



General Assembly

***Raised Bill No. 5708***

*February Session, 2002*

LCO No. 2394

Referred to Committee on Environment

Introduced by:  
(ENV)

***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 Section 22a-1b of the general statutes is repealed and the  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 (*Effective October 1, 2002*):

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

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

5 (1) "Sponsoring agency" means the state agency, department or  
6 institution responsible for the preparation of an environmental impact  
7 evaluation.

8 (2) "Early public scoping process" means a comment period and a  
9 public scoping meeting.

10 (3) "Public scoping meeting" means a meeting in which members of  
11 the public and interested agency representatives may participate in an  
12 informational discussion regarding a proposed action by the  
13 sponsoring agency which may affect the environment.

14 (4) "Environmental impact evaluation" means a detailed written  
15 document concerning the environmental impacts of a proposed action,  
16 as described in subsection (d) of this section.

17 (5) "Environmental assessment" means a document approved by the  
18 Office of Policy Management pursuant to section 22a-1f, as amended.

19 (6) "Environmental Monitor" means a publication issued by the  
20 Council on Environmental Quality.

21 ~~[(a)]~~ (b) Each state department, institution or agency shall review its  
22 policies and practices to insure that they are consistent with the state's  
23 environmental policy as set forth in sections 22a-1 and 22a-1a.

24 (c) (1) Each sponsoring agency shall, prior to drafting an  
25 environmental impact evaluation pursuant to subsection (d) of this  
26 section for an action which may significantly affect the environment,  
27 conduct an early public scoping process.

28 (2) To initiate an early public scoping process, the sponsoring  
29 agency shall simultaneously provide notice on a form that has been  
30 approved by the Council on Environmental Quality, which form shall  
31 include, but not be limited to, the date, time and location of the  
32 proposed public scoping meeting and the duration of the public  
33 comment period pursuant to subdivision (3) of this subsection, to the  
34 council, the Office of Policy and Management and to any state agency  
35 that will be affected by such proposed action.

36 (3) Members of the public and any interested state agency  
37 representatives may submit comments on the nature and extent of any  
38 environmental impacts of the proposed action during the forty-five  
39 days following the filing of the notice of the early public scoping  
40 process pursuant to this section.

41 (4) The sponsoring agency shall hold a public scoping meeting not  
42 less than twenty-five days and not more than thirty-five days  
43 following the filing of the notice of the early public scoping process

44 pursuant to this section, except that any public meeting held prior to  
45 the initiation of the early public scoping process may satisfy this  
46 subdivision if the public and any state agency that will be affected by  
47 the proposed action had an opportunity at such meeting to comment  
48 on the proposed action.

49 (5) Any agency submitting comments or participating in the public  
50 scoping meeting pursuant to this section shall include, but not be  
51 limited to, information about (A) the resources of any proposed site of  
52 the proposed action, (B) any impact of the proposed action on such  
53 agency, (C) any permits or approvals that may be necessary for the  
54 proposed action, and (D) any appropriate measures that would  
55 mitigate the impact of the proposed action, including, but not limited  
56 to, recommendations as to preferred sites for the proposed action or  
57 alternatives for the proposed action that have not been identified by  
58 the sponsoring agency.

59 (6) The sponsoring agency shall consider any comments received  
60 pursuant to this section or any information obtained during the public  
61 scoping meeting to select the proposed actions to be addressed in the  
62 environmental impact evaluation or environmental assessment and  
63 shall evaluate in its environmental impact evaluation any substantive  
64 issues raised during the early public scoping process that pertain to a  
65 proposed action or site or alternative actions or sites.

66 [(b)] (d) Each state department, institution or agency responsible for  
67 the primary recommendation or initiation of actions which may  
68 significantly affect the environment shall in the case of each such  
69 proposed action make a detailed written evaluation of its  
70 environmental impact before deciding whether to undertake or  
71 approve such action. All such environmental impact evaluations shall  
72 be detailed statements setting forth the following: (1) A description of  
73 the proposed action which shall include, but not be limited to, a  
74 description of the purpose and need of the proposed action, and, in the  
75 case of a proposed facility, a description of the infrastructure needs of

