate action is necessary to address the scheduled closing of the New London dredge disposal site and probable closing of the Cornfield Shoals dredge disposal site. The DMMP is slated to be completed in 2013; however, the New London disposal site is scheduled to close in 2011, and Cornfield Shoals may also be in jeopardy for longer term use. A parallel path must be developed whereby federal funding and actions are necessary to create an environmental impact statement to investigate continued use of the sites and for alternative replacement disposal sites.
- Additional funding is needed for critical Connecticut dredging projects at both state and federal levels. On the home front, 2007 saw the introduction of Raised Bill 7070. This Bill would have allocated an initial bond of \$50 million dollars, along with an annual renewal, for State harbor improvement projects including, but not limited to, projects such as the preparation of DMMPs, harbor planning coordination, dredging, and other coastal facility repairs which support commercial and recreational maritime activities. Specific projects and their estimated costs that could have benefited from this Bill included the following:

Project Name	Estimated Costs
Norwalk Harbor, Phase 2	\$ 8.0 million
North Cove, Old Saybrook	\$ 8.0 million
Long Island Sound DMMP	\$ 5.0 million (partial)
Bridgeport Harbor	\$37.0 million
Rocky Hill dredging & facilities	\$ 3.0 million
Clinton Harbor	\$ 1.5 million
Patchogue River, Westbrook	\$ 1.5 million
New Haven Harbor improvement study	\$ 100,000
New London Harbor improvement study	\$ 100,000
Mystic Harbor improvement study	\$ 100,000

- Funding to improve the coordination and scheduling of dredge projects can also facilitate the use/reuse of sediments from various projects, e.g., available cap materials.

Research and Development

- Because one of the goals of the DMMP is to ensure that alternatives to open water disposal are sought, support needs to be accorded to DEP for research projects designed to investigate alternative technologies for upland dredge reuse and to further develop its General Permits for the reuse of Soils and Sediments.
- An alternative to open water disposal that has been used successfully in New England is the creation and use of Confined Aquatic Disposal (CAD) cells. These cells are cost-effective and environmentally sound options whereby in-channel pits are dug to a specific depth below the seafloor, filled with dredged contaminated sediments, and then capped with specific amounts of clean sediments. This option was chosen for the Boston Harbor Navigation Improvement Project; however, the option has not readily been embraced in Connecticut. Additional support needs to be accorded to DEP research projects to design, in cooperation with the Army Corps of Engineers, appropriate Confined Aquatic Disposal (CAD) cells that can be used as a disposal alternative for dredged material which has been determined to be unsuitable for unconfined aquatic disposal. The CAD cells could be large enough for federal projects plus any additional private projects that might occur during the same dredging mobilization effort. In addition, less volume of cap material is generally needed for CAD cells compared with open water disposal.
- One of the impediments to open water disposal has been the concept that referenced background samples do not accurately reflect background

concentrations of sediment in Long Island Sound. In essence, background concentrations of some constituents, such as cadmium, that are found in sediments in Long Island Sound may be naturally occurring and may not truly be contaminants. Support needs to be accorded to the DEP to review the latest studies of sediment analyses of Long Island Sound, as there appears to be more than sufficient information to warrant a reevaluation of the current method of determining what levels of these constituents, such as cadmium, are acceptable for open water disposal.

As has been clearly stated in the preface to our recommendations, the General Assembly must be advised of the need to promote Connecticut's economic interests by protecting the ability of the State's harbors and ports to economically dispose of dredged sediments.

SECTION II

Broadwater Natural Gas Facility Proposal¹

REQUESTED ACTION

The Long Island Sound Assembly requests:

- That the State of Connecticut continue to articulate to the Federal Energy Regulatory Commission (FERC) rejection of the Broadwater proposal for construction of a Liquefied Natural Gas (LNG) Floating Storage Re-gasification Unit (FSRU) and to explore alternate locations for the storage of LNG to serve the Long Island Market. We strongly recommend the creation of a Regional Energy Policy to identify the number and siting of LNG storage facilities as a comprehensive approach to mitigate the lack of capacity.

