

The Habitat

A newsletter of the Connecticut Association of Conservation & Inland Wetlands Commissions, Inc.

Winter/Spring 2020

volume 32 number 1



CACIWC's 42nd Annual Meeting & Environmental Conference: Preserving Connecticut Habitats for Earth Day 50 & Beyond

The CACIWC Board of Directors extends their appreciation to the many members and guests who were able to attend our **42nd Annual Meeting and Environmental Conference**. The conference was held on Saturday, November 23, 2019 at the Red Lion Hotel Cromwell, returning again to this expansive facility which provided an excellent setting for our conference with its twelve scheduled workshops and extensive display areas. The CACIWC Board of Directors and its Annual Meeting Committee worked throughout 2019 to bring our conference attendees the wide variety of informative workshops, exhibitor displays, and delicious lunch and refreshment that our members have come to expect.

Keynote Speakers

CACIWC was pleased to welcome **Katie Scharf Dykes**, Commissioner of the Connecticut Department of Energy and Environmental Protection (DEEP) as our 2019 keynote speaker whose presentation supported our conference theme of: **"Preserving Connecticut Habitats for Earth Day 50 & Beyond."** The CACIWC Board of Directors was excited to recruit Commissioner Dykes and **Lieutenant Governor Susan Bysiewicz** as our 2019

keynote speakers to help prepare our members for the upcoming 50th anniversary of Earth Day. Unfortunately, Lt. Governor Bysiewicz had to

cancel due to a last-minute conflict but sent her Senior Advisor, Jimmy Tickey, to greet our members and welcome attendees during the introductory remarks.



Commissioner Dykes gives her keynote presentation.

Katie Dykes, who was nominated by Governor Ned Lamont and confirmed on February 20, 2019, had wide range of public service to prepare her for her role as Commissioner of the Connecticut DEEP. Katie had previously

served as Chair of the Connecticut Public Utilities Regulatory Authority (PURA) from 2015-2018, and as Deputy Commissioner for Energy at Connecticut DEEP from 2012-2015. Katie also served as the Chair

of the Board of Directors of the Regional Greenhouse Gas Initiative, Inc. (RGGI) from 2014 to 2017. RGGI is a multi-state effort focused on reducing carbon emissions from electric generating facilities. Katie joined CT DEEP in March 2012 after prior service as Deputy General Counsel for the White House Council on Environmental Quality and as a Legal Advisor to the General Counsel for the U.S. Department of Energy. She

is a graduate of Yale College and the Yale Law School.
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Our pre-pandemic conference attendees.

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www.caciwc.org

CACIWC News

As we all struggle with social distancing measures to help our friends and family remain healthy during the ongoing COVID-19 pandemic, it is hard to imagine that several months ago, hundreds of your fellow commission members and staff were physically gathered together during our **42nd Annual Meeting and Environmental Conference**.

As the article and photos in the issue of *The Habitat* illustrate, our 42nd Annual Conference was considered one of our best efforts, as characterized by the many comments from our attendees. Our attendance was high, and we received numerous specific compliments on our speakers, workshops, displays, networking opportunities and our choice of venue.

In addition to our keynote presentation, many workshops emphasized the conference theme of “Preserving Connecticut Habitats for Earth Day 50 & Beyond.” An article summarizing one of our key workshops on recycling is also included in this issue along with photographs of our some of exhibitors, including the young members of the Sunrise Movement Connecticut who were special quests at our conference.

Many members of our board worked very hard to ensure the success of this 2019 conference. While we are all working to bring you an equally successful 2020 conference, the ongoing COVID-19 pandemic brings much uncertainty to our planning efforts.

As an epidemiologist and member of our State’s COVID-19 response team with the CT Department of Public Health, I am indebted to all of you who continue to practice social distancing while indoors or out on your local hiking trail. We hear and appreciate the efforts of many of you who also volunteered to help your community through the many challenges of the pandemic. As a member of our dedicated CACIWC Board of Directors, I am equally appreciative of your continued efforts to protect habitats within your towns.

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Journey to the Legal Horizon

by Attorney Janet Brooks

The Pandemic Is In Full Force – Now What Do We Do?

It's not what you think, but it is what you already know. This article isn't about the latest Executive Order and how it affects the running of a wetlands commission meeting. As I write this, since his declaration of civil preparedness and public health emergencies on March 10, 2020, the governor has issued orders sequentially from 7A to 7OO. Any attempt to characterize the portions of relevant executive orders risks being out of date when you will be holding your wetlands meeting in June, July or thereafter. This pandemic is about change, adapting to change and once you get used to the adaptation, changing again with the anticipated successive waves.