76 such facility, including, but not limited to, parking, water supply,  
77 wastewater treatment and the square footage of the facility; (2) the  
78 environmental consequences of the proposed action, including  
79 cumulative, direct and indirect effects which might result during and  
80 subsequent to the proposed action; (3) any adverse environmental  
81 effects which cannot be avoided and irreversible and irretrievable  
82 commitments of resources should the proposal be implemented; (4)  
83 alternatives to the proposed action, including the alternative of not  
84 proceeding with the proposed action [; (5)] and, in the case of a  
85 proposed facility, a list of all the sites controlled by or reasonably  
86 available to the sponsoring agency that would meet the stated purpose  
87 of such facility; (5) an evaluation of the proposed action's consistency  
88 and each alternative's consistency with the state plan of conservation  
89 and development, an evaluation of each alternative in terms of  
90 whether it avoids, minimizes, or mitigates environmental impacts,  
91 and, where appropriate, a detailed description of a mitigation  
92 [measures] plan proposed to minimize environmental impacts,  
93 including, but not limited to, where appropriate, a site plan; (6) an  
94 analysis of the short term and long term economic, social and  
95 environmental costs and benefits of the proposed action; (7) the effect  
96 of the proposed action on the use and conservation of energy  
97 resources; and (8) a description of the effects of the proposed action on  
98 sacred sites or archaeological sites of state or national importance. In  
99 the case of an action which affects existing housing, the evaluation  
100 shall also contain a detailed statement analyzing (A) housing  
101 consequences of the proposed action, including direct and indirect  
102 effects which might result during and subsequent to the proposed  
103 action by income group as defined in section 8-37aa and by race and  
104 (B) the consistency of the housing consequences with the long-range  
105 state housing plan adopted under section 8-37t. As used in this section,  
106 "sacred sites" and "archaeological sites" shall have the same meaning as  
107 in section 10-381.

108 (e) (1) The Council on Environmental Quality shall publish any  
109 notices it receives pursuant to sections 22a-1b to 22a-1i, inclusive, as

110 amended, twice each month in the Environmental Monitor. Filings of  
111 such notices received by five o'clock p.m. on the fifteenth day of each  
112 month shall be published in the Environmental Monitor that is issued  
113 seven to ten days thereafter. Filings of such notices received between  
114 the fifteenth and five o'clock p.m. on the last day of each month shall  
115 be published in the Environmental Monitor that is issued seven to ten  
116 days thereafter.

117 (2) The Council on Environmental Quality shall post the  
118 Environmental Monitor on its Internet site and distribute a  
119 subscription or a copy of the Environmental Monitor by electronic mail  
120 to any state agency or person upon request. The council shall also  
121 distribute the Environmental Monitor to each municipality for posting  
122 in public libraries or town halls.

123 Sec. 2. Section 22a-1c of the general statutes is repealed and the  
124 following is substituted in lieu thereof (*Effective October 1, 2002*):

125 [Actions] As used in sections 22a-1 to 22a-1i, inclusive, as amended,  
126 "actions which may significantly affect the environment" [are defined  
127 for the purposes of section 22a-1b as] mean individual activities or a  
128 sequence of planned activities proposed to be undertaken by state  
129 departments, institutions or agencies, or funded in whole or in part by  
130 the state, which could have a major impact on the state's land, water,  
131 air, historic structures and landmarks as defined in section 10-320c,  
132 existing housing, or other environmental resources, or could serve  
133 short term to the disadvantage of long term environmental goals. [For  
134 the purposes of section 22a-1b,] Such actions shall include but not be  
135 limited to new projects and programs of state agencies and new  
136 projects supported by state contracts and grants, but shall not include  
137 (1) emergency measures undertaken in response to an immediate  
138 threat to public health or safety; or (2) activities in which state agency  
139 participation is ministerial in nature, involving no exercise of  
140 discretion on the part of the state department, institution or agency.

141 Sec. 3. Section 22a-1d of the general statutes is repealed and the

142 following is substituted in lieu thereof (*Effective October 1, 2002*):

143 (a) [Evaluations required by sections 22a-1a to 22a-1f, inclusive,]  
144 Environmental impact evaluations and a summary thereof, including  
145 any negative findings, and environmental statements otherwise  
146 required and prepared subsequent to July 8, 1975, shall be submitted  
147 for comment and review to the Council on Environmental Quality, the  
148 Department of Environmental Protection, the Connecticut Historical  
149 Commission, the Department of Economic and Community  
150 Development in the case of a proposed action that affects existing  
151 housing, and other appropriate agencies, and to the town clerk of each  
152 municipality affected thereby, and shall be made available to the  
153 public for inspection and comment at the same time. The [department,  
154 institution or agency responsible for preparing an evaluation]  
155 sponsoring agency shall publish forthwith a notice of the availability of  
156 [such] its environmental impact evaluation and summary in a  
157 newspaper of general circulation in the municipality at least once a  
158 week for three consecutive weeks and in the Connecticut Law Journal.  
159 The [department, institution, or agency preparing an evaluation  
160 required by section 22a-1b] sponsoring agency preparing an  
161 environmental impact evaluation or finding that proposed action shall  
162 have no significant environmental impact, shall hold a public hearing  
163 on the evaluation or finding that proposed action shall have no  
164 significant environmental impact if twenty-five persons or an  
165 association having not less than twenty-five persons requests such a  
166 hearing within ten days of the publication of the notice in the  
167 Connecticut Law Journal.

