



General Assembly

***Amendment***

***February Session, 2008***

LCO No. **5001**

**\*HB0514505001HDO\***

Offered by:

REP. HENNESSY, 127<sup>th</sup> Dist.

REP. MUSHINSKY, 85<sup>th</sup> Dist.

To: Subst. House Bill No. **5145**

File No. 101

Cal. No. 63

***"AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES."***

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- 1 Change the effective date of section 1 to "Effective January 1, 2009"
  - 2 Strike lines 3 to 6, inclusive, in their entirety
  - 3 In line 7, strike "(2)" and insert "(1)" in lieu thereof and after "means"
  - 4 insert "(A)"
  - 5 In line 8, strike "tract" and insert "block group" in lieu thereof
  - 6 In line 9, strike "(A)"
  - 7 In line 9, strike "fifty" and insert in lieu thereof "thirty"
  - 8 Strike lines 12 and 13 and insert the following in lieu thereof: "(B) a
  - 9 distressed municipality, as defined in subsection (b) of section 32-9p of
  - 10 the general statutes;"

11 Strike lines 14 to 54, inclusive, in their entirety and insert the  
12 following in lieu thereof:

13 "(2) "Affecting facility" means any (A) electric generating facility  
14 with a capacity of more than ten megawatts; (B) sludge or solid waste  
15 incinerator or combustor; (C) sewage treatment plant with a capacity  
16 of more than fifty million gallons per day; (D) intermediate processing  
17 center, volume reduction facility or multitown recycling facility with a  
18 combined monthly volume in excess of twenty-five tons; (E) new or  
19 expanded landfill, including, but not limited to, a landfill that contains  
20 ash, construction and demolition debris or solid waste; (F) medical  
21 waste incinerator; or (G) major source of air pollution, as defined by  
22 the federal Clean Air Act. "Affecting facility" shall not include (i) the  
23 portion of an electric generating facility that uses nonemitting and  
24 nonpolluting renewable resources such as wind, solar and hydro  
25 power or that uses fuel cells, (ii) any facility for which a certificate of  
26 environmental compatibility and public need was obtained from the  
27 Connecticut Siting Council on or before January 1, 2000, or (iii) a  
28 facility of a constituent unit of the state system of higher education that  
29 has been the subject of an environmental impact evaluation in  
30 accordance with the provisions of sections 22a-1b to 22a-1h, inclusive,  
31 of the general statutes and such evaluation has been determined to be  
32 satisfactory in accordance with section 22a-1e of the general statutes;

33 (3) "Meaningful public participation" means (A) residents of an  
34 environmental justice community have an appropriate opportunity to  
35 participate in decisions about a proposed facility or the expansion of  
36 an existing facility that may adversely affect such residents'  
37 environment or health; (B) the public's participation may influence the  
38 regulatory agency's decision; and (C) the applicant for a new or  
39 expanded permit, certificate or siting approval seeks out and facilitates  
40 the participation of those potentially affected during the regulatory  
41 process; and

42 (4) "Community environmental benefit agreement" means a written  
43 agreement entered into by a municipality and an owner or developer

44 of real property whereby the owner or developer agrees to develop  
45 real property that is to be used for any new or expanded affecting  
46 facility and to provide financial resources for the purpose of the  
47 mitigation, in whole or in part, of impacts reasonably related to the  
48 facility, including, but not limited to, impacts on the environment,  
49 traffic, parking and noise.

50 (b) (1) Applicants who, on or after January 1, 2009, seek to obtain  
51 any certificate under chapter 277a of the general statutes, new or  
52 expanded permit or siting approval from the Department of  
53 Environmental Protection or the Connecticut Siting Council involving  
54 an affecting facility that is proposed to be located in an environmental  
55 justice community or the proposed expansion of an affecting facility  
56 located in such a community, shall (A) file a meaningful public  
57 participation plan with such department or council and shall obtain  
58 the department's or council's approval of such plan prior to filing any  
59 application for such permit, certificate or approval; and (B) consult  
60 with the chief elected official or officials of the town or towns in which  
61 the affecting facility is to be located or expanded to evaluate the need  
62 for a community environmental benefit agreement in accordance with  
63 subsection (d) of this section.

64 (2) Each such meaningful public participation plan shall contain  
65 measures to facilitate meaningful public participation in the regulatory  
66 process and a certification that the applicant will undertake the  
67 measures contained in the plan. Such plan shall identify a time and  
68 place where an informal public meeting will be held that is convenient  
69 for the residents of the affected environmental justice community. In  
70 addition, any such plan shall identify the methods, if any, by which the  
71 applicant will publicize the date, time and nature of the informal  
72 public meeting in addition to the publication required by subdivision  
73 (3) of this subsection. Such methods may include, but not be limited to,  
74 (A) posting a reasonably visible sign on the proposed or existing  
75 facility property, printed in English, in accordance with any local  
76 regulations and ordinances, (B) posting a reasonably visible sign,  
77 printed in all languages spoken by at least twenty per cent of the

78 population that reside within a one-half of a mile radius of the  
79 proposed or existing facility, in accordance with local regulations and  
80 ordinances, (C) notifying neighborhood and environmental groups, in  
81 writing, in a language appropriate for the target audience, and (D)  
82 notifying local and state elected officials, in writing.

83 (3) Not less than ten days prior to the informal public meeting and  
84 not more than thirty days prior to such meeting, the applicant shall  
85 publish the date, time and nature of the informal public meeting with a  
86 minimum one-quarter page advertisement in a newspaper having  
87 general circulation in the area affected, and any other appropriate local  
88 newspaper serving such area, in the Monday issue of a daily  
89 publication or any day in a weekly or monthly publication. The  
90 applicant shall post a similar notification of the informal public  
91 meeting on the applicant's web site, if applicable.

92 (4) At the informal public meeting, the applicant shall make a  
93 reasonable and good faith effort to provide clear, accurate and  
94 complete information about the proposed facility or the proposed  
95 expansion of a facility and the potential environmental and health  
96 impacts of such facility or such expansion.

97 (5) The Department of Environmental Protection or the Connecticut  
98 Siting Council shall not take any action on the applicant's permit,  
99 certificate or approval earlier than sixty days after the informal public  
100 meeting.

101 (6) In the event that the Connecticut Siting Council has approved a  
102 meaningful public participation plan concerning a new or expanded  
103 facility and an informal public meeting has been held in accordance  
104 with this subsection, the Department of Environmental Protection may  
105 approve such plan and waive the requirement that an additional  
106 informal public meeting be held in accordance with this subsection.

107 (c) Any municipality, owner or developer may enter into a  
108 community environmental benefit agreement in connection with an  
109 affecting facility. Mitigation may include both on-site and off-site

110 improvements, activities and programs, including, but not limited to:  
111 Funding for activities such as environmental education, diesel  
112 pollution reduction, construction of biking and walking trails, staffing  
113 for parks, urban forestry, support for community gardens or any other  
114 negotiated benefit to the environment in the environmental justice  
115 community. Prior to negotiating the terms of a community  
116 environmental benefit agreement, the municipality shall provide a  
117 reasonable and public opportunity for residents of the potentially  
118 affected environmental justice community to be heard concerning the  
119 need for, and terms of, such agreement."