What do you know about changing circumstances and implementing the Inland Wetlands and Watercourses Act? Everything that will get you through your agenda. You are accustomed to dealing with change. The applicant comes into the second or third meeting/public hearing with another version of the application. At the second night of a public hearing comments from the public take the consideration of wetlands impact in a different direction. Those of you who were serving on your commissions in 2003 had to immediately implement the Connecticut Supreme Court's decision in *AvalonBay v. Inland Wetlands Commission*¹ that declared the state wetlands act does not protect the wildlife biodiversity in wetlands and watercourses only to change your scrutiny again as the General Assembly hobbled together a political compromise which has been in effect since 2004.

As "creatures of statutes," wetlands agencies are used to implementing the wetlands law enabling statute and the municipal regulations adopted pursuant to it. Tweaking that same concept, you will add to the legal authority to follow, the governor's executive orders. I don't think commission members need to or should be doing the research themselves, but the agency or its staff will need to know who the contact person within the town is for coordinating and communicating the changes to all land use commissions. This would include advice from town counsel, for setting up notice that will be posted on the municipal website and all the other procedural changes authorized by the COVID-19 Executive Orders.

To those commissions which haven't held virtual meetings: I have current matters before four municipalities that haven't chosen to exercise their authority to hold virtual meetings. These are towns which have canceled those regularly scheduled meetings that have fallen within the timeframe of the pandemic. I truly understand those commissions. Some have said they want to spread out the plans and have the applications explained while the applicant's engineer answers questions about the plan. Others are concerned about the lack of technical support for the commission members in transitioning to a virtual meeting forum, others still about the lack of staff to implement any of this, let alone approve budget changes in the middle of the fiscal year to support outlays for technology. All valid concerns.

As I write, the course of the COVID-19 virus will apparently come in waves of varying intensity. And until there is an effective vaccine that is widely available to everyone who wants it, there will be a risk connected to in-person meetings. Perhaps that risk for most people will be low enough that some commissions will resume in-person meetings. However, for others who want to or need to interact with wetlands commissions, such as applicants or recipients of enforcement orders or neighbors to applications or interested members of the public,

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DEEP Offering Online Training for Municipal Inland Wetlands Agencies

Free Program Helps Agencies Understand Responsibilities and Satisfy Regulatory Requirements

The Connecticut Department of Energy and Environmental Protection (DEEP) recently launched a new, free, online training program for municipal inland wetlands agencies. The program, “The Municipal Inland Wetlands Agency Comprehensive Training Program,” was custom built to allow agencies and their staff to carry out the regulatory and training requirements of the Connecticut Inland Wetlands and Watercourses Act (IWWA).

Municipal inland wetlands agencies have the important task of balancing support for their community’s economy with the need to protect and restore inland wetland and watercourse resources. This online training program assists agencies with their responsibilities by examining key sections of the IWWA and reviewing important procedures for conducting agency business. The course also discusses resource restoration techniques, stream crossing guidelines, site plans, and more.

“May is American Wetlands Month, and I can’t think of a better time to announce this important program which instructs and guides municipal inland wetlands agency members and staff on both the law they are implementing and the resources they are charged with protecting,” DEEP Commissioner Katie Dykes said. “An online format allows DEEP to offer comprehensive and quality training without

enrollment or geographic constraints, and will significantly reduce training costs to both the state and municipalities.”

The program provides a foundation for inland wetlands and watercourses regulation in Connecticut, promotes consistency in the application of regulations and statutes, and improves decision making capabilities. Following a soft launch of the program in early March, the program received several positive reviews from participants.

It’s important to note that the program is not limited to municipal officials, and DEEP encourages participation by anyone interested in learning about the IWWA, the municipal inland wetlands agency permitting process, and the functions and values of inland wetland and watercourse resources. Those interested in registering for the program can do so at DEEP’s Training for Municipal Inland Wetlands Agencies web page.

More at:

- www.ct.gov/DEEP
- Twitter: @CTDEEPNews
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Contact DEEP Communications at:

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Can I Recycle This?

By Sherill Baldwin, Environmental Analyst III, CT DEEP

Many people ask this question as they are standing over the trash bin or perhaps the recycling bin, holding some item or packaging of an item. While recycling is ‘nothing new’ (legislation first passed in 1989 in CT to require the recycling of glass bottles and steel and aluminum cans and newsprint), it has gotten more confusing.