This recommendation is based on three overriding concerns:

1. US Coast Guard and local public safety resources do not have the funding in place to address the safety and security risks of this project.
2. There are projected to be significant adverse environmental impacts on marine life, soils/sediments and water quality.
3. The lack of a Regional Energy Policy to comprehensively address the energy needs of the Connecticut, Long Island and New York markets, collectively.

BACKGROUND

- The draft Environmental Impact Statement (EIS) issued Nov 2006, aroused considerable public outcry at hearings as well as write-in comments regarding many issues. FERC will revise the draft EIS and issue a final EIS (anticipated to be issued January 2008) at which time FERC will reject or approve the project. If FERC approves this project, Broadwater will move to obtain the necessary permits including, Clean Water, Clean Air, and Coastal Zone Management permitting. Construction may then begin. There will not be another opportunity

¹ *Floating Storage Re-gasification Unit Project*
FERC Docket #CP06-54-000 #CP06-55-000

for the public to comment, so we ask that thoughtful attention be given to the expressed public concerns. Public comments have shown considerable concern regarding inadequate data in the draft EIS as to safety, security risks, and potential adverse environmental impacts.

- The US Coast Guard plays a major role in the safe operation of the FSRU and it simply does not currently have the resources to fulfill its obligations. As of December 2007, there is no indication on the part of the US Coast Guard to increase funding and resources for this Sector. To construct this storage facility without a detailed plan of how the Coast Guard will finance and perform its daily responsibilities places the general public's safety and welfare in jeopardy. FERC should not approve this project unless there is a plan in place to increase the US Coast Guard resources in this region as identified in the USCG Water Suitability Report.²
- The LIS Assembly is concerned that the construction and operation of the terminal may pose a threat to an environmentally sensitive area. This LNG project should be denied because the draft FERC EIS failed to provide adequate scientific evidence to substantiate its conclusion that the project would have minimal impact on Long Island Sound. The Long Island Sound LNG Task Force comments that the study on hazards of oil spills was inadequate and cites concerns about 5 million gallons per day of ballast and cooling water potentially killing fish larvae and having potential negative impacts on two endangered bird species.³ LIS Assembly requests CT legislators to engage FERC to thoroughly and adequately address these concerns with rigorous, appropriate data.
- The project is located in New York and as such the State of Connecticut has had some difficulty being recognized as a "party" to it. There have been efforts by the Attorney General's office and the Governor's office to ensure that Connecticut's interests are recognized and addressed. We strongly encourage the CT legislative delegation to take action going forward to protect the interests of residents in this State. The Long Island Sound LNG Task Force continues to engage FERC, and the LIS Assembly fully supports the Task Force's efforts and will work closely with this group to mitigate any risks should this project receive approval.
- **Finally, the project, if approved, would be quite inappropriate, as it constitutes a commercial use of a public trust area.**

² See US Coast Guard Captain of the Port Long Island Sound Waterways Suitability Report for the Proposed Broadwater Liquefied Natural Gas Facility, released September 21, 2006.

³ See Long Island Sound LNG Task Force Response to FERC'S Draft Environmental Impact Statement, dated January 23, 2007.

SECTION III

Harbor Management

REQUESTED ACTION

The Long Island Sound Assembly requests that the General Assembly continue its efforts to improve and enhance the implementation of the Connecticut Harbor Management Act of 1984 (P.A. 84-287) by:

- Reviewing the status of the state boating account to determine if the amount of funds currently distributed to municipalities should be adjusted upward to reflect existing conditions.
- Identifying opportunities to advance the coordination and review of applications and permits to build docks, piers, bulkheads, etc. between local Harbor Management Commissions and the Connecticut Department of Environmental Protection (DEP).
- Introducing new legislation that would provide a state dredging policy and funds to achieve timely and environmentally sound maintenance dredging of Connecticut's ports and harbors.
- Strengthening the harbor master program through funding of training programs and additional compensation for harbor masters and deputy harbor masters to ensure safe and beneficial use of Connecticut's navigable waters.

