DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

 ENVIRONMENTAL CLASSIFICATION DOCUMENT

Prepared pursuant to [Section 22a-1a-4](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-1aSection_22a-1a-4/) of the

Regulations of Connecticut State Agencies (RCSA)

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Under the Connecticut Environmental Policy Act (CEPA) of 1973 ([CGS Sections 22a-1 through 22a-1h](https://www.cga.ct.gov/current/pub/chap_439.htm#sec_22a-1)), state agencies are required to provide a public process to identify and assess the extent to which their proposed actions may potentially affect the environment, and to evaluate alternatives to avoid or minimize such impacts.

# This Environmental Classification Document (ECD) was developed pursuant to [RCSA Section 22a-1a-4](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-1aSection_22a-1a-4/) to guide which actions by the Department of Energy and Environmental Protection (DEEP) would necessitate “public scoping” under CEPA and potentially an environmental impact evaluation.

# Public scoping involves soliciting public comments on a proposed state agency action and is required to determine whether an environmental impact evaluation must follow. Actions subject to public scoping are published for public comment in the Council of Environmental Quality’s Environmental Monitor. DEEP will conduct the public scoping process in accordance with [CGS Section 22a-1b(b)](https://cga.ct.gov/current/pub/chap_439.htm#sec_22a-1b). DEEP will take into consideration comments received and prepare a written memorandum that documents its findings and subsequent determination of the proposed action’s environmental significance using the criteria set forth in [RCSA Section 22a-1a-3](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-1aSection_22a-1a-3/). The agency would post that memorandum in the Environmental Monitor, unless DEEP determines that an environmental impact evaluation must be prepared pursuant to [CGS Section 22a-1b(c)](https://cga.ct.gov/current/pub/chap_439.htm#sec_22a-1b).

# An environmental impact evaluation is required for (1) those actions listed in an ECD such as this one, as requiring such an evaluation or (2) for those actions for which the full degree of actual impact remains undetermined after the conclusion of public scoping but which may significantly affect the environment in an adverse manner, including consideration of the direct, indirect, and cumulative impacts of those factors identified in [RCSA Section 22a-1a-8](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-1aSection_22a-1a-8/).

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1. **Typical agency actions that require public scoping and the preparation of an environmental impact evaluation.**
2. Construction of a new sewage treatment plant.
3. Construction of a new permanent regional waste management facility or site, including but not limited to solid, hazardous, biomedical and radioactive wastes; recycling centers; resource recovery facilities; waste conversion facilities; and transfer stations, as defined in [CGS Sec. 22a-207](https://cga.ct.gov/current/pub/chap_446d.htm#sec_22a-207).
4. **Typical actions that require public scoping to determine whether an environmental impact evaluation is required.**
5. An increase in the capacity of an existing, permanent regional waste management facility or site, including but not limited to solid, hazardous, biomedical and radioactive wastes; recycling centers; resource recovery facilities; waste conversion facilities; and transfer stations; as defined in [CGS Sec. 22a-207](https://cga.ct.gov/current/pub/chap_446d.htm#sec_22a-207).
6. Construction of new coastal and riparian erosion control structures, including but not limited to, breakwaters, groins, seawalls, bulkheads, revetments, riprap, and jetties; except as part of a tidal wetland or resource restoration or enhancement activity, as defined in [CGS Sec. 22a-361(a)(2)](https://cga.ct.gov/current/pub/chap_446i.htm#sec_22a-361), or as a component of a larger project that is otherwise subject to this section.
7. Construction of flood control projects except projects which essentially consist of drainage improvements.
8. Construction of a new dam, removal or replacement of an existing dam, or any reconstruction or major alteration of an existing dam which results in a permanent change in water level of more than four (4) inches except for repairs to address a condition that will result in or is likely to result in imminent and substantial damage to public safety or the environment as deemed necessary by the Commissioner of DEEP pursuant to [CGS Sec. 22a-402](https://cga.ct.gov/current/pub/chap_446j.htm#sec_22a-402).
9. Sewage construction projects involving the expansion of hydraulic capacity at an existing sewage treatment plant.
10. Construction of new wastewater conveyance infrastructure a) that has the capacity to provide service beyond the existing sewer service area, or b) that increases the hydraulic capacity of the existing sewer service infrastructure.
11. Construction of new sewer service infrastructure that can provide service to new areas regardless of whether the newly served area is within or outside of an approved sewer service area.
12. Construction of new drinking water distribution infrastructure or an increase in capacity of existing drinking water distribution infrastructure that has the capacity to provide water service beyond the area currently being served, or which traverses and may potentially impact environmentally sensitive areas.
13. Construction of new boat launching facilities, or enlargements of existing launching facilities exceeding 25 vehicles or 50% of existing vehicle capacity, whichever is greater.
14. Construction of new shooting ranges.
15. Any development on DEEP lands which results in an increase of the parking capacity by 200 vehicles or more.
16. Controlled burns in excess of 20 acres on DEEP lands.
17. Harvesting of commercial forest products in a developed state park resulting in a total harvest in excess of 100,000 board-feet.
18. Construction of a solid waste volume reduction facility where solid waste generated elsewhere may be reduced in volume through processing, including but not limited to, sorting, shredding, crushing, compacting, and composting, which activities are not authorized by a general permit.
19. Construction of, addition to, or major alteration involving a change in use of a State leased, purchased or owned facility involving 25,000 square feet or more of floor space. A facility is defined as one or more concurrently planned or envisioned structures on a site, the sum total of which will exceed 25,000 square feet.
20. Construction of new paved roads or lane additions which exceed $1,000,000 in capital costs.
21. Sale, transfer, or exchange of land in the custody and control of DEEP with a non-state entity for a use different from the present use or planned use under a DEEP management plan.
22. Grants of leases, easements, rights-of-way, or other interests in land in the custody and control of DEEP for a use different from the present use or from a planned future use under a DEEP management plan, unless such use is exempt pursuant to Section IV below, has already been subject to a statutory public comment process that is substantially equivalent to scoping, or otherwise will not significantly affect the environment in an adverse manner.
23. Demolition or major alteration of any building, structure or site listed or eligible for listing on the State or National Registers of Historic Places unless certification is obtained from the State Historic Preservation Office that there will be no significant adverse historical impact or no feasible and prudent alternative exists to the proposed action.[[1]](#endnote-2) This provision shall not apply to any activity which does not warrant CEPA review as set forth in a written Memorandum of Agreement between the State Historic Preservation Office and DEEP.
24. Any other action that may significantly affect the environment in an adverse manner, including consideration of the direct, indirect, and cumulative impacts of those factors identified in [RCSA Section 22a-1a-3](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-1aSection_22a-1a-3/), and in connection with the proposed action’s setting, its probability of occurring, its duration, its irreversibility, its controllability, its geographic scope, its magnitude, and regulatory requirements.
25. **Any joint federal/state action for which an environmental assessment (EA) or an environmental impact statement (EIS) is prepared pursuant to the National Environmental Policy Act (NEPA) shall be recognized as meeting the CEPA requirements provided that the EIS or EA meets the content and circulation requirements of CEPA.**
26. **Actions that do not warrant a review pursuant to CEPA.**