First, let’s review what recycling is. We all put our bottles, cans and cardboard in our recycling bin and then take it out to our curb (or our transfer station) and we say to ourselves, “I have now recycled.”

While collecting materials is an important first step, it is only the beginning of the ‘cycle of recycling’.

Once the recyclables are collected by the hauler – curbside or transfer station – they are brought to a materials recovery facility (or MRF) where our materials are processed. Processing is the generic term, but after a truck has emptied a load of recyclables on the facility floor, another vehicle pushes it to a conveyor belt. Here, employees are on the ‘sorting line’, where they manually remove contaminants, allowing the recyclables to continue on their journey to be sorted and segregated by material type.

Once sorted, MRF operators will bale the materials to a certain specification. This means that the buyer of the commodity wants the bale to have certain dimensions and be within a certain weight range. This is where buyers also specify how much contamination – or materials they don’t want – are allowed in the bale. Sometimes they may allow quite a bit, but it will be at a cost. The cleaner the material, the more the facility is paid for their bale of materials. Once purchased, the end-market, often called the

‘recycler’, makes a new product or in some cases a material that will be used to make the final product. In the image above, we can see the bales of plastic were sold to a company that makes plastic beads, which were then sold to a company that makes milk jugs.

The cycle of recycling is completed when we buy the milk. Putting the empty jug in our recycling bin starts the cycle again. If you’ve heard the phrase, you’re not recycling unless you buy-recycled, this is why. We must complete the cycle in order to keep

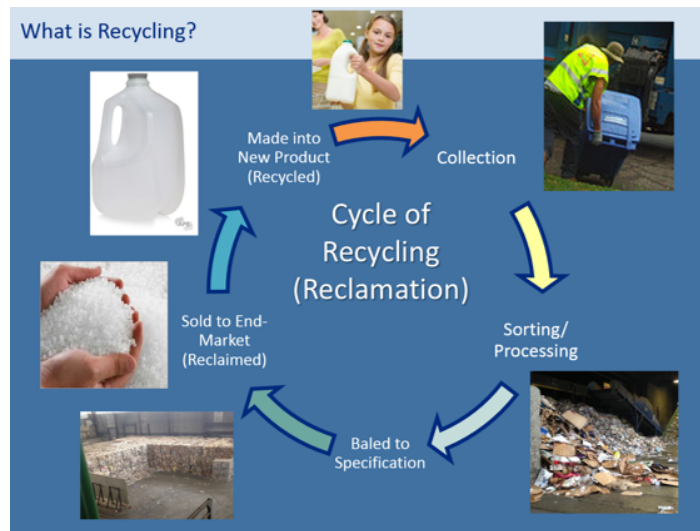
the cycle moving. Buying products with post-consumer recycled content will also help domestic markets!

So why is it so confusing?

The ability for MRFs to receive, process, sort and sell baled commodities of aluminum, steel, plastic and different grades of fiber such as newsprint, cardboard and mixed paper haven’t changed much over the last 30 years. Yes, these facilities now have optical sorters to help with sorting plastics, but ultimately they continue to have people manually sorting at the beginning of the line to pull out trash before the materials go through a series of conveyor belts to be segregated by material type. Once sorted, materials can be baled, or boxed, in the case of glass. What has changed is what is being produced, sold, bought and tossed.

The Economic Research Service of the USDA calculates the number of new products introduced on our retail shelves every year. Between 1998 and 2016, the number of new consumer packaged goods introduced went from about 5,500 non-food items and about 12,500 food/beverage items in 1998 to about 18,000 new non-food items and about 20,000 new food/beverage items on the shelves. This represents the introduction of new products, every year.

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During my recycling presentations, I will repeat this 2-3 times to let it sink in. I then ask the question, “Do you think MRF operators are informed of the new products on the shelves?” I know I don’t receive notification. So when residents ask me, “Can I recycle this?”, I often need a picture of what ‘this’ is. How can any of us keep up with the new products and packaging designs?