BACKGROUND

The Connecticut Harbor Management Act of 1984 (P.A. 84-287; Sections 22a-113k through 22a-113t of the Connecticut General Statutes) enables municipalities with navigable waters to establish harbor management commissions and develop harbor management plans to guide the most desirable use of their waters for recreational, commercial, and other purposes. The LISA has identified a number of key issues of interest to harbor management commissions throughout the state and requests that the General Assembly consider these issues and develop recommendations and initiatives to help address and resolve them.

- Funding: Section 22a-113r of the Connecticut General Statutes authorizes a harbor management commission to propose fee schedules for mooring permits or any other activity within the scope of the locally adopted harbor management plan. The state boating account administered pursuant to Section 15-155 of the Connecticut General Statutes is another potential source of funds for harbor management. That account provides for the annual distribution of state boat registration fees to individual municipalities. The amount distributed is equal to the amount of property taxes that were paid on vessels in each municipality in 1978, an amount that has not been adjusted since that time. The boating fund also provides the opportunity for municipalities to request: a) reimbursement for local expenses for enforcement of boating safety regulations; and b) funds that may be used by municipalities for boating safety education and the construction, maintenance, and improvement of public boating facilities. Each year the commissioners of environmental protection and motor vehicles are to provide reports on the status of the boating account to the General Assembly; however, it is uncertain whether copies of these reports are available. We believe the status of the boating account should be reviewed and consideration should be given to determine if the amount of funds currently distributed to municipalities should be adjusted upward to reflect existing conditions. For those municipalities with adopted harbor management plans, consideration should be given to allocate a portion of the new funds to the municipality's dedicated harbor management fund to be used only for the maintenance and improvement of the local harbor and for expenses directly related to the functions of the commission and harbor master.
- Application Review: A fundamental part of municipal harbor management involves the harbor management commission's review of proposed activities for consistency with the locally adopted harbor management plan. Included in this review are applications to the DEP for permits, certificates of permission, and general permits to build docks, piers, and bulkheads and to conduct dredging and other work in each town's navigable waters. The LISA has identified opportunities for improving coordination between harbor management commissions and the DEP in the course of this review. For example, applicants for DEP permits should be required to provide copies of their applications to the local harbor management commission at the same time as the application is submitted to the DEP. Another application review issue concerns the level of accuracy that should be required for plans submitted for review. The DEP application instructions specify that plans for certain activities, including commercial marine facilities, dredging, and bulkheads, must be prepared by a professional engineer or land surveyor. This requirement, however, is not always enforced. As a result, the harbor management commission may not have a reasonable assurance that the plans being reviewed are accurate.
- Dredging: The current process to achieve maintenance dredging of federal navigation projects in Connecticut is complex, involves a number of agencies as well as the U.S. Congress, and generally takes years to complete. After years of

study and participation in this process, it is our opinion that major changes are required if Connecticut's ports and harbors are to be effectively maintained in the future. We encourage legislation of a new dredging policy for the state and believe the State of Connecticut must assume a more active role through more vigorous planning and funding to help match available federal funds (cf. 2007 House Bill 7070 "*Harbor Improvement Fund*"). We strongly recommend that the DEP, as the agency charged with implementation of the Connecticut Coastal Management Program, establish and implement a specific agency program to advance the state's interests in achieving timely and environmentally sound maintenance dredging of Connecticut's federal navigation projects. That program should include, in addition to the DEP's regulatory responsibilities, vigorous planning and coordination initiatives to facilitate the dredging process. We believe that successful completion of federal maintenance dredging projects in Connecticut waterways should be considered a significant indicator of the performance of the DEP in fulfilling its responsibilities under the Connecticut Coastal Management Act.

