



# Senate

General Assembly

**File No. 431**

February Session, 2016

Substitute Senate Bill No. 229

*Senate, April 4, 2016*

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING THE ACCURACY AND APPLICABILITY OF CERTAIN ENVIRONMENTAL IMPACT EVALUATIONS.**

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

1 Section 1. Section 22a-1b of the general statutes is amended by  
2 adding subsection (f) as follows (*Effective from passage*):

3 (NEW) (f) Whenever an environmental impact evaluation is  
4 prepared pursuant to this section and a period of ten or more years  
5 elapses between the completion of such environmental impact  
6 evaluation and the commencement of the proposed action, such  
7 environmental impact evaluation shall be reviewed by the Council on  
8 Environmental Quality for a determination of any substantial changes  
9 if the commissioner of the sponsoring agency receives a petition signed  
10 by one hundred or more members of the public requesting such a  
11 review. In the event that such review identifies a substantial change  
12 relating to any item set forth in such evaluation pursuant to subsection  
13 (c) of this section, such environmental impact evaluation shall be  
14 remade as it relates to such substantial change. Nothing in this

15 subsection shall be construed to affect any construction contract  
16 entered by any state department, institution or agency prior to the  
17 effective date of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-1b

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Various State Agencies	Various - Potential Cost	See Below	See Below

Note: Various=Various

**Municipal Impact:** None

**Explanation**

The bill requires that a portion of an environmental impact evaluation (EIE) to be redone if: (1) more than ten years pass between the EIE's publication date and the start of action under the EIE, or (2) if a petition requires review by the Council on Environmental Quality (CEQ).

Currently, state agencies proposing environmental actions with a potential environmental impact must prepare an EIE.

The bill does not result in a fiscal impact to CEQ as they are already reviewing EIEs. To the extent a portion of an EIE has to be redone, various state agencies may incur costs. On average, five EIEs were produced by state agencies over the past five years.

The annual ongoing fiscal impact described above would continue into the future subject to the number of EIEs currently over ten years old.

**The Out Years**

The annualized ongoing fiscal impact described above would continue into the future subject to the number of EIEs currently over ten years old.

**OLR Bill Analysis****sSB 229*****AN ACT CONCERNING THE ACCURACY AND APPLICABILITY OF CERTAIN ENVIRONMENTAL IMPACT EVALUATIONS.*****SUMMARY:**

This bill establishes a limited circumstance in which a portion of an environmental impact evaluation (EIE) may have to be redone. Under the Connecticut Environmental Policy Act (CEPA), state departments, institutions, or agencies proposing or funding actions that may significantly affect the environment must generally prepare an EIE before deciding whether to undertake or approve the action. The EIE process involves public review and comment (CGS § 22a-1b et seq.).

The bill requires an EIE to be redone if:

1. at least ten years pass between the EIE's completion date and the start of the proposed action the EIE covers;
2. the commissioner of the state agency sponsoring the action receives a petition, signed by at least 100 people, requesting a review by the Council on Environmental Quality (CEQ) to determine if there is any substantial change to an item in the EIE; and
3. CEQ's review finds a substantial change.

But the EIE must only be redone with respect to the identified substantial change.

The bill specifies that this requirement does not affect construction contracts entered into by the state before the bill takes effect.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Significantly Affect the Environment***

Under CEPA, actions that may “significantly affect the environment” are activities that could have a major impact on the state’s land, water, air, historic structures and landmarks, existing housing, or other environment resources, or that could serve short-term to the disadvantage of long-term environmental goals. Emergency measures to respond to immediate public health or safety threats or certain activities with limited state agency involvement are exempt (CGS § 22a-1c).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 2 (03/16/2016)