

# Environment Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-1147

AN ACT CONCERNING THE ENVIRONMENTAL JUSTICE PROGRAM OF THE

**Title:** DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

**Vote Date:** 3/24/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/10/2023

**File No.:**

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## **SPONSORS OF BILL:**

Environment Committee

## **REASONS FOR BILL:**

To enhance the environmental and public health considerations made under the state's environmental justice statute and provide the Department of Energy and Environmental Protection and the Connecticut Siting Council with the ability to deny certain permits for a new affecting facility and apply conditions to the expansion of an existing facility.

### **Substitute Language-LCO 6261**

Added requirement that municipal CEO select a person from the environmental justice community to participate in negotiating the community benefit agreement.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Katie S. Dykes, Commissioner, CT Department of Energy & Environmental Protection**

The primary purpose of SB 1147 is to strengthen Connecticut's existing environmental justice public participation process and to authorize DEEP and the Connecticut's Siting Council to consider cumulative environmental and public health stressors when granting new or expanded permits for certain facilities in environmental justice communities. Permit applicants would conduct an early "assessment" of such stressors, including sources of environmental pollution and conditions that might cause public health impacts.

## **NATURE AND SOURCES OF SUPPORT:**

### **Ruth Canovi, Director of Advocacy, The American Lung Association CT**

The American Lung Association supports SB 1147 but would like it amended to 1. Ensure DEEP and the Siting Council SHALL deny new and expanded permits for Affecting Facilities in already overburdened communities based on cumulative impact analysis. 2. Require community resident involvement in negotiation of Community Environmental Benefits Agreements and 3 if a permit for an Affecting Facility is granted, DEEP and the Siting Council SHALL impose conditions on the construction and operations of the facility to mitigate public health impacts.

### **Aziz Dehkan, Executive Director, Connecticut Roundtable on Climate and Jobs**

Connecticut Roundtable on Climate and Jobs supports SB 1147 because it would improve our current environmental justice legislation to better protect communities overburdened by pollution. It would enhance the environmental and public health considerations under the state's environmental justice statute and give DEEP and the CT Siting Council the ability to deny or modify certain permits for polluting facilities in neighborhoods experiencing cumulative impacts from multiple sources of pollution.

### **Ann Gadwah, Advocacy & Outreach Organizer, Sierra Club Connecticut**

The Sierra Club Connecticut supports SB 1147 because it would help protect the environment, the air and water quality, and the public health of the communities for the cumulative impacts of more polluting and affecting facilities.

### **Christine Koster, Naugatuck, CT**

Ms. Koster supports SB 1147 because Connecticut is truly in a climate emergency, and low-income communities and communities of color of all income levels stand to suffer even more from the unjust siting of polluting facilities such as trash incinerators and gas plants

### **Cary Lynch, Climate and Policy Manager, The Nature Conservancy**

The Nature Conservancy supports SB 1147 because as we move towards sector-wide decarbonization, we must make every effort to prevent exclusive and unjust practices that worsen socioeconomic, environmental, and health inequities among historically marginalized groups.

### **Dr. Mark Mitchell MD, Co-Chair, CT Equity and EJ Advisory Council**

Dr. Mitchell as the primary author of Connecticut's first Environmental Justice Law, along with Rep. Jack Hennessy of Bridgeport. He supports SB 1147; however, it needs to be amended and strengthened to establish three levels of overburdened communities and to assume the presumption of denial of permits in certain circumstances. Also, the bill should retain the exclusion of institutionalized population from existing facilities and other exposures in Severely Affect communities.

### **Alex Rodriguez, Environmental Justice Specialist, Save the Sound**

Save the Sound supports SB 1147 because it would help protect communities already overburdened by pollution. It would enhance the environmental and public health considerations under the state's existing environmental justice statute.

Several people spoke and sent in testimony in support of SB 1147 An Act Concerning The Environmental Justice Program of the Department of Energy and Environmental Protection. They felt this legislation will help DEEP and the CT Siting Council the ability to deny certain permits for a new affecting facility and apply conditions for expansion of an existing one. It would enhance the environmental and public health considerations made under the state's environmental justice statute.

**Eric Hammerling, Executive Director, Connecticut Forest & Park Association**

**Donna Hamzy Carroccia, Chief Strategy Officer, CCM**

**Laura Bozzi, PhD, Director of Programs, Yale Center on Climate Change and Health**

**Anne Hulick, Connecticut Director, Clean Water Action**

**Ana McMonigle, Staff Attorney, Conservation Law Foundation**

**Anne Schmidt, Environment & Climate Specialist, League of Women Voters CT**

**Eugenia Villagra, Co-Chair, Groton Conservation Advocates**

**Dr. Anthony Yoder, American College of Physicians, Connecticut Chapter**

**Over 70 Connecticut Residents sent in testimony in Support of SB 1147**

#### **NATURE AND SOURCES OF OPPOSITION:**

##### **Christian A. Herb, President, The Connecticut Energy Marketers Association**

The Connecticut Energy Marketers Association oppose the language in section 9 of SB 1147 Because it would discourage fuel terminals and bulk commercial storage facilities, or "affecting facility's", that need to expand to transition from fossil fuels to renewable fuels like biodiesel. The language will result in the unintended consequences of forcing terminal owners to operate older facilities for longer periods of time instead of going through this new proposed approval process.

##### **Betsy Gara, Executive Director, Connecticut Water Works Association**

The Connecticut Water Works Association is concerned that SB 1147 may subject such permit renewals to an additional layer of review or impose certain conditions that may delay or stall project, to the detriment of the communities relying on such interconnections. Given the confusing language affecting water diversions and the potential implications for such diversions relied upon to provide safe, high quality drinking water to customer, CWWA requests that the references to water diversions be deleted from the bill.

##### **Lee Hoffman, Environmental Attorney, Pullman & Comley, LLC**

Mr. Hoffman feels when SB 1147 will have unintended consequence of potentially stymieing the environmental innovations like the expansions of modernizing older facilities and concomitant improvements in emissions controls and other pollution control equipment.

**Ashley Zane, Government Affairs Associate, CBIA**

CBIA opposes SB 1147. This bill increases government oversight, reporting and notification requirements, and will significantly impact permitting timeframes. CBIA has concerns about why this bill is necessary. Many of the facilities listed in this bill are already required to obtain various permits including individual and general permits that require notification, action plans, and timeframes for public comment. CBIA also has concerns regarding DEEP's ability to enforce and enact these regulations. DEEP is significantly understaffed which has already led to permitting delays. Many of the largest companies across the state already consider environmental impact and sustainability.

**Reported by: Judith Ganswindt**

**Date: March 28, 2023**