168 (b) All comments received by the [agency, department or institution  
169 preparing the evaluation] sponsoring agency shall be forwarded to the  
170 Secretary of the Office of Policy and Management.

171 (c) All comments so forwarded to the Secretary of the Office of  
172 Policy and Management shall be available for public inspection.

173 Sec. 4. Section 22a-1e of the general statutes is repealed and the

174 following is substituted in lieu thereof (*Effective October 1, 2002*):

175 The Office of Policy and Management shall review all [such  
176 evaluations and statements,] environmental impact evaluations and  
177 findings of no significant environmental impact together with the  
178 comments thereon, and shall make a written determination as to  
179 whether such evaluation or finding satisfies the requirements of this  
180 part and regulations adopted pursuant thereto, which determination  
181 shall be made public and forwarded to the agency, department or  
182 institution preparing such evaluation. Such determination may require  
183 the revision of any evaluation found to be inadequate. Any member of  
184 the Office of Policy and Management which has prepared an  
185 evaluation and submitted it for review shall not participate in the  
186 decision of the office on such evaluation. The [agency, department or  
187 institution preparing the evaluation] sponsoring agency shall take into  
188 account all public and agency comments when making its final  
189 decision on the proposed action.

190 Sec. 5. Section 22a-1f of the general statutes, as amended by section  
191 54 of public act 01-4 of the June special session, is repealed and the  
192 following is substituted in lieu thereof (*Effective October 1, 2002*):

193 (a) [Evaluations required by section 22a-1b] Environmental impact  
194 evaluations need not be prepared for projects for which environmental  
195 statements have previously been prepared pursuant to other state or  
196 federal laws or regulations, provided all such statements shall be  
197 considered and reviewed as if they were prepared under sections 22a-  
198 1a to 22a-1f, inclusive, as amended.

199 (b) [Evaluations required by section 22a-1b] Environmental impact  
200 evaluations shall not be required for the Connecticut Juvenile Training  
201 School project, as defined in subsection (l) of section 4b-55, and the  
202 extension of such project otherwise known as the Connecticut River  
203 Interceptor Sewer Project, or a project, as defined in subdivision (16) of  
204 section 10a-109c, which involves the conversion of an existing  
205 structure for educational rather than office or commercial use.

206 (c) A constituent unit of the state system of higher education may  
207 provide for [the evaluations required pursuant to section 22a-1b]  
208 environmental impact evaluations for any priority higher education  
209 facility project, as defined in subsection (f) of section 4b-55, or for any  
210 higher education project involving an expenditure of not more than  
211 two million dollars, by (1) reviewing and filing the evaluation for such  
212 project with the Office of Policy and Management for its review  
213 pursuant to section 22a-1e, or (2) including such project in a  
214 cumulative environmental assessment approved by the Office of  
215 Policy and Management.

216 Sec. 6. Section 22a-12 of the general statutes is amended by adding  
217 subsection (c) as follows (*Effective October 1, 2002*):

218 (NEW) (c) Upon submitting its report to the Governor pursuant to  
219 this section, the council shall publish the report in the Environmental  
220 Monitor, as defined in section 22a-1b, as amended by this act.

221 Sec. 7. (NEW) (*Effective October 1, 2002*) (a) A sponsoring agency, as  
222 defined in section 22a-1b of the general statutes, as amended by this  
223 act, in contracting for the implementation of an action which may  
224 affect the environment, as defined in section 22a-1c of the general  
225 statutes, as amended by this act, shall contract for the implementation  
226 of any mitigation plan developed pursuant to section 22a-1b of the  
227 general statutes, as amended by this act, and approved pursuant to  
228 section 22a-1e of the general statutes, as amended by this act. The  
229 Office of Policy and Management, in conjunction with the Department  
230 of Environmental Protection, may review such contracts to ensure  
231 compliance with this subsection.

232 (b) The Office of Policy and Management, in conjunction with the  
233 Department of Environmental Protection, shall be responsible for  
234 enforcing the implementation of any mitigation plan developed  
235 pursuant to section 22a-1b of the general statutes, as amended by this  
236 act, and approved pursuant to section 22a-1e of the general statutes, as  
237 amended by this act. Upon receipt of a complaint from any person that

238 the sponsoring agency has not properly implemented such mitigation  
239 plan, the Office of Policy and Management, in conjunction with the  
240 Department of Environmental Protection, shall investigate such  
241 complaint and take any action necessary to enforce the implementation  
242 of the plan.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

**Statement of Purpose:**

To update the provisions of the Connecticut Environmental Policy Act to include an informal public participation process prior to the preparation of an environmental impact evaluation and to require the implementation of mitigation plans developed under such evaluations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*