



City of Stamford
ENVIRONMENTAL PROTECTION BOARD
INTEROFFICE CORRESPONDENCE

March 12, 2010

The changes to the administrative and technical components of the programs and services within the purview of the Environmental Protection Board are impacted by the level of funding provided for fiscal year 2010 - 2011.

To provide a logical and consistent structure to the planning for the coming year(s), it is useful to consider Mandated Services (services required by statute and/or local ordinances) and Non-mandated Services (services initiated at the staff level that are not required by statute and/or local ordinances and are therefore discretionary).

MANDATED REGULATORY SERVICES --

Mandated Regulatory Services are governed by legally required time tables for decision and other administrative tasks such as the publication of legal notices, notification of parties, record keeping, and other tasks the failure of which to adhere to would invalidate any action taken by the Board.

Inland Wetland and Watercourses Agency

Inland Wetland and Watercourses Permits, Enforcement of Regulations, Project Monitoring, State Reporting, Preparation and Recording of Minutes, and Publication of Legal Notices

The Environmental Protection Board (EPB) was established by Ordinance No. 286 Supplemental, effective June 30, 1974, and codified Chapter 6 Article V et seq. of the Stamford Code. The EPB is authorized therein to exercise the powers and perform the duties of a municipal Inland Wetlands and Watercourses Agency pursuant to Chapter 440 of the Connecticut General Statutes, Sec. 22a-36 et seq; Chapter 126 of the Connecticut General Statutes, Section 8-26 et seq; and Chapter 124 of the Connecticut General Statutes Section 8-7 et seq. as may be amended from time to time.

Considerations –

When there is no local Inland Wetland and Watercourses Agency, applications for permits must be made to the Commissioner of Environmental Protection. The municipality is obligated to reimburse the DEP for all costs of application review and processing. State permitting is lengthy (three-plus times local permitting review and decision), provides reduced opportunity for public participation and input (limited public notice requirements; no public participation absent a formal public hearing allowed); limited jurisdiction (upland review areas not recognized); little to no project monitoring and enforcement (staffing constraints and distance limitations).

Inland Wetland and Watercourses Agency/Flood and Erosion Control Board

Flood Hazard Permits

Enforcement of Regulations; Project Monitoring; Federal/State Record Keeping

The Environmental Protection Board (EPB) was established by Ordinance No. 286 Supplemental, effective June 30, 1974, and codified Chapter 6 Article V et seq. of the Stamford Code. The EPB is authorized therein to exercise the powers and perform the duties of: a municipal Inland Wetlands and Watercourses Agency pursuant to Chapter 440 of the Connecticut General Statutes, Sec. 22a-36 et seq as may be amended from time to time; and a municipal Flood and Erosion Control Board pursuant to Chapter 25 of the Connecticut General Statutes, Sec. 24-84 et seq. as may be amended from time to time. Also pertinent are Title 44 Section 60.3 of the Code of Federal Regulations, and Section 7.1 of the Stamford Zoning Regulations.

Considerations --

When a municipality fails to comply with the Federal regulatory, record keeping, and reporting requirements pertaining to properties within the designated Special Flood Hazard Boundary (100-year floodplain), the municipality is not eligible for participation in the National Flood Insurance Program. Suspension from the NFIP results in the owners of properties and businesses within the Special Flood Hazard Boundary being unable to purchase flood insurance thus preventing the obtaining of financing/mortgages and loans (if FDIC insured); ineligibility of the municipality to receive Federal grants for projects within the Special Flood Hazard Boundary; and ineligibility of the municipality for Federal disaster relief for flood damages. Program implementation and conformance audited by FEMA through the State DEP (Community Assistance Visits) at intervals no greater than three years.

MANDATED ADVISORY SERVICES --

Mandated Advisory Services are governed by legally required time tables for decision and other administrative tasks, but the failure to adhere would not automatically result in the invalidation of any action. Failure may result in a successful legal appeal.

Conservation Commission

Review of Subdivision Applications

Inventory and inspection of Open Space/Conservation Areas

The Environmental Protection Board (EPB) was established by Ordinance No. 286 Supplemental, effective June 30, 1974, and codified Chapter 6 Article V et seq. of the Stamford Code. The EPB is authorized therein to exercise the powers and perform the duties of: a municipal Conservation Commission pursuant to Chapter 97 of the Connecticut General Statutes, Sec. 17-131(a) et seq.; and Chapter 126 of the Connecticut General Statutes, Section 8-26 et seq. as may be amended from time to time. Also pertinent are Sections 3.1, 3.4, 4.1, and 4.2 of the Stamford Subdivision Regulations.

