



General Assembly

Substitute Bill No. 6999

January Session, 2001

AN ACT CONCERNING REVISIONS TO THE CONNECTICUT ENVIRONMENTAL POLICY ACT.

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

1 Section 1. Section 22a-1b of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 [The General Assembly directs that, to the fullest extent possible:]

4 (1) As used in sections 22a-1b to 22a-1e, inclusive:

5 (A) "Environmental assessment" means a process to determine if a
6 proposed action by a state department, institution, or agency for which
7 the degree of environmental impact is indeterminate, in the absence of
8 information on the proposed location and scope of a specific action,
9 could have significant environmental impacts.

10 (B) "Environmental classification document" means a document
11 used by a sponsoring agency in conjunction with sections 22a-1a to
12 22a-1f, inclusive, and the regulations adopted pursuant to said
13 sections, to determine which of its actions may have significant
14 environmental impacts.

15 (C) "Environmental impact evaluation" means a detailed written
16 document concerning the environmental impacts of a proposed action,
17 as described in subdivision (5) of this section.

18 (D) "Finding of no significant impact" means a written document
19 concerning the environmental impacts listed in an environmental
20 classification document that would not have a significant
21 environmental impact.

22 (E) "Sponsoring agency" means a state agency, department or
23 institution responsible for the preparation of environmental
24 classification documents, environmental impact evaluations, and
25 findings of no significant impact.

26 (F) "Early public scoping process" means a public comment period
27 and a public scoping meeting.

28 (G) "Public scoping meeting" means a meeting in which members of
29 the public and interested agency representatives may participate in an
30 informational discussion regarding the proposed action by the
31 sponsoring agency.

32 (H) "Environmental Monitor" means a publication issued by the
33 Council on Environmental Quality that contains notices of proposed
34 agency actions, facilities or projects.

35 [(a)] (2) Each [state department, institution or] sponsoring agency
36 shall review its policies and practices to insure that they are consistent
37 with the state's environmental policy as set forth in sections 22a-1 and
38 22a-1a.

39 [(b)] (3) Each [state department, institution or] sponsoring agency
40 [responsible for the primary recommendation or initiation of actions
41 which may significantly affect the environment] shall in the case of
42 each [such] proposed action [make] that may significantly affect the
43 environment, prior to deciding whether to undertake or approve such
44 proposed action, conduct an early public scoping process in order for
45 interested parties to present their views on the proposed action. To
46 initiate an early public scoping process, the sponsoring agency shall
47 simultaneously deliver notice on a form that has been approved by the
48 Council on Environmental Quality to the council, the Department of

49 Environmental Protection, the Department of Economic and
50 Community Development, the Department of Transportation, the
51 Department of Public Health, and any other state agency that will be
52 affected by the proposed action, that includes, but is not limited to, an
53 identification of all reasonably available sites that would satisfy the
54 purpose and need of such proposed action and the date, time and
55 location of the proposed public scoping meeting on the proposed
56 action. The council shall publish notice of the availability of the notice
57 of the early public scoping process, and the date, time and location of
58 the public hearing in the Environmental Monitor pursuant to
59 subdivision (7) of this section. Members of the public and any
60 interested agency representatives may submit public comments on the
61 proposed action during the forty-five days following the filing of the
62 notice of the early public scoping process pursuant to this section. The
63 sponsoring agency shall conduct a public scoping meeting between
64 twenty-five to thirty-five days after the initiation of the early public
65 scoping process. The sponsoring agency shall make comments at such
66 public scoping meeting that include, but are not limited to, information
67 about sites that are available to the agency, the reasons for the
68 proposed action, any permits or approvals that are necessary to carry
69 out the proposed action, any mitigation measures that the agency
70 plans to institute in connection with the proposed action, including
71 recommendations as to preferred alternative actions or, if applicable,
72 sites, including a discussion of any alternative sites not previously
73 identified. The sponsoring agency shall use the comments received
74 during the early scoping process to assist in selecting the alternative
75 actions or sites, where applicable, and issues to be addressed in any
76 subsequent environmental review process. Any substantive issues
77 raised in the scoping process that pertain to sites or alternatives must
78 be addressed in the environmental impact evaluation or finding of no
79 significant impact.

80 (4) (A) No later than ninety days following a scoping meeting
81 pursuant to subdivision (3) of this section, the sponsoring agency shall
82 prepare, in accordance with the regulations adopted pursuant to

83 sections 22a-1 to 22a-1f, inclusive, either an environmental assessment,
84 followed by a finding of no significant impact, or an environmental
85 impact evaluation.