- The Harbor Master Program: Connecticut's harbor masters and deputy harbor masters have long had a distinct and essential role for ensuring public safety and managing our waterways in the public interest. The state's harbor master program was in place many years prior to the Connecticut Harbor Management Act. As state officers appointed by the Governor in accordance with Section 15-1 of the Connecticut General Statutes, harbor masters are subject to the direction and control of the Commissioner of Transportation and have a number of significant statutory authorities, including authority for control of all moored or anchored vessels, removal of derelict and abandoned vessels and structures, and other actions conducted in the interest of maintaining safe navigation. To strengthen and enhance the harbor master program, training and education programs need to be funded and implemented. We urge that the General Assembly and the Governor's office review the harbor master annual stipend and allocate funding to ensure an appropriate level of training be provided to all harbor masters and deputy harbor masters.

SECTION IV**Clean Water Fund Bond Authorization****REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the General Assembly continue its efforts to enact bond authorizations in future years in order to restore funds that were diverted from the Clean Water Fund, and to maintain a sufficient annual commitment for funding to assist in implementing backlogged sewer and de-nitrification construction and facility planning projects.

BACKGROUND

- From 1987 to 2002, the General Assembly allocated an average of \$47.9 million annually to critical clean water projects in the form of General Obligation Bonds. Great progress was made in clean water projects in those years.
- Since 2002, Connecticut has fallen behind in its efforts to improve Long Island Sound water quality, primarily due to insufficient funding. The State budget for the past two fiscal years allocated only \$20 million per year in funding. In October 2007, the General Assembly passed the bonding package that provides funding in the amount of \$90 million per year for the next two fiscal years. This is a significant reinvestment into the programs for which the General Assembly should be commended. The General Assembly now needs to build upon this momentum and continuing funding in future years.
- This fund is used to provide low interest loans and grants to towns for the purpose of upgrading water treatment plants or building new ones in response to the Department of Environmental Protection mandates. If we do not tend to these water projects now, as time passes, they will only increase in cost. Pushing these projects off to the future would burden taxpayers with additional costs down the road. Funding water quality projects now and planning for additional funding in the future are the fiscally responsible approaches towards eliminating raw sewage from flowing into our rivers and the Sound during rain storms and restoring the dead zone in Long Island Sound.

SECTION V**PRESCRIPTION DRUGS IN LONG ISLAND SOUND****REQUESTED ACTION**

- The Long Island Sound Assembly requests:
- That the General Assembly convene a group consisting of representations from Connecticut Hospital Association, Connecticut Medical Society and American College of Healthcare Executives (representing nursing homes) to devise a practical, cost effective plan:
 - a) To reduce the amount of pharmaceuticals that must be disposed of,
 - b) To dispose of pharmaceutical prescription and non-prescription products in an environmentally sound manner.

BACKGROUND

- Currently there is minimum awareness and no consistent protocol to dispose of pharmaceutical products in an environmentally sound manner. Most facilities flush them down the toilet.
- Biohazard materials and “sharps” (needles, scalpels, blades, etc.) have been successfully dealt with.
- There are confusing federal guidelines and they are not implemented uniformly. Connecticut needs to be a beacon and set an example to protect the environment from such pollutants.

SECTION VI
STORM WATER MANAGEMENT

REQUESTED ACTION

The Long Island Sound Assembly requests:

- Funding to provide public education programs directed at the negative impacts of stormwater runoff and what can be done to improve water quality in the State's water bodies and Long Island Sound.
- Encourage interaction and cooperation of State Agencies towards improvement of stormwater runoff from the State roadway system, with the common goal of reducing pollution in the State's waterways.
- Provide funding mechanisms to municipalities to meet EPA Phase II Stormwater mandates.