The following actions do not warrant an environmental review pursuant to the Act and the CEPA regulations and therefore do not require public scoping or the preparation of an environmental review document.

1. Maintenance, repairs, or renovations that would not significantly change the use of an existing facility or property, including minor or moderate reconstruction, rehabilitation or improvements.[[2]](#endnote-3)
2. Demolition of a facility not on the State or National Registers of Historic Places, or if on one of these Registers, with certification from the State Historic Preservation Office that there will be no significant adverse historical impact, or that no feasible and prudent alternative exists to the proposed demolition. If such facility to be demolished is more than fifty years old, notice to the Department of Economic and Community Development shall be given in accordance with [CGS Sec. 4b-64](https://cga.ct.gov/current/pub/chap_060.htm#sec_4b-64).
3. Environmental remediation and/or hazardous materials abatement of a building, structure or property.
4. Energy conservation measures.
5. Any forestry practices carried out in a State Forest which conform to an approved Forest Management Plan for that forest. Controlled burns covering in excess of 20 acres would continue to be scoped.
6. Any habitat management practices carried out in a DEEP Wildlife Management Area consistent with an approved management plan for that WMA, with the exception of controlled burns in excess of 20 acres.
7. Forestry operations to directly address unforeseen events such as damaging wind events, wildfires, insect and disease outbreaks, ice storms, or other causes of immediate widespread tree mortality on the affected DEEP property.
8. Maintenance, repair or in-kind replacement of existing sewage conveyance infrastructure or water infrastructure that maintains the same alignment or footprint and does not increase capacity.
9. Construction or expansion of bicycle or pedestrian transportation infrastructure and trails for the purpose of recreation on DEEP property.
1. SHPO’s criteria for determining the historical significance of a property, including its eligibility for listing on the National or State Registers of Historic Places is based on criteria set forth by the National Historic Preservation Act of 1966, Section 106 ([36 CFR Part 800](https://www.ecfr.gov/current/title-36/chapter-VIII/part-800?toc=1)). [↑](#endnote-ref-2)
2. Examples of such actions include, but are not limited to: replacement of architectural features; interior remodeling or renovations with no significant change in use; additions or renovations to lighting, fire alarm, heating/cooling and mechanical systems; roof repairs; chimney repairs; installation or modification of environmental controls; mechanical systems and/or manufacturing processes to comply with federal and state environmental regulations; energy conservation upgrades such as door and window replacement, lighting replacement, use of low-water use toilets or shower heads, insulation improvement, and installation of Energy Star equipment. [↑](#endnote-ref-3)