



General Assembly

Substitute Bill No. 290

February Session, 2006

* SB00290ET 041306 *

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