Specific actions that could be championed by the Legislature include the following:

- Provide education through the media (public service announcements through radio and television) regarding the negative effects of stormwater runoff;
- Encourage DOT to utilize Best Management Practices including routine cleaning of roadways, annual cleaning of catch basins at bridge crossings and retrofitting existing basins with hooded traps and sumps, or filter bags in these locations to collect sediment before discharge into the waterways;
- Encourage DOT to utilize Best Management Practices including the use of non-toxic chemicals, in administering its use of pesticides to treat roadside invasive species and weeds on roadways adjacent to waterways;
- Provide more funding to municipalities for pilot catch basin filter programs;
- Provide funding for expansion of education and outreach programs to the building community regarding incorporation of Low Impact Development (LID) methods for stormwater reduction and treatment into site development plans;
- Provide economic incentives to the building community to incorporate Low Impact Development (LID) methods for stormwater reduction and treatment into site development plans;
- Encourage communities to adopt Smart Growth incentives in their subdivision regulations to reduce the amount of impervious surfaces areas in their communities;

- Expand Long Island Sound License Plate Fund program to encourage funding of public outreach/education on storm water runoff issues and solutions which could also be credited toward satisfying EPA Phase II Stormwater Program mandates.

BACKGROUND

Non-point source pollution is considered the number one water quality problem in the United States, and stormwater runoff is the primary contributor to non-point source pollution. Studies have shown that if 10 to 25% of a watershed is covered with impervious surfaces, water quality becomes adversely impacted. Precipitation either evaporates or runs off through the ground or over land into water bodies or watercourses and eventually into Long Island Sound. Pollutants are introduced into stormwater runoff from such sources as failing septic systems, fertilizers, pesticides, animal waste, road and parking lot sands, salts and hydrocarbons. Stormwater pollution has the far reaching effect of polluting our drinking water wells, our streams and ponds, downgrading the classification of our shellfish beds and adversely affecting the overall health of Long Island Sound.

The Phase II stormwater management requirements of the Environmental Protection Agency (EPA) mandate municipalities over a certain population size to address the issues of stormwater runoff. In 2004 the Department of Environmental Protection (DEP) prepared the Connecticut Stormwater Quality Manual which provides regulators and professionals with design recommendations to reduce and/or treat pollutant loads in stormwater runoff. Changes in legislation could require, rather than recommend, adoption of stricter regulations to ensure incorporation of these design standards and Best Management Practices into site development plans.

Low Impact Development (LID) methods have proven to be effective in treating nutrients in stormwater runoff that engineered stormwater treatment devices do not. Such methods as vegetated buffers along watercourses, bio-retention swales, rain gardens and permeable pavement are tools which can be used to manage stormwater runoff and reduce pollution.

SECTION VII

HAZARDOUS WASTE DISPOSAL

REQUESTED ACTION

The Long Island Sound Assembly requests:

- That a user-friendly statewide, standardized hazardous waste disposal program be established similar to HazWaste Central in the Greater New Haven area.
- That funding or legislation is used to encourage more effective advertising for the programs that are currently in place.
- That funding is provided for public education programs designed to familiarize people with the natural alternatives to using hazardous materials.

BACKGROUND

To minimize the amount of hazardous waste from intentional dumping into Connecticut's waterways, tributaries, and the Long Island Sound, improvements to the existing hazardous waste programs should include a statewide standardized program similar to HazWaste Central in the Greater New Haven area. This is a convenient method of properly disposing of both household and small business hazardous waste. The practice of implementing regional fixed locations will prompt the homeowner to easily recall a location to safely dispose of most hazardous products year round.

Other programs, such as in Fairfield County in which ten municipalities participate, do not operate from a fixed location. Although this does attract many residents, it has some shortcomings. A resident from any of the participating communities may dispose of waste at any of the scheduled Hazardous Waste Collection dates in any participating community on the date for that particular community. However, a resident will have only one opportunity to dispose of waste in their municipality once a year. People are reluctant to travel to an unfamiliar location and tend to hold on to the waste even longer. This creates an environment for potential accidents and unlawful disposal.

