



General Assembly

February Session, 2002

**Amendment**

LCO No. 5019

\*HB0570805019HD0\*

Offered by:

REP. STRATTON, 17<sup>th</sup> Dist.  
SEN. RORABACK, 30<sup>th</sup> Dist.  
SEN. WILLIAMS, 29<sup>th</sup> Dist.  
REP. PRELLI, 63<sup>rd</sup> Dist.  
REP. NYSTROM, 46<sup>th</sup> Dist.

To: Subst. House Bill No. 5708

File No. 297

Cal. No. 182

**"AN ACT CONCERNING REVISIONS TO THE CONNECTICUT ENVIRONMENTAL POLICY ACT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 22a-1b of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2002*):

5 The General Assembly directs that, to the fullest extent possible:

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

9 (b) (1) Each sponsoring agency shall, prior to a decision to draft an  
10 environmental impact evaluation pursuant to subsection (d) of this

11 section for an action which may significantly affect the environment,  
12 conduct an early public scoping process.

13 (2) To initiate an early public scoping process, the sponsoring  
14 agency shall provide notice on a form that has been approved by the  
15 Council on Environmental Quality, which shall include, but not be  
16 limited to, the date, time and location of any proposed public scoping  
17 meeting and the duration of the public comment period pursuant to  
18 subdivision (3) of this subsection, to the council, the Office of Policy  
19 and Management and to any other state agency whose activities may  
20 reasonably be expected to affect or be affected by the proposed action.

21 (3) Members of the public and any interested state agency  
22 representatives may submit comments on the nature and extent of any  
23 environmental impacts of the proposed action during the thirty days  
24 following the publication of the notice of the early public scoping  
25 process pursuant to this section.

26 (4) A public scoping meeting shall be held at the discretion of the  
27 sponsoring agency or if twenty-five persons requests such a meeting  
28 within ten days of the publication of the notice in the Environmental  
29 Monitor. A scoping meeting shall be held not less than ten days  
30 following the notice of the project in the Environmental Monitor. The  
31 public comment period shall remain open for at least five days  
32 following the meeting.

33 (5) A sponsoring agency shall provide the following at a public  
34 scoping meeting: (A) A description of the proposed action; (B) a  
35 description of the purpose and need of the proposed action; (C) a list of  
36 the criteria for a site for the proposed action; (D) a list of potential sites  
37 for the proposed action; (E) the resources of any proposed site of the  
38 proposed action; (F) the environmental limitations of such sites; (G)  
39 potential alternatives to the proposed action; and (H) any of the  
40 information the sponsoring agency deems necessary.

41 (6) Any agency submitting comments or participating in the public  
42 scoping meeting pursuant to this section shall include, to the extent

43 practicable, but not be limited to, information about (A) the resources  
44 of any proposed site of the proposed action, (B) any plans of the  
45 commenting agency that may affect or be affected by the proposed  
46 action, (C) any permits or approvals that may be necessary for the  
47 proposed action, and (D) any appropriate measures that would  
48 mitigate the impact of the proposed action, including, but not limited  
49 to, recommendations as to preferred sites for the proposed action or  
50 alternatives for the proposed action that have not been identified by  
51 the sponsoring agency.

52 (7) The sponsoring agency shall consider any comments received  
53 pursuant to this section or any information obtained during the public  
54 scoping meeting in selecting the proposed actions to be addressed in  
55 the environmental impact evaluation and shall evaluate in its  
56 environmental impact evaluation any substantive issues raised during  
57 the early public scoping process that pertain to a proposed action or  
58 site or alternative actions or sites.

59 [(b)] (c) Each state department, institution or agency responsible for  
60 the primary recommendation or initiation of actions which may  
61 significantly affect the environment shall in the case of each such  
62 proposed action make a detailed written evaluation of its  
63 environmental impact before deciding whether to undertake or  
64 approve such action. All such environmental impact evaluations shall  
65 be detailed statements setting forth the following: (1) A description of  
66 the proposed action which shall include, but not be limited to, a  
67 description of the purpose and need of the proposed action, and, in the  
68 case of a proposed facility, a description of the infrastructure needs of  
69 such facility, including, but not limited to, parking, water supply,  
70 wastewater treatment and the square footage of the facility; (2) the  
71 environmental consequences of the proposed action, including  
72 cumulative, direct and indirect effects which might result during and  
73 subsequent to the proposed action; (3) any adverse environmental  
74 effects which cannot be avoided and irreversible and irretrievable  
75 commitments of resources should the proposal be implemented; (4)  
76 alternatives to the proposed action, including the alternative of not

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

101 (d) (1) The Council on Environmental Quality shall publish a  
102 document at least once a month to be called the Environmental  
103 Monitor which shall include any notices the council receives pursuant  
104 to sections 22a-1b to 22a-1i, inclusive, as amended by this act, and shall  
105 include notice of the opportunity to petition for a public scoping  
106 meeting. Filings of such notices received by five o'clock p.m. on the  
107 first day of each month shall be published in the Environmental  
108 Monitor that is issued not less than ten days thereafter.

