



General Assembly

Substitute Bill No. 5145

February Session, 2008

* HB05145ET 040308 *

AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES.

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

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this
2 section:

3 (1) "Environmental justice" means the equal protection and
4 meaningful involvement of all people, regardless of race, ethnicity or
5 income, in the development, implementation and enforcement of
6 environmental laws, regulations and policies;

7 (2) "Environmental justice community" means a United States
8 census tract, as determined in accordance with the most recent United
9 States census, (A) for which fifty per cent or more of the population
10 consists of low income persons who are not institutionalized and have
11 an income below two hundred per cent of the federal poverty level, or
12 (B) an environmentally stressed community, as defined in subdivision
13 (3) of this subsection.

14 (3) "Environmentally stressed community" means a United States
15 census tract in which three or more affecting facilities are located
16 within a one-mile radius or in which a limited access highway and two
17 or more affecting facilities are located within one-half mile; and

18 (4) "Affecting facilities" means electric generating facilities, sludge or
19 solid waste incinerators or combustors, sewage treatment plants with a
20 capacity of more than fifty gallons per day, intermediate processing
21 centers, volume reduction facilities, multitown recycling facilities,
22 active landfills, asphalt and concrete batching facilities, major sources
23 of air pollution, as defined by the federal Clean Air Act, and sources
24 with air emissions that exceed the federal Toxic Release Inventory
25 reporting threshold pursuant to the federal Emergency Planning and
26 Community Right-to-Know Act of 1986 and the Pollution Prevention
27 Act, as defined on January 1, 2007.

28 (b) (1) Not later than January 1, 2010, the Department of
29 Environmental Protection, the Department of Public Utility Control
30 and the Connecticut Siting Council shall each adopt regulations, in
31 accordance with the provisions of chapter 54 of the general statutes,
32 that describe the departments' or council's procedures concerning the
33 consideration of environmental and health effects of all affecting
34 facilities located within one mile of a proposed new or expanded
35 affecting facility in an environmental justice community or an
36 environmentally stressed community, when granting licenses, permits
37 or authorizations or in other decision-making processes that relate to
38 the proposed new or expanded affecting facility. Such procedures shall
39 include, but not be limited to, enhanced public notification and
40 outreach to increase public participation, requirements for negotiated
41 environmental benefits to environmental justice and affected
42 community residents, and enhanced enforcement of environmental
43 laws and regulations for new and existing facilities in environmental
44 justice and environmentally stressed communities.

45 (2) Not later than January 1, 2010, the Department of Environmental
46 Protection, the Department of Public Utility Control and the
47 Department of Transportation shall each adopt regulations, in
48 accordance with the provisions of chapter 54 of the general statutes,
49 describing actions each department shall take to identify opportunities
50 and take appropriate action to encourage investments, remediation
51 and redevelopment in environmental justice and environmentally

52 stressed communities, provided such communities have adopted a
53 local plan of development that is consistent with the state plan of
54 conservation and development.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2008</i>	New section
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ENV *Joint Favorable Subst.-LCO*

ET *Joint Favorable*