RecycleCT Wizard

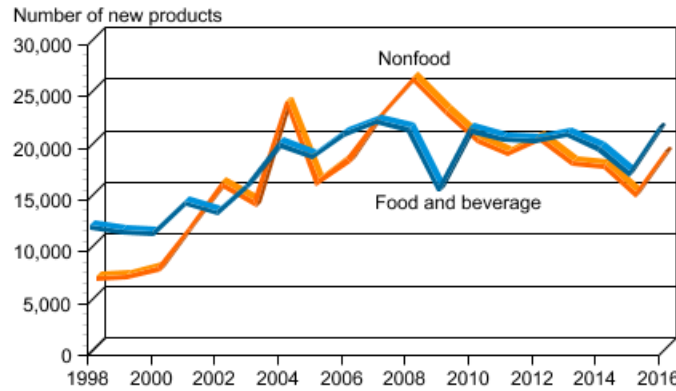
The best we can do is to describe the type of container, such as bottles, jars, cans, jugs, tubs, and type of paper such as newspaper, magazine, cardboard. The RecycleCT Wizard, a search tool on the RecycleCT webpage, which allows you to search by words such as paint, bubble wrap, styrofoam, etc. to learn if they are acceptable in the mixed recycling program, have some other possible reuse or recycling outlet, or should be put in the trash. And this search tool is not just on RecycleCT’s webpage. It is available to towns, haulers, processors and community groups eager to help residents understand more about what should or should not go in the recycling bin.

When the What’s IN, What’s OUT campaign began, the top searched for items were StyrofoamTM), plastic bags, shredded paper and pizza boxes. This was actually encouraging, as the new campaign made it clear that expanded polystyrene (aka StyrofoamTM)

is not acceptable, plastic bags nor bagged recyclables or shredded paper. And while all pizza boxes – without food or liners – were accepted, clearly residents weren’t completely believing it.

New product introductions of consumer packaged goods, 1998-2016

After declining between 2007 and 2009, the number of new food and beverage products rebounded in 2010, dipped again between 2013 and 2015, then bounced back in 2016



Source: Calculated by ERS, USDA using data from Mintel’s Global New Product Database (Mintel GNPD).

While people still ask about polystyrene, plastic bags and shredded paper, we now have folks asking questions about bottle caps, mattresses, electronics and seasonal questions like wrapping paper. For me, I take this also as a good sign that we are understanding that bags are clearly not acceptable and now wondering about how to recycle or dispose of other items.

Acceptable vs. Recyclable

The biggest challenge is helping residents understand there’s a difference between acceptable and recyclable.

There are many products and their packaging that may have the ‘ability’ to be recycled and the manufacturer has placed chasing arrows on their product to help with the claim, but that doesn’t mean it’s acceptable in Connecticut’s mixed recycling program.



Preparing Material for Recycling
Information is provided to ensure the proper steps are taken to effectively recycle materials.

Rinse & Insert Lid	Empty & Replace Cap	Empty Before Recycling	Rinse Before Recycling
Rinse & Replace Lid	Recycle If Clean & Dry	See Website For Cap	Remove Label Before Recycling
Empty & Discard Sprayer	Empty & Reattach Sprayer	Empty & Discard Pump	Empty & Reattach Pump

Empty & Discard Sprayer: This means before you recycle your bottle, make sure you remove the sprayer. This usually means the sprayer contains metal parts.

Easy examples include textiles. Yes, clothing and linens have reuse and recycling value. But they have their own program – being collected through donation boxes at your transfer station, curbside in some towns through specially marked bags or local thrift shops are promoted. Textiles should not be put in the mixed recycling bin.

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Another easy example is food scraps. I personally compost mine in my backyard or feed them to my worms in the basement. Other folks may have access to a food scrap collection program at their municipal transfer station; others may have access to curbside collection. Ultimately, we can understand these resources have value, but they should not be put in the mixed recycling bin.

Our last example is one we are learning more about – plastic bags and plastic film. Bags and film also have a separate program that requires we return our plastic bags, bread bags, newspaper bags, bubble wrap and other plastic film to participating retailers. This program has been widely promoted via the CT WRAP program, with many participating municipal recycling leaders and the American Chemistry Council which sponsors the www.plasticfilmrecycling.org website which lists participating retailers.

The hardest part of changing behavior is to stop using the chasing arrows with the number inside for many plastic products. These are ASTM resin identification codes developed by industry so end-markets could identify the resin type. While in the 1990's recycling coordinators used this to better understand the different plastic resins, there were not meant to be used as educational guidance for the general public. For those of us in the industry, they continue to be useful, but consumers

should be using the How2Recycle label, which is being used by more and more manufacturers.