An enormous number of residents are simply unaware of the programs or do not know the dates of collection. Two low-cost improvements should be implemented to encourage widespread use of the programs in place: financial support and/or legislation requiring improved advertising for the programs that are currently in place, as well as public education programs designed to teach people the natural alternatives to using hazardous materials. This will have the added benefit of creating less waste.

Improvements to Hazardous Waste Collection Programs will have a positive impact on both the short and long term goals of a cleaner, safer environment. In the short term, it will reduce the immediate impact on marine life from acute exposure to illegally dumped hazardous waste. In the long term, the benefits would include the reduction of contaminated dredge material, which makes dredging projects both costly and arduous, as well as reducing the impact on marine life from chronic exposure to illegally dumped hazardous waste. Long Island Sound is an estuary where billions of dollars have been invested in the shellfish and fishing industries. A proactive approach needs to be in place to create a healthier eco-system and to prevent the destruction of Connecticut's coastline.

SECTION VIII

ENVIRONMENTAL EDUCATION PRIORITIES

REQUESTED ACTION

The Long Island Sound Assembly requests:

- That funding of Long Island Sound Councils and Assembly and their educational initiatives is continued.

BACKGROUND

The Long Island Sound Councils and Assembly's major education goal is to increase awareness, appreciation and promotion of Long Island Sound as a natural and recreational resource to be treasured and protected for the enjoyment and livelihood of a wide diversity of people and wildlife.

The Education Committee within the Long Island Sound Council program is comprised of representatives from environmental organizations throughout the State. The committee is a conduit of information between the Shoreline Communities, the State level of government, the general public and other environmental organizations in the State.

Through past years of funding our committee has developed programs and publications that have reached a broad audience. We have raised awareness through educating students from kindergarten to grade twelve, and the general public through our designed contests, research conferences, and publications.

The Education Committee has partnered with the Department of Environmental Protection to develop and publish a State *Public Access Guide* to Long Island Sound. We developed and continue to publish the biennial *Resource Directory* of organizations and agencies involved in the environment along Long Island Sound. In recent years we designed the statewide Long Island Sound drawing contest and photography contest. Two education posters have been published for teachers to utilize and we continue to publish an annual Long Island Sound children's calendar from the annual drawing contest. Through the poster and drawing contests, students who participate are expanding their creativity and future interest in Long Island Sound.

We assist with and participate in a biennial Long Island Sound Research conference and the publishing of a *Proceedings* volume. We assist with *Environmental Science Day*. We

design and host *Marine Science Day* a program for fourth through eighth grade students. Connecticut students are enabled with hands-on learning experiences on the environment and on Long Island Sound.

With continued funding of this program the education sub-committee can continue to contribute and assist with the preservation and protection of Long Island Sound, provide active learning in studies involving Long Island Sound, and encourage environmental awareness for our future generations. The program's funding is crucial to continue to meet and enable us to develop new products to further educate, and raise awareness of the Sound.

APPENDIX I

**Membership of the Long Island Sound
Regional Advisory Councils**

Eastern Council

William Spicer, Chair

Donald Landers, Vice Chair

Honorable Thomas Marsh

Honorable William Fritz

Honorable Richard Smith

Honorable Beth Hogan

Honorable Philip Miller

Honorable Susan Mendenhall

David Bainbridge

Honorable Dennis Popp

Honorable Harry Watson

Honorable William Koch, Jr.

Honorable Joseph Jaskiewicz

Honorable Lloyd Beachy

Honorable Benjamin Lathrop

Honorable Timothy C. Griswold

Honorable Michael A. Pace

Honorable William Brown

Honorable Daniel Steward

Honorable John Raffa

Thaxter Tewksbury

Katrina Barrett

Diana Payne

Legislative Appointee

Designee, East Lyme

First Selectman, Chester

First Selectman, Clinton

First Selectman, Deep River

First Selectman, East Lyme

First Selectman, Essex

Mayor, Ledyard

Designee, Ledyard

Mayor, City of Groton

Mayor, Town of Groton

First Selectman, Lyme

First Selectman, Montville

Mayor, New London

Mayor, Norwich

First Selectman, Old Lyme

First Selectman, Old Saybrook

First Selectman, Stonington

First Selectman, Waterford

First Selectman, Westbrook

Governor's Appointment

Legislative Appointment

Legislative Appointment

Central Council

Joy Ford, Chair

Robert Silvestri, Vice Chair

Honorable Cheryl Morris

Honorable Carl Balestracci, Jr.

