



General Assembly

**Substitute Bill No. 290**

February Session, 2006

\* SB00290PD 031706 \*

**AN ACT CONCERNING ENVIRONMENTAL JUSTICE.**

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

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this  
2 section:

3 (1) "Environmental justice" means the equal protection and  
4 meaningful involvement of all people, especially overburdened  
5 communities, in the development, implementation and enforcement of  
6 environmental laws, regulations and policies;

7 (2) "Meaningful involvement" means a process in which (A) the  
8 potentially affected group of people are provided an appropriate  
9 opportunity to participate in decisions about a proposed activity that  
10 will affect their environment and health, (B) participation by the public  
11 can influence a regulatory agency's decisions, (C) concerns of all  
12 participants will be considered in the decision-making process, and (D)  
13 the decision makers seek out and facilitate the involvement of those  
14 potentially affected;

15 (3) "Overburdened community" means a census block (A) in which  
16 not less than twenty per cent of the population consists of  
17 noninstitutionalized low-income persons and not less than fifty per  
18 cent of the population consists of noninstitutionalized minority  
19 persons, or (B) having three or more affecting facilities located within a

20 three mile radius; and

21 (4) "Affecting facilities" means electric generating facilities, waste  
22 incinerators or combustors, sewage treatment plants with design flow  
23 of over five million gallons per day, intermediate processing facilities,  
24 volume reduction facilities, multitown recycling facilities, active  
25 landfills, multitown sludge processing facilities, asphalt and concrete  
26 batching facilities, major sources of air pollution, as defined by the  
27 federal Clean Air Act, and sources with air emissions that exceed the  
28 federal Toxic Release Inventory reporting threshold in effect on  
29 January 1, 2006, pursuant to the federal Emergency Planning,  
30 Community Right-to-Know, and Pollution Prevention Act.

31 (b) (1) The Department of Environmental Protection shall identify  
32 and compile a list of overburdened communities. The department shall  
33 ensure that there is meaningful involvement in compiling such list.  
34 Not later than March 1, 2007, and every five years thereafter, the  
35 department shall report, in accordance with section 11-4a of the  
36 general statutes, to the joint standing committees of the General  
37 Assembly having cognizance of matters relating to public health and  
38 the environment, regarding the overburdened communities listing,  
39 and the criteria used to determine such designation.

40 (2) Not later than June 1, 2007, and annually thereafter, the  
41 Department of Environmental Protection shall notify the chief elected  
42 official, the health department and the zoning commission of each  
43 town, city or borough in which there is located an overburdened  
44 community that such overburdened community is on the list provided  
45 for under subdivision (1) of this subsection.

46 (c) (1) Not later than January 1, 2007, the Department of  
47 Environmental Protection, the Department of Public Utility Control  
48 and the Connecticut Siting Council shall each adopt regulations, in  
49 accordance with the provisions of chapter 54 of the general statutes,  
50 that describe the procedures concerning consideration of  
51 environmental justice used by the department or agency in granting

52 licenses, permits or authorizations, taking action that could have  
53 human health or environmental effects, or in other decision-making  
54 processes that relate to affecting facilities.

55 (2) Not later than January 1, 2007, the Department of Environmental  
56 Protection, the Department of Public Utility Control and the  
57 Connecticut Siting Council shall each adopt regulations, in accordance  
58 with the provisions of chapter 54 of the general statutes, describing  
59 actions each department or council, as appropriate, shall take to reduce  
60 the incidence of pollution in overburdened communities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

**ENV**      *Joint Favorable C/R*      PD

**PD**      *Joint Favorable Subst.*