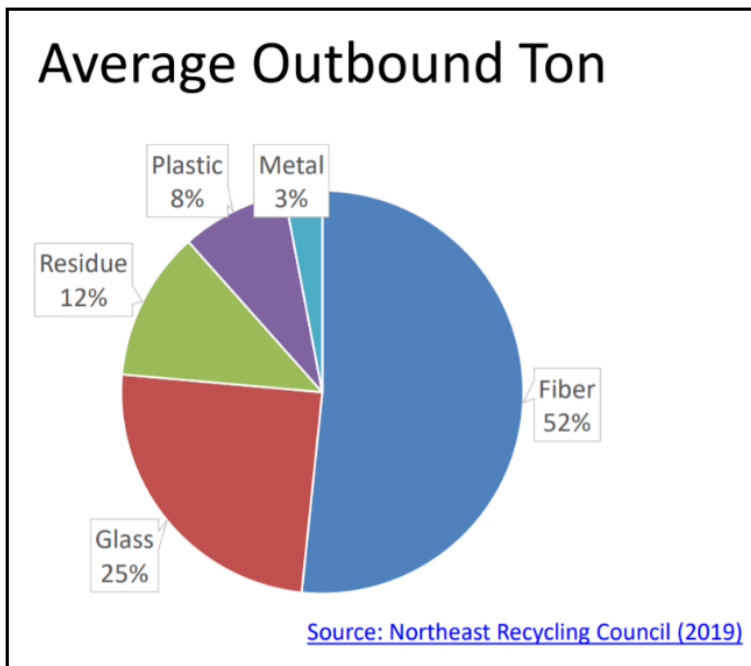
The How2Recycle label has the chasing arrows, but also identifies the type of packaging, in this case “metal can” and provides instructions “rinse and

insert lid”. If 60% or more of the U.S. population has access to a program that accepts this type of material – it will look like this label here. If it's an unusual material, the inside of the arrows may say “check locally” or in the case of plastic film it will say “return to retail”.

Should We Still Recycle?

The intention of collecting materials for recycling has never been about making money. We recover bottles, cans and fiber because they are resources, natural resources. These natural resources involved extraction, water and energy use and transportation. To preserve these resources, so we extract less in the future, is why we collect and recover materials for reuse and recycling. And with new environmental impacts, we recognize that recovering these resources reduces greenhouse gas emissions and reduces our carbon footprint.

has never been about making money. We recover bottles, cans and fiber because they are resources, natural resources. These natural resources involved



The China National Sword that we read about a lot these days had been coming for some time. Most of us in the industry were aware in 2017 that it would be coming, however we didn't know how restrictive it

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During her presentation, Commissioner Dykes reviewed the five decades of progress on improving environmental protection and conservation in Connecticut since the first Earth Day on April 22, 1970. Her presentation highlighted the milestones of improving air and water quality along with important work on identifying and preserving endangered and threatened plant and animal species along with important habitats.

Commissioner Dykes also discussed various aspects of environmental protection and conservation which still require progress, and the challenges of working to improve progress in these areas during periods of accelerating climate change along with decreasing federal regulatory and fiscal support. She emphasized the value of long-established partnerships with our member-commissions and the importance of continuing these joint efforts into the future.

We continue to receive positive feedback on her presentation and generous question and answer session, which helped energize conference attendees to continue their important local efforts while supporting statewide efforts to improve environmental quality and conservation in Connecticut.

Workshops & Displays

Four newly revised workshop tracks were organized for the 2019 annual conference

to highlight our conference theme of “Preserving Connecticut Habitats for Earth Day 50 & Beyond”

with topics on *Preserving our Forests and Their Habitats, Preserving our Wetlands & Watercourses, Preserving our Waterbodies & Aquatic Systems, and Preserving and Sustaining our Habitats*. Individual workshops focused on Connecticut programs designed to monitor invasive pests, complex applications & use of fees and standards for experts, new science

on climate change and the role of natural land stewardship, 2019 wetland law & regulation, coexisting with black bears in Connecticut, working with other agencies to protect water systems, water quality standards & natural resource planning, Connecticut stream-crossing best management practices and facilitating fish passage and stream connectivity, Sustainable CT initiatives in Connecticut communities, charting the course of Connecticut’s marshlands in a rising seas, and mapping overview including FEMA maps.

One workshop, entitled “Charting the Course of Connecticut’s Marshlands in a Rising Sea,” was provided by Emily Wilson of the UConn Center for Land Use Education and Research (CLEAR). This workshop supported our conference theme by provided information

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Katherine Lange represents the CT Land Conservation Council.



Susan Masino and colleagues representing KeepTheWoods.org.



Sena Wazer, Mitch Kvedar for the Sunrise Movement, Sunrise CT.

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on the potential impacts of our changing climate on our critical coastal marshland habitats.