86 (B) Upon issuance of a finding of no significant impact, the
87 sponsoring agency shall publish notice of its availability in the
88 Environmental Monitor pursuant to subdivision (7) of this section.
89 Any state agency or person may submit written comments on a finding
90 of no significant impact no later than thirty days after the date of notice
91 in the Environmental Monitor of such a finding. The agency shall
92 forward such written comments to the Council on Environmental
93 Quality and the Secretary of the Office of Policy and Management.

94 (C) If no dissenting comments regarding the finding of no
95 significant impact are filed during the thirty-day comment period, the
96 department, institution or agency may proceed with the
97 implementation of the proposed action following notice of such
98 implementation to the Council on Environmental Quality.

99 (D) If one or more dissenting comments are filed during the thirty-
100 day comment period, the Council on Environmental Quality shall
101 consult with the Department of Environmental Protection and
102 sponsoring agency no later than fifteen days following the end of the
103 comment period and either issue a finding of no significant impact, in
104 which case the department, institution or agency may proceed with the
105 proposed action, or direct the sponsoring agency to prepare an
106 environmental impact evaluation in accordance with subdivision (5) of
107 this section no later than ninety days following the end of the public
108 comment period pursuant to subdivision (3) of this section.

109 (E) Upon completion of an environmental impact evaluation
110 pursuant to subdivision (5) of this section, the sponsoring agency shall
111 publish notice of the availability of the environmental impact
112 evaluation in the Environmental Monitor.

113 (F) The sponsoring agency shall hold a hearing in accordance with
114 the provisions of subdivision (3) of this section on an environmental

115 impact evaluation no later than thirty days after publishing notice in
116 the Environmental Monitor of the availability of the environmental
117 impact evaluation. There shall be a forty-five-day public comment
118 period on the environmental impact evaluation following such notice.

119 (G) The sponsoring agency shall submit to the Council on
120 Environmental Quality any supplemental documentation ninety days
121 following the completion of an environmental impact evaluation. If
122 such supplemental documentation is, in the opinion of the Council on
123 Environmental Quality, a significant change in the information
124 contained in the environmental impact evaluation, the sponsoring
125 agency shall hold a second public scoping meeting in accordance with
126 the provisions of subdivision (3) of this section within thirty days of
127 the submission of the supplemental documentation to the council on
128 such supplemental information.

129 (5) An environmental impact evaluation shall include a detailed
130 written evaluation of [its environmental impact before deciding
131 whether to undertake or approve such action. All such environmental
132 impact evaluations shall be detailed statements setting] the impact of
133 the proposed action that sets forth the following: [(1)] (A) (i) A
134 description of the proposed action; (ii) a detailed description of the
135 purpose of and need for the proposed action; and (iii) in the case of a
136 proposed facility, a description of the required floor area, parking,
137 water supply, wastewater treatment, and other infrastructure needs;
138 [(2)] (B) the environmental consequences of the proposed action,
139 including direct and indirect effects which might result during and
140 subsequent to the proposed action; [(3)] (C) any adverse environmental
141 effects which cannot be avoided and irreversible and irretrievable
142 commitments of resources should the proposal be implemented; [(4)]
143 (D) (i) alternatives to the proposed action, including the alternative of
144 not proceeding with the proposed action, [(5)] in priority of whether
145 such alternatives avoid, minimize or mitigate environmental impacts;
146 (ii) in the case of a proposed facility, all of the sites controlled by or
147 reasonably available to such sponsoring agency that would meet the
148 description of the purpose of and need for such facility and, where

149 possible, a detailed description of the mitigation measures proposed to
150 minimize environmental impacts at the proposed alternative sites and
151 a plan for monitoring such mitigation measures as approved by the
152 Department of Environmental Protection; (E) a detailed description of
153 the mitigation measures proposed to minimize environmental impacts
154 of the proposed action as approved by the Department of
155 Environmental Protection; [(6)] (F) an analysis of the short term and
156 long term economic, social and environmental costs and benefits of the
157 proposed action; [(7)] (G) the effect of the proposed action on the use
158 and conservation of energy resources; and [(8)] (H) a description of the
159 effects of the proposed action on sacred sites or archaeological sites of
160 state or national importance. In the case of an action which affects
161 existing housing, the evaluation shall also contain a detailed statement
162 analyzing [A] (i) housing consequences of the proposed action,
163 including direct and indirect effects which might result during and
164 subsequent to the proposed action by income group as defined in
165 section 8-37aa and by race, and [B] (ii) the consistency of the housing
166 consequences with the long-range state housing plan adopted under
167 section 8-37t. As used in this section, "sacred sites" and "archaeological
168 sites" shall have the same meaning as in section 10-381.

