

Environment Committee JOINT FAVORABLE REPORT

Bill No.: HB-5297

AN ACT CONCERNING THE MULTIPLICITY OF AFFECTING FACILITIES IN

Title: CERTAIN CENSUS BLOCK GROUPS IN THE STATE.

Vote Date: 3/28/2022

Vote Action: Joint Favorable

PH Date: 3/14/2022

File No.:

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SPONSORS OF BILL:

Representative Michael A. Winkler, 56th Dist.

Representative Geraldo C. Reyes, 75th Dist.

REASONS FOR BILL:

To ensure that all communities have the same access to a safe environment.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy & Environmental Protection

This administration is committed to advancing environmental justice. In 2021 an Equity and Environmental Justice advisory Council was established within DEEP. That council wishes to establish a forum for advocates and residents to provide input into our efforts to ensure that all residents enjoy the same degree of protection from environmental risks and health hazards. This bill provides the council that will help identify the area of affected facilities and lead to improve environmental justice in our state.

NATURE AND SOURCES OF SUPPORT:

Christopher Kelly, Save the Sound

Connecticut's Environmental Justice Law creates a public notice and participation process when issuing permits for certain polluting facilities in economically-distressed communities. This will strengthen the EJ law to alleviate those disproportionate burdens imposed upon Connecticut's most venerable communities.

Robert LaFrance, Director of Policy, Audubon

We support the bill but have included suggestions to make the bill more effective. The New Jersey Environmental Justice law requires evaluation of environmental and public health on certain facilities when reviewing permit applications. We think there should be modifications to section 22a-20a of the general statutes this session rather than waiting another year.

Angel Serrano, Organizer, Ct. Citizen Action Group

We support the bill but would recommend the following.

- Expand definition of “environmental justice community”.
- Expand definition of “affecting facility”.
- Apply the Environmental Justice law to modified permits, not just new and expanded permits.
- Enhance public information requirements.
- Strengthen the community environmental benefits agreement (CEBA) .
- Set the stage for DEEP to deny permits based upon an application’s adverse environmental impact upon a community and require regulations to implement that provision;
- Require that the public participation and CEBA requirements be applied to downwind, downstream, and adjacent communities.
- Create a cause of action for failure to complete these requirements.
- Authorize an application fee to subsidize Environmental Justice review and Environmental Justice programming.

Representative David Michel

Representative Michel supported the bill but with concerns. Substitute language is needed to assure we change the faulty permitting process and amend the ceejac language as to better reflect and independent body that would make recommendations to the legislature. Prevention is much less costly than inaction.

Ann Gadwah, Outreach Organizer, Sierra Club Connecticut

Grave injustices in the permitting of polluting facilities must end. New Jersey in 2020 past and environmental justice law that should be a blueprint for Connecticut law. I have included some important definitions for your consideration:

Overburdened communities is defined as

1. At least 35 percent of the households qualify as low-income households
2. At least 40 percent of the residents identify as minority or members of a state recognized tribal community.
3. At least 40 percent of the households have limited English proficiency

The law requires NJ DEEP to evaluate the environmental an public health impacts of the following facilities.

1. Major sources of air pollution (i.e., gas fired power plants and cogeneration facilities)
2. Resource recovery facilities or incinerators; sludge processing facilities
3. Sewage Treatment plants with a capacity of more than 50 million gallons per day
4. Transfer station or solid waste facilities
5. Recycling facilities that receive at least 100 tons of recyclable material per day
6. Scrap metal facilities
7. Landfills
8. Medical waste incinerators, except those attendant to hospitals and universities

Also submitting testimony in support are:

Mia Aron
Lisa Finnegan
Andrew Lopez
Bud McAllister
Craig Repasz
Sam Slater
Julia Slaughter

NATURE AND SOURCES OF OPPOSITION:

Dwayne Paul, Director, Collaborative Center for Justice

We appreciate the acknowledgement that action needs to be taken to protect environmental justice in communities and the recognition that more needs to be done to promote environmental justice in Connecticut. This bill will not really protect overburdened communities from the impacts of additional polluting facilities. We are concerned that the commissioner ownership will undermine the authority of community voices. We suggest that the justice bill include:

- Language that would require DEEP to deny any permit for an affecting facility that would add to the cumulative environmental or public health burden of the particular community in which the facility would be sited,
- Applying the environmental justice law to modified permits and renewal of permits, as well as new permits.
- Strengthening of public notification processes and public comment opportunities in the communities closest to the proposed facility
- Provisions that would strengthen DEEP's capacity to enforce existing, and future updates to, the state's environmental justice law
- We also advocate that the process include, and be driven by, people living in environmental justice communities and working with environmental justice communities.

Reported by: Pamela Bianca

Date: April 1, 2022