

# CEEJAC Minutes of Special Meeting Environmental Justice Bill Proposal

Feb 23, 2023, 5:30 PM - 7:30 PM

Zoom Meeting Recording: [https://ctdeep.zoom.us/rec/share/uHhc21Fy\\_WDpkh4go\\_Rth31j8jW-s0PoA0f4UyhMO2BPznQifbycAHXY7HOaQAH.hDLZ3n4uYT70q63B](https://ctdeep.zoom.us/rec/share/uHhc21Fy_WDpkh4go_Rth31j8jW-s0PoA0f4UyhMO2BPznQifbycAHXY7HOaQAH.hDLZ3n4uYT70q63B)

## Topics:

- Overview of Permitting Program within Department of Energy & Environmental Protection's Air Bureau, Water Bureau & Waste Bureau
- Proposed EJ legislation for 2023

## Introduction

**Alex Rodriguez, Save The Sound**

Email: [AlexRodriguez@SaveTheSound.org](mailto:AlexRodriguez@SaveTheSound.org)

## CT DEEP's Environmental Equity Policy, 1993

The Problem: climate change and environmental injustices and environmental racism

- Many polluting facilities are in communities of color and low-income communities
- DEEP has a list of affecting facilities that are subject for review by DEEP's respective departments
  - o Map of affecting facilities: [Environmental Justice Affecting Facilities \(arcgis.com\)](https://arcgis.com)
  - o Distressed Municipalities: most environmentally and economically distressed
  - o Ej communities: segments of the population that suffer from disproportionate income inequalities and proximity to the affecting facilities

## What policies have improved EJ

- 2009 first CT EJ Law
  - o Required public participation and decision regarding the siting or expansion of facilities
  - o In 2020, EJ law was updated
    - Requiring stronger communication with the public
    - Regular alerts to people regarding the status and type of permit applications
    - Email address you can subscribe to for status and updates on these facilities
      - [Get the latest from Department of Energy and Environmental Protection \(confirmsubscription.com\)](https://confirmsubscription.com)
      - [Sign Up to Receive Updates Newsletters by E-mail \(ct.gov\)](https://ct.gov)
    - There hasn't been enough in this existing law to protect people from environmental hazards in these historically overburdened locations

## **CT DEEP Permitting Flowchart Camille Fontanella at DEEP – permit assistant**

Email: [camille.fontanella@ct.gov](mailto:camille.fontanella@ct.gov)

Link to chart: <https://portal.ct.gov/DEEP/Permits-and-Licenses/Permitting-Process-Overview/Application-Process-Individual-Permits>

### Permit Types

- Individual permit
- General permit

Individual Permit process is explained in the flow chart

- applicant notifies DEEP that they're applying and submits an EJ public participation plan to DEEP
- Once the EJ public participation plan is approved by DEEP, the applicant can then submit their permit application to DEEP
- notice of public participation meeting is then announced
- Public participation part of the process is completed before DEEP approves the permit

## **CT DEEP Air Permitting Process**

**Jaimeson Sinclair – Director of Engineering and Enforcement Division of the Bureau of Air Management**

Email: [jaimeson.sinclair@ct.gov](mailto:jaimeson.sinclair@ct.gov)

Links:

[Air Permitting & Inventory \(ct.gov\)](#)

[Air Permits- Frequently Asked Questions \(ct.gov\)](#)

### Air Permit Program manages:

- Two permit programs
  - o Title V operating permits
  - o New source review permits (applicable to new equipment built after 1972)
- Air emission inventory
- Stationary source regulation drafting
  - o Permitting & planning goals

### Title V Permits – Major Sources of Air Pollution

Link: [Title V Operating Permit Program \(ct.gov\)](#)

- The permit allows major sources of air pollution at certain facilities
  - o The facilities are subject to federal Clean Air Act requirements
- Major Source of Air Pollution definition
  - o "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants
- Facility-specific document that contains all the requirements that facility is subject to
  - o Document is used to perform an inspection of compliance at the facility site
- Title V permit framework
  - o Federal and state regulations and statutes
  - o Enforceable orders and judgements
  - o Equipment-specific permits and registrations

- Facilities are required to submit an annual compliance certification and annual accounting of emissions
- All Title V permits have an expiration date of five years
  - o Must be in compliance with Clean Air Act at all times
  - o Two-to-five-year frequency of on-site compliance inspections
- When the permit is issued:
  - o Does not authorize any new or expanded abilities
  - o Requires continuous emission monitoring
  - o Reports are submitted to prove there is compliance with Clean Air Act standards
- Public participation of permit process
  - o Notice of a facility applying for a title V permit is posted publicly (news sources)
  - o Freedom of Information Act (FOIA) requires this data be public
    - Data can be requested by the public at any time via this link [FOIA Requests \(ct.gov\)](#)