Another workshop, entitled “Coexisting with Wildlife: Black bears in Connecticut: When, Where, and How Many,” attracted a large audience with this very popular topic, often suggested by our members. In this workshop, UConn Professor Tracy Rittenhouse reviewed the results of a study of the increasing and expanding black bear population conducted in Connecticut which found that bear population density is explained by human housing density, not natural habitat features, as generally predicted. Wildlife ecologist and President of the Connecticut Wildlife Rehabilitation Association Laura Simon discussed approaches for bear control emphasizing the value of educated co-existence.

A scheduled recycling workshop was unfortunately canceled. Since this workshop, entitled “Recycling: Are We Doing it Right? Should We Still Bother?,” had recruited a large number of pre-registrations, we asked CT DEEP source reduction and recycling coordinator Sherill Baldwin to write an article based on her planned workshop presentation. This article, which appears in this issue, should be of wide interest to our readers.

Our conference venue supported layout of informative displays in an arrangement adjacent to our workshop rooms. The responses from our conference survey again revealed a strong appreciation for the networking opportunity provided by these adjacent display and break areas.



Exhibit Co-Chairs Jeff Mills & Rod Parlee celebrate another successful conference.



Our president thanks Commissioner Dykes for her presentation.

We again thank the conference attendees and all those responsible for organizing our **42nd Annual Meeting and Environmental Conference**. The CACIWC Board of Directors has already been reviewing the evaluations forms submitted by participants of this conference. In addition to informing us of their opinions of the educational sessions, the participants also provided valuable suggestions for workshop topics for next year’s conference. To allow all of our members the opportunity to submit ideas for workshop topics and other suggestions, the CACIWC Annual Meeting Committee has decided to again maintain the AnnualMtg@caciwc.org email throughout the year. Please keep forwarding your suggestions to us. The board of directors extends its most

sincere appreciation to our 2019 conference sponsors and looks forward to your participation at our 2020 Annual Meeting and Environmental Conference. 🍁



CACIWC News, continued from page 2

Before her reentry flight to land in Kazakhstan with her joint US-Russian crew from the International Space Station, NASA astronaut Jessica Meir took one last look at the earth below her and remarked how beautiful it is and seemingly unaffected by the worldwide pandemic that began and spread throughout our planet while she was in space. As the early images of earth from the Apollo missions helped inspire the first Earth Day, perhaps these recent space flights will remind us that this pandemic will also end and we will return once again to celebrating Earth Day 50 and continuing the efforts of our collective mission to preserve critical habitats and wildlife throughout the State of Connecticut.

In other news:

1. The CACIWC Annual Meeting Committee has been reviewing the many comments and suggestions submitted on the survey distributed at our **42nd Annual Meeting and Environmental Conference** on Saturday, November 23, 2019 at the Red Lion Hotel Cromwell. If you did not have an opportunity to complete the 2019 meeting survey, please contact us with

your comments and suggestions for our next conference at AnnualMtg@caciwc.org.

2. We are specifically requesting suggestions for workshop topics and speakers that you would like us to recruit for our **43rd Annual Meeting and Environmental Conference**, which we hope to schedule for November 2020. We are already making alternative plans for a webinar-based virtual conference if the ongoing COVID-19 pandemic, or a new wave of illness, still requires social distancing measures. Please contact us with at AnnualMtg@caciwc.org with all of your suggestions. Watch for additional conference news in upcoming issues of *The Habitat* and on our www.caciwc.org website.

3. **Improved membership communication** remains an important goal of our strategic plan. Our Membership Coordinator & Database Manager Janice Fournier extends her thanks to all of you who provided us with your updated email address as part of their 2019-20 membership renewals and 2019 annual conference registrations. Please be certain to provide us with updated emails and other contact information to help Janice maintain an up to date membership list. These updated emails and other contact information will help us improve communications with all of you.

4. Our members frequently ask representatives of the CACIWC board of directors for help with various issues facing their commissions. Last year we were pleased to announce a new program, entitled **Ask CACIWC**. Any CACIWC member with questions ranging from guidance on conducting local

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habitat evaluations to help with legal and regulatory issues is welcome to contact us. While we cannot provide town-specific legal advice (which you should seek from your own municipal attorney), we will provide general guidance and suggestions to selected questions.

Do you or your commission have other questions for us? Questions from both member Inland Wetlands and Conservation Commissions are encouraged. Just send them to: AskCACIWC@caciwc.org to be selected for a response. Remember, questions cannot be town-specific or time-critical, as our response will not appear until the next issue. We will also continue to seek new topics for articles to be published in *The Habitat* along with additional feedback from our members, which you can also email to us directly at TheHabitat@caciwc.org. Please provide us with stories on the work of your commission during the pandemic!