Considerations –

When a property to be subdivided contains inland wetlands and/or watercourses, the Planning Board cannot complete action on the subdivision application until the Environmental Protection Board has issued a report or permit (Chapter 126 of the Connecticut General Statutes, Section 8-26 et seq. as may be amended from time to time). Similar requirements pertain to certain applications to the Zoning Board, and Zoning Board of Appeals.

Flood and Erosion Control Board

Excavation and Erosion Control Permits

Review of Applications and Project Monitoring

Eligibility for Federal Flood Control Projects/Grants

EPB director is Stamford's designated Floodplain Management Administrator

Connecticut General Statutes The Environmental Protection Board (EPB) was established by Ordinance No. 286 Supplemental, effective June 30, 1974, and codified Chapter 6 Article V et seq. of the Stamford Code. The EPB is authorized therein to exercise the powers and perform the duties of: a municipal Flood and Erosion Control Board pursuant to Chapter 25 of the Connecticut General Statutes, Sec. 24-84 et seq as may be amended from time to time. Also pertinent are Title 44 Section 60.3 of the Code of Federal Regulations, and Section 15 of the Stamford Zoning Regulations.

Considerations –

Federal and/or State sponsored flood control projects, including land acquisition, grants, and construction require the establishment of a local Flood and Erosion Control Board.

Coastal Management

Review of Applications For Coastal Site Plan Approval and Project Monitoring

EPB director is Stamford's designated liaison with the Connecticut Office of Long Island Sound Programs

Chapter 444 of the Connecticut General Statutes, Section 22a-101 et seq. as may be amended from time to time; and Section T of the Stamford Zoning Regulations.

Considerations –

Any change in regulations affecting land use activities within the coastal boundary must be submitted to the Commissioner of Environmental Protection for a consistency determination. Elimination of Coastal Site Plan Review requirements would not be approved, and would be subject to the initiation of legal action by the State DEP. The City would be ineligible to receive coastal area permits (structures, dredging, other) or grants.

NON-MANDATED SERVICES --

These services are not legally required, and would of necessity be subject to reduction or elimination due to constraints on staffing and budget. Non-mandated services are the result of self-initiation by staff.

Community Rating System – Floodplain Management

Participation and eligibility in the Federal Emergency Management Agency's Community Rating System Program with annual re-certification. Re-application required every five years. Program eligibility has a record keeping component, (documentation of what is done) and a program/task-implementation component (the completion of the required tasks that qualify for credit).

Considerations –

Participation results in the 15 percent reduction in flood insurance premiums for policy holders applied at every renewal. Estimated aggregate savings for 2009 was \$237,000.00. This is an ongoing program with annual review and biennial audits. The CRS program has significant record keeping and other requirements that are time consuming to fulfill. Re-certification enabling continued eligibility is an annual requirement for participating communities. Failure to obtain re-certification would result in the restoration of full premiums to policy holders.

Review of City capital projects for consistency with regulatory requirements and environmental standards.

Considerations –

EPB staff acts as in-house experts for environmental issues associated with City sponsored projects. Engineering, parks-planning, and facilities departments are primary recipients. Alternatives include greater use of private consultants under contract to the sponsoring department.

OTHER NON-MANADATED SERVICES --

- Accounting for, and maintaining of databases for the submittal of bonds and sureties required as condition(s) of land use approvals.
- Review of all proposed activities, and maintaining of records for building permit and zoning applications.
- Data collection and mapping of wetland and conservation areas using GIS capability and filed surveys and other sources.
- Local oversight and coordination of Federal Emergency Management Agency's implementation of new floodplain mapping affecting Stamford. Part of the Federal Digital Flood Insurance Rate Map – Map Modernization initiative.
- Coordination of ad hoc study group to establish criteria for submitted surveys and transition to new City datum.
- Public Information – Creation and publication of Fact Sheets on environmental topics.
- Creation and maintaining of content on the City web site.
- Participation in the Sustainable Stamford initiative.
- Advice to property owners and departments on tree-care as a Connecticut Certified Tree Warden
- Investigation and response to non-regulatory citizen service requests.
- Advisor to Mill River Collaborative, Cove Island Wildlife Area Committee, and Mill River Park Friends Group.