169 (6) The provisions of this section shall not apply if a sponsoring
170 agency proposes to develop a number of facilities or a number of
171 phased development projects and develops a comprehensive
172 environmental siting impact evaluation in order to identify sites where
173 development is appropriate as well as those areas of environmental
174 sensitivity where development should be avoided. In developing such
175 a comprehensive environmental siting impact evaluation, the
176 sponsoring agency shall conduct an early public scoping process as set
177 forth in subdivision (3) of this section. After considering all comments
178 received pursuant to such process, the sponsoring agency shall
179 prepare an environmental impact evaluation pursuant to subdivision
180 (5) of this section, as applicable, the purpose of which shall be broadly
181 defined to include the full breadth of the proposed facilities
182 contemplated by the sponsoring agency over a foreseeable time frame.

183 Such environmental impact evaluation shall also consist of a natural
184 resource assessment, as approved by the Department of
185 Environmental Protection, that considers all reasonably likely direct
186 and indirect effects of the proposed facilities and identifies those sites
187 or portions of sites for which development of the proposed facilities
188 will have the least environmental impact, and therefore are the most
189 appropriate for development, as well as those sites, or portions of
190 those sites that are the most environmentally sensitive, and therefore
191 are inappropriate for development. The sponsoring agency shall utilize
192 such environmental impact evaluation to develop a master site plan
193 for the proposed facilities. The Secretary of the Office of Policy and
194 Management shall approve such master site plan. No agency may
195 utilize such master plan pursuant to this section for greater than ten
196 years without resubmitting such master plan to the secretary for
197 approval. Specific projects are then subject to a subsequent master site
198 plan review by the secretary to determine whether the specific project
199 conforms with the master site plan and to avoid, minimize, and
200 mitigate environmental impact. The secretary shall issue a decision as
201 to whether the specific projects conform to the master site plan within
202 ninety days following the date in which the sponsoring agency
203 requests the secretary to perform such a review.

204 (7) (A) The Council on Environmental Quality shall publish notices
205 of proposed agency actions, facilities or projects twice each month in
206 the Environmental Monitor. Filings of such notices received by five
207 o'clock p.m. on the fifteenth day of each month shall be published in
208 the Environmental Monitor that is issued seven to ten days thereafter.
209 Filings of such notices received between the fifteenth day of each
210 month and five o'clock p.m. on the last day of each month shall be
211 published in the Environmental Monitor that is issued seven to ten
212 days thereafter. (B) The council shall distribute a subscription or a copy
213 of the Environmental Monitor to any state agency or member of the
214 public upon request. The council may remove any person from the
215 Environmental Monitor subscription list who fails to respond to a
216 written request from the council that asks the recipient to verify the

217 person's desire to continue to receive the Environmental Monitor. The
218 council shall also distribute the Environmental Monitor to each
219 municipality for posting in public libraries or town halls.

220 (8) The Council on Environmental Quality shall publish an annual
221 report that includes, but not be limited to, a discussion of the extent to
222 which the processes in this section have furthered the goals of the
223 state's environmental policies.

224 Sec. 2. Section 22a-1d of the general statutes is repealed and the
225 following is substituted in lieu thereof:

226 (a) Evaluations required by sections 22a-1a to 22a-1f, inclusive, and
227 a summary thereof, including any negative findings, and
228 environmental statements otherwise required and prepared
229 subsequent to July 8, 1975, shall be submitted for comment and review
230 to the Council on Environmental Quality, the Department of
231 Environmental Protection, the Connecticut Historical Commission, the
232 Department of Economic and Community Development in the case of
233 a proposed action that affects existing housing, and other appropriate
234 agencies, and to the town clerk of each municipality affected thereby,
235 and shall be made available to the public for inspection and comment
236 at the same time. The department, institution or agency responsible for
237 preparing an evaluation shall publish forthwith a notice of the
238 availability of such evaluation and summary in a newspaper of general
239 circulation in the municipality at least once a week for three
240 consecutive weeks and in the [Connecticut Law Journal]
241 Environmental Monitor published pursuant to subdivision (7) of
242 section 22a-1b, as amended by this act. The department, institution, or
243 agency preparing an evaluation required by section 22a-1b or finding
244 that proposed action shall have no significant environmental impact,
245 shall hold a public hearing on the evaluation or finding that proposed
246 action shall have no significant environmental impact if twenty-five
247 persons or an association having not less than twenty-five persons
248 requests such a hearing within ten days of the publication of the notice
249 in the [Connecticut Law Journal] Environmental Monitor.