Honorable Craig Henrici

Honorable Thomas Scarpati

Honorable James Richetti, Jr.

Honorable Kevin Kopetz

Designee, City of New Haven

Designee, Hamden

First Selectman, Branford

First Selectman, Guilford

Mayor, Hamden

First Selectman, Madison

Mayor, Milford

Mayor, North Haven

Shelley Wheeler-Carreiro
Honorable James Zeoli
Carol Martin
Honorable John DeStefano
Honorable Joseph Maturo, Jr.
Honorable John Picard
Mark Paine
Rosemarie Bonito
Beth McCabe
Dr. K.J. Lee

Designee, North Haven
Mayor, Orange
Designee, Orange
Mayor, New Haven
Mayor, East Haven
Mayor, West Haven
Designee, West Haven
Legislative Appointment
Legislative Appointment
Legislative Appointment

Western Council

Lisette Henrey, Vice Chair

Honorable Evonne Klein.
Walter Raleigh
Sandy MacDonald
Honorable Kenneth Flatto
Mary VonConta
Honorable Mark Lauretti
David Carfo
Honorable James Miron
Honorable Peter J. Tesei
Honorable Richard Moccia
Michael Griffin
Honorable Daniel Malloy
Honorable Gordan Joseloff
Alicia Mozian
Clarinda Higgins
Jonathan Maggio

Designee, Greenwich

First Selectman, Darien
Designee Darien
Designee Darien
First Selectman, Fairfield
Designee Fairfield
Mayor, Shelton
Designee, Shelton
Councilman, Stratford
First Selectman, Greenwich
Mayor, Norwalk
Designee Norwalk
Mayor, Stamford
First Selectman, Westport
Designee, Westport
Designee, Westport
Legislative Appointment

APPENDIX II

Membership of the Long Island Sound Assembly

William Spicer, Chair

Donald Landers, Vice Chair

Joy Ford, Chair

Robert Silvestri, Vice Chair

Rosemarie Bonito

Lisette Henrey, Vice Chair

Michael Griffin

David Carfo

Susan McNamara

Eastern Council

Designee, East Lyme

Central Council

Designee, Hamden

Legislative Appointment

Designee, Greenwich

Designee, Norwalk

Designee, Shelton

Program Coordinator

APPENDIX III**Formation of the Long Island Sound Assembly**

In 1989 the Connecticut General Assembly established the Long Island Sound Assembly ("LISA") and three Long Island Sound Advisory Councils ("Regional Councils") pursuant to Public Act No. 89-344.

The Long Island Sound Assembly is comprised of seven members from each of the three Regional Councils. The Regional Councils each consist of the chief executive officer of the various coastal municipalities (36 in total) within a given region (Eastern, Central, and Western) and nine other individuals appointed by the governor and house and senate leadership who represent academic institutions, industry, environmental experts and environmental organizations.

LISA was charged with coordinating reports from the Regional Councils and submitting annual reports to the Connecticut General Assembly, DEP and the Connecticut-New York Bi-State Long Island Sound Committee concerning recommendations for the improvement of and public access to Long Island Sound (the "Sound") as well as a prioritization of the concerns of citizens as to the future of the Sound.

Although there are a number of agencies and environmental organizations which have been involved with Long Island Sound related issues, the Connecticut General Assembly, in creating LISA and the Councils, acknowledged the importance of participation by those communities which are most affected by the Sound and its natural resources.

