



General Assembly  
September Special Session, 2020

**Bill No. 7008**

LCO No. 4341



Referred to Committee on No Committee

Introduced by:

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> Dist.  
REP. RITTER M., 1<sup>st</sup> Dist.

***AN ACT CONCERNING ENHANCEMENTS TO THE STATE'S ENVIRONMENTAL JUSTICE LAW.***

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

1 Section 1. Section 22a-20a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective November 1, 2020*):

3 (a) As used in this section:

4 (1) "Environmental justice community" means (A) a United States  
5 census block group, as determined in accordance with the most recent  
6 United States census, for which thirty per cent or more of the population  
7 consists of low income persons who are not institutionalized and have  
8 an income below two hundred per cent of the federal poverty level; [ ]  
9 or (B) a distressed municipality, as defined in subsection (b) of section  
10 32-9p;

11 (2) "Affecting facility" means any (A) electric generating facility with

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

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

38 (4) "Community environmental benefit agreement" means a written  
39 agreement entered into by the chief elected official or town manager of  
40 a municipality and an owner or developer of real property whereby the  
41 owner or developer agrees to develop real property that is to be used  
42 for any new or expanded affecting facility and to provide financial  
43 resources for the purpose of the mitigation, in whole or in part, of  
44 impacts reasonably related to the facility, including, but not limited to,

45 impacts on the environment, including, but not limited to, air quality  
46 and watercourses, quality of life, asthma rates, traffic, parking and  
47 noise.

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

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

78 [notifying neighborhood and environmental groups, in writing, in a  
79 language appropriate for the target audience, and (D)] notifying local  
80 and state elected officials, in writing. Such methods may include  
81 notifying neighborhood and environmental groups, in writing, in a  
82 language appropriate for the target audience. The determination of the  
83 percentage of persons that speak a language, for purposes of  
84 subparagraph (B) of this subdivision, shall be made in accordance with  
85 the most recent United States census.

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

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

100 (5) The Department of Energy and Environmental Protection or the  
101 Connecticut Siting Council shall not take any action on the applicant's  
102 permit, certificate or approval earlier than sixty days after the informal  
103 public meeting. For any such application filed on or after November 1,  
104 2020, if the applicant fails to undertake the requirements of  
105 subparagraphs (B) to (D), inclusive, of subdivision (2) of this subsection  
106 or subdivision (3) or (4) of this subsection, any such application shall be  
107 deemed insufficient.

108 (6) In the event that the Connecticut Siting Council has approved a

109 meaningful public participation plan concerning a new or expanded  
110 facility and an informal public meeting has been held in accordance with  
111 this subsection, the Department of Energy and Environmental  
112 Protection may approve such plan and waive the requirement that an  
113 additional informal public meeting be held in accordance with this  
114 subsection.

115 (c) Any municipality, owner or developer may enter into a  
116 community environmental benefit agreement in connection with an  
117 affecting facility. For any application filed on or after November 1, 2020,  
118 for such an affecting facility that: (1) Requires a certificate under chapter  
119 277a, or (2) constitutes a new or expanded permit or siting approval  
120 from the Department of Energy and Environmental Protection or the  
121 Connecticut Siting Council, and that is located in an environmental  
122 justice community or is proposed to be located in such a community, the  
123 applicant shall enter into such an agreement with the municipality if  
124 there are five or more affecting facilities in such municipality at the time  
125 such application is filed. Mitigation may include both on-site and off-  
126 site improvements, activities and programs, including, but not limited  
127 to: Funding for activities such as environmental education, diesel  
128 pollution reduction, electric vehicle charging infrastructure  
129 construction, establishment of a wellness clinic, ongoing asthma  
130 screening, provision of air monitoring performed by a credentialed  
131 environmental professional, performance of an ongoing traffic study,  
132 watercourse monitoring, construction of biking facilities and [walking]  
133 multi-use trails, staffing for parks, urban forestry, support for  
134 community gardens or any other negotiated benefit to the environment  
135 in the environmental justice community. Prior to negotiating the terms  
136 of a community environmental benefit agreement, the municipality  
137 shall provide a reasonable and public opportunity for residents of the  
138 potentially affected environmental justice community to be heard  
139 concerning the requirements of or need for, and terms of, such  
140 agreement.

141 (d) The chief elected official or town manager of a municipality shall

142 participate in the negotiations for any such community environmental  
143 benefit agreement and shall implement, administer and enforce such an  
144 agreement on behalf of the municipality, provided any such agreement  
145 negotiated pursuant to this section on and after November 1, 2020, shall  
146 be approved by the legislative body of the municipality prior to  
147 implementation, administration and enforcement of such agreement.

148 (e) The terms of any community environmental benefit agreement  
149 negotiated, entered into and approved in accordance with this section  
150 on and after November 1, 2020, shall not constitute a separate and  
151 distinct basis for a pleading to intervene in any administrative, licensing  
152 or other proceeding pursuant to section 22a-19.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>November 1, 2020</i>	22a-20a
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