We look forward to another productive fiscal year in support of all of you, the dedicated members and staff of Connecticut's conservation and inland wetlands commissions. Please do not hesitate to contact us at board@caciwc.org if you have questions or comments on any of the above items or have suggestions for your board of directors.

We thank our members for all of your ongoing efforts in promoting conservation and habitat protection and wish you a safe, and healthy 2020 as all we all jointly work toward successful resolution of the COVID-19 pandemic.

~ Alan J. Siniscalchi, President 🍀

REMINDER!

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in-person participation may pose too great a health risk, due to a compromised immune system, underlying conditions or belonging to a high risk group.

The state court system is grappling with this same problem and is planning to unroll a hybrid approach. Some participants may appear live in a courtroom before a judge while others, such as parties or witnesses, may observe or testify from remote locations. There is a concern that if the state court system doesn't offer a variety of opportunities for people to participate who have varying risk to the disease that the court would be vulnerable to a claim under the ADA (the Americans with Disabilities Act).

Regardless of legal liability under the ADA, for the pendency of the pandemic, if some wetlands commissions resume in-person meetings, they should seriously consider avenues for participation which do not involve in-person appearance.

And, when there is a return to in-person meetings, are you ready to provide spacing like at Governor Cuomo's press conferences? All of the participants at his

table were at least six feet from another. I have been in municipal spaces where the members of commission would not be able to socially distance themselves from one another, let another applicants, their representatives and member of the public.

To those commissions which are holding virtual meetings

1) Have you checked to see if adequate online resources are available for participation in your meetings? These are resources not just for commission members but all who participate in your meetings, whether actively speaking up or observing. The following should be easily accessible on the town's website: application for regulated activities, request for determination of exemption/jurisdictional ruling, municipal regulations. When I last undertook a survey of municipal regulations in 2018, I found 80% of municipal wetlands regulations. My intern found another 5% which were posted online but obscurely listed. All regulations should be easily accessible.

The DEEP inland wetlands webpage is a great page to reference on your commission's webpage. Specifically, the page entitled "Legislation, Regulation and Case *legal, continued on page 13*

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legal, continued from page 12

Law,”² has a link to the current version of state wetlands statute maintained by the Connecticut General Assembly, which is more important (than it should be) given the number of commissions whose regulations are not up-to-date. Found on that same page are the current version of the DEEP model regulations as well as legislative advisories. The advisories contain suggested language to use in amending your regulations. Another webpage entitled “Resources and References”³ contains links to the 2002 Connecticut Guidelines for Soil Erosion & Sediment Control and the 2004 Connecticut Stormwater Quality Manual, among other useful resources.

2) Are your regulations current? The economic downturn associated with the pandemic will likely result in fewer applications being filed – at least for a while. That is a perfect time to review your regulations. Do you think your commission isn’t delinquent? Think again. When I surveyed municipal regulations in 2016, I found that 40% of wetlands commission had not revised their regulations to incorporate the new category for exempt activities which was passed in the 2011 public acts. A year later 30% were still delinquent. There’s no excuse – DEEP has made it very easy to keep current, as I wrote above.

It is quite possible that there will be statutory changes to the wetlands act in 2021 based on elements of the governor’s executive orders and experiences accrued during the initial phase of the pandemic. No time like the present to incorporate all the changes from the first and second decade of the twenty-first century before moving into the third decade.



Janet P. Brooks practices law in East Berlin. You can read her blog at: www.ctwetlandslaw.com and access prior training materials and articles at: www.attorneyjanetbrooks.com.

(Endnotes)

¹ AvalonBay v. Inland Wetlands Commission, 266 Conn. 150 (2003)

² Found at: <https://portal.ct.gov/DEEP/Water/Inland-Wetlands/Inland-Wetlands-and-Watercourses-Resources-and-References>

³ Found at: <https://portal.ct.gov/DEEP/Water/Inland-Wetlands/Inland-Wetlands-and-Watercourses-Resources-and-References>




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recycle, continued from page 7

would be, nor its global implications on markets. With mandatory recycling in Connecticut, our facilities do not have the option of sending our recyclables to the incinerator or out-of-state landfills. So while the value of materials have declined quite low, these commodities still have some value. However, the challenge comes because municipalities were benefitting from the high financial value of the materials, which were being shared or passed on by the haulers and/or processing facilities. Now we are all facing the true costs of collecting and processing materials.

