



General Assembly

January Session, 2021

***Raised Bill No. 6551***

LCO No. 3668



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING ENVIRONMENTAL AIR QUALITY.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) There is established within  
2 the Department of Energy and Environmental Protection a working  
3 group to be known as the environmental equity working group. Such  
4 working group, in consultation with the Department of Energy and  
5 Environmental Protection, the Department of Public Health and the  
6 Labor Department, shall establish criteria to identify disadvantaged  
7 communities and identify such communities for the purpose of co-  
8 pollutant reductions, greenhouse gas emissions reductions, regulatory  
9 impact statements and the allocation of investments under section 22a-  
10 200a of the general statutes.

11 (b) The environmental equity working group shall consist of the  
12 following members:

13 (1) Five representatives of environmental equity communities,  
14 appointed by the Commissioner of Energy and Environmental  
15 Protection in accordance with subsection (e) of this subsection;

16 (2) Two representatives of the Environmental Justice Program within  
17 the Department of Energy and Environmental Protection, appointed by  
18 the Commissioner of Energy and Environmental Protection;

19 (3) Two representatives of the Department of Public Health,  
20 appointed by the Commissioner of Public Health;

21 (4) Two representatives of the Department of Housing, appointed by  
22 the Commissioner of Housing; and

23 (5) Two representatives of the Labor Department, appointed by the  
24 Labor Commissioner.

25 (c) Initial appointments to the working group shall be made not later  
26 than four months after the effective date of this section. Any vacancy  
27 shall be filled by the appointing authority.

28 (d) The Commissioner of Energy and Environmental Protection shall  
29 select the chairpersons of the working group from among the members  
30 of the working group. Such chairpersons shall schedule the first meeting  
31 of the working group, which shall be held not later than six months after  
32 the effective date of this section.

33 (e) Environmental equity community representatives shall be  
34 members of communities of color, low-income communities and  
35 communities bearing disproportionate pollution and climate change  
36 burdens, and may include representatives of community-based  
37 organizations with experience and a history of advocacy on  
38 environmental equity issues.

39 (f) In establishing the criteria pursuant to subsection (a) of this  
40 section, disadvantaged communities shall be identified based on  
41 geographic, public health, environmental hazard and socioeconomic  
42 criteria that shall include, but not be limited to: (1) Areas burdened by  
43 cumulative environmental pollution and other hazards that can lead to  
44 negative public health effects; (2) areas with concentrations of people  
45 that are of low income, high unemployment, high rent burden, low

46 levels of home ownership, low levels of educational attainment or  
47 members of groups that have historically experienced discrimination on  
48 the basis of race or ethnicity; and (3) areas vulnerable to the impacts of  
49 climate change such as flooding, storm surges and urban heat island  
50 effects.

51 (g) Before finalizing the criteria for identifying disadvantaged  
52 communities and finalizing the identification of such communities  
53 pursuant to subsection (a) of this section, the Department of Energy and  
54 Environmental Protection shall publish draft criteria and a draft list of  
55 disadvantaged communities and make such information available on  
56 the department's Internet web site. The working group shall hold not  
57 less than one public hearing on the draft criteria and the draft list of  
58 disadvantaged communities and shall allow at least forty-five days for  
59 the submission of public comment.

60 (h) Such working group shall ensure that there are meaningful  
61 opportunities for public comment for all segments of the population that  
62 may be impacted by the criteria, including persons living in areas that  
63 may be identified as disadvantaged communities under the proposed  
64 criteria.

65 (i) The working group shall meet not less than annually to review the  
66 criteria used to identify disadvantaged communities and may modify  
67 such methods to incorporate new data and scientific findings. The  
68 working group shall review such identified disadvantaged  
69 communities and modify such designation as needed.

70 Sec. 2. Section 22a-20a of the general statutes is amended by adding  
71 subsection (f) as follows (*Effective October 1, 2021*):

72 (NEW) (f) Notwithstanding any provision of the general statutes, if  
73 the Department of Energy and Environmental Protection or the  
74 Connecticut Siting Council, as applicable, determines that there are less  
75 harmful alternatives compared to the applicant's proposed facility or  
76 new or expanded permit, then the department or council, as applicable,  
77 shall deny the subject application or permit, as received, but allow the

78 applicant to resubmit such application, if appropriate, with  
79 modifications. Notwithstanding any provision of the general statutes, if  
80 the department or council determines that, together with other  
81 environmental or public health stressors affecting the environmental  
82 justice community, the proposed facility or new or expanded permit  
83 could cause or contribute to adverse cumulative environmental or  
84 public health stressors in such community that are higher than those of  
85 other communities in the state, on average, the department or council,  
86 as applicable, shall deny the subject application or permit or place  
87 conditions on the application or permit as necessary in order to avoid or  
88 reduce such adverse environmental or public health stressors affecting  
89 the environmental justice community. Notwithstanding any provision  
90 of the general statutes, if the department or council, as applicable,  
91 determines that a new facility or expansion or modification of an  
92 existing facility will serve a compelling public interest in the affected  
93 environmental justice community, the department or council, as  
94 applicable, may approve such application or permit and impose  
95 conditions on the construction and operation of the facility to protect the  
96 public health and the environment. The department or council, as  
97 applicable, shall publish any determination, pursuant to this subsection,  
98 made regarding such department's or council's Internet web site, as  
99 applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2021</i>	22a-20a

**Statement of Purpose:**

To establish a working group that will identify disadvantaged communities for purposes of greenhouse gas reduction implications and to amend the environmental justice statute to enable disapproval of facility and permit applications when certain determinations concerning adverse environmental or public health effects are made.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*