109 (2) The Council on Environmental Quality shall post the  
110 Environmental Monitor on its Internet site and distribute a

111 subscription or a copy of the Environmental Monitor by electronic mail  
112 to any state agency, municipality or person upon request. The council  
113 shall also provide the Environmental Monitor to the clerk of each  
114 municipality for posting in its town hall.

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

117 [Actions which may significantly affect the environment are defined  
118 for the purposes of section 22a-1b as] As used in sections 22a-1 to 22a-  
119 1i, inclusive, as amended by this act, "actions which may significantly  
120 affect the environment" means individual activities or a sequence of  
121 planned activities proposed to be undertaken by state departments,  
122 institutions or agencies, or funded in whole or in part by the state,  
123 which could have a major impact on the state's land, water, air, historic  
124 structures and landmarks as defined in section 10-320c, existing  
125 housing, or other environmental resources, or could serve short term  
126 to the disadvantage of long term environmental goals. [For the  
127 purposes of section 22a-1b,] Such actions shall include but not be  
128 limited to new projects and programs of state agencies and new  
129 projects supported by state contracts and grants, but shall not include  
130 (1) emergency measures undertaken in response to an immediate  
131 threat to public health or safety; or (2) activities in which state agency  
132 participation is ministerial in nature, involving no exercise of  
133 discretion on the part of the state department, institution or agency.

134 Sec. 3. Section 22a-1d of the general statutes is repealed and the  
135 following is substituted in lieu thereof (*Effective October 1, 2002*):

136 (a) [Evaluations required by sections 22a-1a to 22a-1f, inclusive,]  
137 Environmental impact evaluations and a summary thereof, including  
138 any negative findings [, and environmental statements otherwise  
139 required and prepared subsequent to July 8, 1975,] shall be submitted  
140 for comment and review to the Council on Environmental Quality, the  
141 Department of Environmental Protection, the Connecticut Historical  
142 Commission, the Office of Policy and Management, the Department of

143 Economic and Community Development in the case of a proposed  
144 action that affects existing housing, and other appropriate agencies,  
145 and to the town clerk of each municipality affected thereby, and shall  
146 be made available to the public for inspection and comment at the  
147 same time. The [department, institution or agency responsible for  
148 preparing an evaluation] sponsoring agency shall publish forthwith a  
149 notice of the availability of [such] its environmental impact evaluation  
150 and summary in a newspaper of general circulation in the municipality  
151 at least once a week for three consecutive weeks and in the  
152 [Connecticut Law Journal] Environmental Monitor. The [department,  
153 institution, or agency preparing an evaluation required by section 22a-  
154 1b or finding that proposed action shall have no significant  
155 environmental impact,] sponsoring agency preparing an  
156 environmental impact evaluation shall hold a public hearing on the  
157 evaluation [or finding that proposed action shall have no significant  
158 environmental impact] if twenty-five persons or an association having  
159 not less than twenty-five persons requests such a hearing within ten  
160 days of the publication of the notice in the [Connecticut Law Journal]  
161 Environmental Monitor.

162 (b) All comments received by the [agency, department or institution  
163 preparing the evaluation] sponsoring agency and the sponsoring  
164 agency's responses to such comments shall be forwarded to the  
165 Secretary of the Office of Policy and Management.

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

168 Sec. 4. Section 22a-1e of the general statutes is repealed and the  
169 following is substituted in lieu thereof (*Effective October 1, 2002*):

170 The Office of Policy and Management shall review all [such  
171 evaluations and statements,] environmental impact evaluations  
172 together with the comments and responses thereon, and shall make a  
173 written determination as to whether such evaluation satisfies the  
174 requirements of this part and regulations adopted pursuant thereto,

175 which determination shall be made public and forwarded to the  
176 agency, department or institution preparing such evaluation. Such  
177 determination may require the revision of any evaluation found to be  
178 inadequate. Any member of the Office of Policy and Management  
179 which has prepared an evaluation and submitted it for review shall not  
180 participate in the decision of the office on such evaluation. The  
181 [agency, department or institution preparing the evaluation]  
182 sponsoring agency shall take into account all public and agency  
183 comments when making its final decision on the proposed action.

184 Sec. 5. Section 22a-1f of the general statutes, as amended by section  
185 54 of public act 01-4 of the June special session, is repealed and the  
186 following is substituted in lieu thereof (*Effective October 1, 2002*):

187 (a) [Evaluations required by section 22a-1b] Environmental impact  
188 evaluations need not be prepared for projects for which environmental  
189 statements have previously been prepared pursuant to other state or  
190 federal laws or regulations, provided all such statements shall be  
191 considered and reviewed as if they were prepared under sections 22a-  
192 1a to 22a-1f, inclusive, as amended by this act.

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

200 (c) A constituent unit of the state system of higher education may  
201 provide for [the evaluations required pursuant to section 22a-1b]  
202 environmental impact evaluations for any priority higher education  
203 facility project, as defined in subsection (f) of section 4b-55, or for any  
204 higher education project involving an expenditure of not more than  
205 two million dollars, by (1) reviewing and filing the evaluation for such  
206 project with the Office of Policy and Management for its review

207 pursuant to section 22a-1e, as amended by this act, or (2) including  
208 such project in a cumulative environmental [assessment] impact  
209 evaluation approved by the Office of Policy and Management."

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| 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> |