250 (b) All comments received by the sponsoring agency, [department
251 or institution] preparing the evaluation shall be forwarded to the
252 Secretary of the Office of Policy and Management and the Council on
253 Environmental Quality.

254 (c) All comments so forwarded to the Secretary of the Office of
255 Policy and Management and the Council on Environmental Quality
256 shall be available for public inspection.

257 (d) The Department of Environmental Protection may enforce the
258 application of any mitigation measures proposed by the sponsoring
259 agency pursuant to subdivision (3) or (5) of section 22a-1b, as amended
260 by this act, or for which the department does not have independent
261 jurisdiction pursuant to the general statutes.

262 Sec. 3. Section 22a-1e of the general statutes is repealed and the
263 following is substituted in lieu thereof:

264 (a) The Office of Policy and Management shall review all such
265 evaluations and statements, together with the comments thereon, and
266 shall make a written determination as to whether such evaluation
267 satisfies the requirements of this part and regulations adopted
268 pursuant thereto, which determination shall be made public and
269 forwarded to the agency, department or institution preparing such
270 evaluation. Such determination may require the revision of any
271 evaluation found to be inadequate. Any member of the Office of Policy
272 and Management which has prepared an evaluation and submitted it
273 for review shall not participate in the decision of the office on such
274 evaluation. The agency, department or institution preparing the
275 evaluation shall take into account all public and agency comments
276 when making its final decision on the proposed action.

277 (b) The Commissioner of Environmental Protection shall, upon
278 reviewing all public comments received during a public hearing held
279 pursuant to subdivision (3) of section 22a-1b, as amended by this act,
280 and any environmental impact statement prepared by a sponsoring
281 agency pursuant to subdivision (3) of section 22a-1b, as amended by

282 this act, and as early as practicable, issue a written determination to the
283 sponsoring agency responsible for any proposed actions that states
284 which of the alternative sites, or portions of alternative sites that meet
285 the stated purpose and need of the proposed action constitute the least
286 environmentally sensitive practicable site. Such determination shall be
287 issued after consideration of which site would avoid and minimize any
288 likely direct and indirect effects, as defined by section 22a-1a-3 of the
289 Regulations of Connecticut State Agencies, of the proposed action by
290 comparing each site and its surrounding affected environment. The
291 sponsoring agency shall select the alternative or the site that the
292 commissioner determines is the least environmentally damaging.

293 Sec. 4. The Council on Environmental Quality shall, on or before
294 December 31, 2001, and after holding at least one public hearing,
295 submit a report to the joint standing committee of the General
296 Assembly having cognizance of matters relating to the environment, in
297 accordance with the provisions of section 11-4a of the general statutes.
298 Such report shall contain recommendations to such committee and the
299 Governor for the further streamlining and revision to the
300 Environmental Policy Act pursuant to sections 22a-1 to 22a-1i,
301 inclusive, of the general statutes to allow a streamlined review for
302 proposed projects with little likely environmental impact, while
303 strengthening the quality and consistency of the environmental review
304 for those state and private projects likely to have a significant
305 environmental impact. In preparing its report, the council shall
306 consider recommendations for: (1) Achieving consistency among the
307 environmental classification documents of each state agency; (2)
308 categories of state projects, based on their proposed location, which
309 have little likely environmental impact and as a result should be
310 presumed to be subject to a streamlined finding of no significant
311 impact; (3) categories of state and private projects, based on their
312 proposed location, that are likely to have a significant environmental
313 impact, and as a result should be presumed to require an
314 environmental impact evaluation; (4) a system for enforcing the
315 outcomes of the environmental review process; (5) the relationship of

316 the processes pursuant to the Environmental Policy Act to existing
317 permit programs; and (6) projects where cumulative impacts are of
318 particular concern.

APP *Joint Favorable Subst.*