In Connecticut, most of our facilities are managing; materials may be moving slower, and sometimes at a cost, but they are moving.

The Northeast Recycling Council (NERC), of which CT DEEP is a member, has been conducting quite a bit of research of late to understand how MRF operators are managing with the dramatic down turn in the markets, as well as to try to understand future domestic capacity with less overseas markets.

While many are concerned about plastics, from the recycling industry perspective, the challenges we face are around fiber – the paper. Despite the average ton of recyclables changing over time – less newspapers read, more plastic packaging – the plastic packaging that has most people concerned are usually not accepted in programs, so is not figured into the recycling equation. NERC found that fiber (paper) represents 52% of the average outbound ton leaving MRFs; residue or contamination at about 12%. And recent reports show that mixed paper values will continue to stay low for most of 2020, hopefully increasing as new paper mills and other end-markets

open up. Hearing recently that Marcal Paper, a paper mill in New Jersey that burned down in 2018, will be re-opening this month or next, is a great new development. They manufacture toilet paper and are an end-market for our post-consumer mixed paper.

What's IN, What's OUT

In the fall of 2017, CT DEEP in partnership with USA Hauling & Recycling/AMH, Willimantic Waste, City Carting, Winters Brothers (now known as Oak Ridge Recycling) and MIRA created a universal list of acceptable items to standardize residential recycling across Connecticut. The What's IN, What's OUT campaign began less than a year later, providing information and resources for residents to eliminate the need for guesswork about what they should put in the "recycling bin" and what should be put in the garbage or recycled in another manner.

The campaign has also provided resources and information for municipal recycling leaders, MRF operators, haulers and others interested in learning more about recycling and spreading the word. The RecycleCT webpage includes the RecycleCT Wizard, *recycle, continued on page 15*



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which may be embedded on your town webpage, fun images that can be used for print or social media, videos and downloadable pdfs of flyers, brochures and other templates to spread the word.

In addition, CT DEEP provides a mostly monthly newsletter for municipal recycling leaders filled with resources and recent What's IN, What's OUT questions from the general public. DEEP also coordinates mostly monthly webinars, expanding the understanding of managing our solid waste. Archived Municipal Recycling Coordinator E-News and Webinars can be found on DEEP's webpage.

As community leaders working to preserve and conserve resources, I encourage to learn more about the topics around solid waste management, if they are interesting to you, and consider how you might be able to leverage some of these resources to bring to your town or create new initiatives.

For further details regarding What's IN, What's OUT campaign or RecycleCT, please contact Sherill Baldwin of CT DEEP.

(Endnotes)

¹“New Products,” Economic Research Service, U.S. Department of Agriculture. Last accessed January 14, 2020. <https://www.ers.usda.gov/topics/food-markets-prices/processing-marketing/new-products/>

²The RecycleCT Foundation is a Connecticut based 501c3 non-profit that was started as a result of legislation in 2014 through Public Act 14-94 to help bring Connecticut from an estimated 35% to a 60% diversion of solid waste from disposal by 2024, as described in the Connecticut Comprehensive Materials Management Strategy, adopted by CT DEEP in 2016. RecycleCT is spearheaded the “What's IN, What's OUT” campaign in partnership with CT DEEP. 🌱



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Two New Wild & Scenic River Areas Designated in Connecticut

In March 2019, Congress passed and the President signed legislation which conferred official, federal Wild & Scenic River (W&S) designation upon two new river systems in Connecticut:

- The Lower Farmington River & Salmon Brook W&S area includes approximately 37 miles of the lower Farmington River and 26 miles of Salmon Brook in the towns of: Avon, Bloomfield, Burlington, Canton, East Granby, Farmington, Granby, Hartland, Simsbury and Windsor.
- The Wood-Pawcatuck W&S Rivers includes the towns of North Stonington, Sterling, Stonington and Voluntown in Connecticut and eight additional Rhode Island towns in this 300 square mile watershed.

W&S designations are conferred on “free flowing” river segments with one or more “outstanding resource values.” Known as “partnership rivers”, these new W&S designations are the result of years of work by study committees, overseen by the National Park Service and including stakeholder representatives from towns, watershed groups, businesses, CT DEEP and others. Both newly designated W&S areas are establishing coordinating committees which will include DEEP advisory representation, to help oversee the W&S areas and their respective management plans. These two newly designated W&S river areas join the two existing W&S rivers in Connecticut: the Upper Farmington W&S River (1994) and the Eightmile River W&S Watershed (2008). 🍂