SUBSTITUTE SENATE BILL NO. 983

PUBLIC ACT NO. 89-344

AN ACT ESTABLISHING THE LONG ISLAND SOUND ASSEMBLY AND REGIONAL LONG ISLAND SOUND ADVISORY COUNCILS AND MAKING APPROPRIATIONS TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE ASSEMBLY AND ADVISORY COUNCILS AND THE BI-STATE LONG ISLAND SOUND MARINE RESOURCES COMMITTEE AND ADDITIONAL STAFF FOR THE DEPARTMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (a) There is established the Long Island Sound Assembly consisting of seven members of each Long Island Sound Advisory Council. The members shall be appointed by the chairman of each advisory council, three of whom shall be chief executive officers, and four shall be appointed from the members of such councils appointed by the governor or the legislature, at least one of whom shall be a public member, one shall represent an environmental organization and one shall represent a volunteer or citizen organization.

(b) The assembly shall review the report of each advisory council submitted pursuant to section 2 of this act for compatibility with the reports of the other councils and for coordination with federal and state law and the activities of the Bi-State Long Island Sound Marine Resources Committee. The assembly shall submit a report of its review and any recommendations to the general assembly on or before January first, annually.

(c) The assembly shall hold its first meeting, to be called by the commissioner of environmental protection, on or before September 1, 1989.

Sec. 2. (NEW) (a) There are established three Long Island Sound Advisory Councils as follows: (1) An Eastern Long Island Sound Advisory Council consisting of the towns of Stonington, Groton, Ledyard, Preston, Norwich, Montville, New London, Waterford, East Lyme, Old Lyme, Lyme, Old Saybrook, Essex, Chester, Deep River, Clinton and Westbrook; (2) a Central Long Island Sound Advisory Council consisting of the towns of Madison, Guilford, Branford, East Haven, North Haven, Hamden, New Haven, West Haven and Orange and (3) a Western Long Island Sound Advisory Council consisting of the towns of Milford, Shelton, Stratford, Bridgeport, Fairfield, Westport, Norwalk, Darien, Stamford and Greenwich.

(b) The membership of each council shall be comprised of the chief executive officer, or his designee, of each municipality in such council and nine members as follows: One appointed by the president pro tempore of the senate, one appointed by the minority leader of the senate, one appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives, and five appointed by the governor, one of whom shall represent an academic institution located within the boundaries of the council, one of whom shall represent industry, one of whom shall be an environmental specialist, one of whom shall be a member of an environmental organization, and one of whom shall represent a volunteer or citizen organization. No more than four of the governor's appointments may be members of the same political party as the governor. The governor shall designate one of the members of each council appointed by him to call the first meeting of such council. The first meeting of each council shall be called on or before August 1, 1989. At the first meeting of each council a chairman and vice-chairman shall be elected by majority vote of the members of the council.

(c) Each council shall prepare a report concerning the use and preservation of Long Island Sound within its boundaries. Such report shall include, but not be limited to,

provisions prioritizing the concerns of citizens and organizations for the future of Long Island Sound and identification of available resources concerning Long Island Sound. Such report shall be revised as each council deems necessary.

(d) Each council may organize, as it deems necessary, and utilize public or private resources in accomplishing its duties, including those made available from educational institutions and industry.

(e) Each council shall submit its report to the Long Island Sound Assembly not more than one year after the first meeting of such council. Any revision shall be submitted to said assembly within thirty days.

Sec. 3. The sum of seventy-five thousand dollars is appropriated to the department of environmental protection, for the fiscal year ending June 30, 1990, from any available sums appropriated to the finance advisory committee for such fiscal year, for 1989 acts without appropriations, for (1) the activities of the Long Island Sound Assembly, established under section 1 of this act, and the Long Island Sound Advisory Councils, established under section 2 of this act, (2) the activities of the Bi-State Long Island Sound Marine Resources Committee and (3) additional staff for the department of environmental protection to coordinate programs related to Long Island Sound.

Sec. 4. This act shall take effect from its passage except that section 3 shall take effect July 1, 1989.

For previous reports please visit: LISAWEB.ORG