



General Assembly

Amendment

February Session, 2008

LCO No. 4282

HB0514504282HDO

Offered by:

REP. HENNESSY, 127th Dist.

To: Subst. House Bill No. 5145

File No. 101

Cal. No. 63

(As Amended)

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

1 Strike subdivisions (3) and (4) of subsection (a) of section 1 in their
2 entirety and insert the following in lieu thereof:

3 "(3) "Affecting facility" means any (A) electric generating facility
4 with a capacity of more than ten megawatts; (B) sludge or solid waste
5 incinerator or combustor; (C) sewage treatment plant with a capacity
6 of more than fifty million gallons per day; (D) intermediate processing
7 center, volume reduction facility or multitown recycling facility with a
8 combined monthly volume in excess of twenty-five tons; (E) new or
9 expanded landfill, including, but not limited to, a landfill that contains
10 ash, construction and demolition debris or solid waste; (F) medical
11 waste incinerator; or (G) major source of air pollution, as defined by
12 the federal Clean Air Act. "Affecting facility" shall not include the
13 portion of an electric generating facility that uses nonemitting and
14 nonpolluting renewable resources such as wind, solar and hydro

15 power or that uses fuel cells;

16 (4) "Meaningful public participation" means (A) potentially affected
17 community residents have an appropriate opportunity to participate in
18 decisions about a proposed facility that will affect such residents'
19 environment or health; (B) the public's contribution may influence the
20 regulatory agency's decision; (C) the concerns of all participants
21 involved will be considered in the decision-making process; and (D)
22 the applicant for an individual permit, certificate or siting approval
23 seeks out and facilitates the involvement of those potentially affected;
24 and

25 (5) "Community environmental benefit agreement" means a written
26 agreement entered into by a municipality in consultation with the
27 affected environmental justice community and an owner or developer
28 of real property whereby the owner or developer agrees to develop
29 real property that is to be used for any affecting facility and provide
30 financial resources for the purpose of the mitigation, in whole or in
31 part, of impacts reasonably related to the facility, including, but not
32 limited to, impacts on the environment, traffic, parking and noise, and
33 for purposes of this definition, "mitigation" includes both on-site and
34 off-site improvements."

35 Strike subdivision (1) of subsection (b) of section 1 in its entirety and
36 insert the following in lieu thereof:

37 "(b) (1) Applicants seeking to obtain any new or expanded permit,
38 certificate under chapter 277a of the general statutes or siting approval
39 from the Department of Environmental Protection or the Connecticut
40 Siting Council involving an affecting facility proposed to be located in
41 an environmental justice community shall (A) file a meaningful public
42 participation plan with such department or council and shall obtain
43 the department's or council's approval of such plan prior to filing any
44 application for such permit, certificate or approval; and (B) consult
45 with the chief elected official or officials of the town or towns in which
46 the affecting facility is to be located to evaluate the need for a

47 community environmental benefit agreement in accordance with
48 subsection (d) of this section."

49 After subsection (c) of section 1, insert the following:

50 "(d) Any municipality, owner or developer may enter into a
51 community environmental benefit agreement in connection with an
52 affecting facility. Mitigation may include, but not be limited to:
53 Funding for activities such as environmental education, diesel
54 pollution reduction, construction of biking and walking trails, staffing
55 for parks, urban forestry, support for community gardens or any other
56 negotiated benefit to the environment in the environmental justice
57 community."