#### New Source Review permit program (New source of air pollution)

[Air Emissions - New Source Review Program Fact Sheet](#) (link for more information)

- Specific to one particular process or piece of equipment (built after 1978)
  - o Example: a boiler
- Includes major sources and minor sources
- Public participation
- Will this new source cause a violation of national ambient air quality standards?
- Considerations for new source review
  - o Pollution control technology
  - o Ambient impact analysis
  - o Hazardous air pollutant compliance
  - o Technologies/actions to offset emissions

#### **CT DEEP Waste Bureau Permitting**

**Graham Stevens – Bureau Chief - Water Protection & Land Reuse**

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Application type (3 types of permits)

- Individual permits
  - o Individual action
  - o Permit is outlined as a proposal for DEEP’s review before DEEP has a say in it
- General permits
  - o Lower risk scenarios than Individual permits; common permits
  - o DEEP has the authority to write the permit before someone has requested to discuss an activity
    - Parameters for how activity is allowed to be conducted
    - DEEP works on developing the permit
    - Issues a public notice for public participation in the permit process
- Permit by rule

**Jeff Caiola - Assistant Director, Land & Water Resources Division**

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- General permit
  - o Example: general permit with Dept. of Transportation for cleaning culverts
- DEEP's internal review of GENERAL PERMITS consists of
  - o Sufficiency review
    - Is it considered a minor source or major source of pollution?
  - o Technical review
    - Is all the info available to consider the application?
      - If not, application is rejected
- Individual permit
  - o Issued for activities that have a significant impact on the state's air, water, or land
  - o Example: Dept. of Transportation working on a highway project that impacts a major water source
    - Sufficiency review
    - Technical review
      - Public notice is offered after technical review
- Public comment period is open for 30 days before permit approval decision

**CT DEEP Waste Engineering & Enforcement Division**

**Gabrielle Frigon**

Email: [Gabrielle.frigon@ct.gov](mailto:Gabrielle.frigon@ct.gov)

General and individual permits

- Individual Permitting and enforcement of:
  - o Facilities that receive, process, store, and/or transfer Solid waste, hazardous waste, recyclables
  - o Facilities that treat, store, and/or dispose of hazardous waste
  - o Transporters of biomedical and hazardous waste
  - o Use of pesticides
  - o Recyclers of electronic waste

Types of facilities

- Volume reduction facilities
  - o Processes waste
- Transfer Stations
  - o Receive waste, but do not process waste
- Waste to Energy Facilities
  - o Resource recovery facilities
  - o Ex: closed MIRA in Hartford
- Waste Conversion Facilities
  - o New facility; DEEP hasn't permitted anything under this yet

Solid Waste Permitting Process

- Governed by CGS

Hazardous waste facilities

- federal regulation

## Permitting process

- Pre-application meeting between applicant and DEEP
- Public participation plan must be submitted and approved before application is reviewed
  - o Sufficiency review
  - o Technical review
  - o Permit drafting
  - o Notice of tentative determination
    - No public notice until public participation plan report is approved by DEEP
  - o Public comment period
    - Opportunity to request or petition for a hearing
  - o Issuance of permit or denial of permit
    - Denial allows for the applicant to appeal in an administrative hearing process
- Public Comment Period
  - o Requesting a hearing does not compel commissioner to hold an administrative hearing
  - o Petitioning for a hearing will require the commissioner to hold an administrative hearing
- Public hearing process
- Evidentiary hearing process
  - o Applicant submits evidence to DEEP and the department reviews the evidence

## **CT DEEP Environmental Justice Program – Current Connecticut Environmental Justice Legislation**

**Edith Pestana**

[Edith.pestana@ct.gov](mailto:Edith.pestana@ct.gov)

- 2009: An Act Concerning Environmental Justice Communities (EJ)
  - o Defined EJ communities
  - o Identified affecting facilities covered under law
  - o Requires public participation
  - o Requires a community benefit agreement in certain circumstances
- *Public Act 20-6* on Nov 1, 2020
  - o Link: [AN ACT CONCERNING ENHANCEMENTS TO THE STATE'S ENVIRONMENTAL JUSTICE LAW.](#)
  - o Community environmental benefit agreement
    - Applicant enters into agreement with the town manager, town elected official if there are at least five affecting facilities
  - o Facility must have continuous and meaningful public participation with the community
  - o Technical review
    - Before DEEP's decision is made, a final report is submitted by the applicant with:
      - All meetings the applicant has had
      - Who they've met with?
  - o EJ Community definitions
    - Distressed municipality
    - EJ block groups
  - o Public Notification requirements

## **Proposed EJ Legislation for 2023 legislative session (Alex Rodriguez)**

- Similar EJ laws in NJ, NY, and MA
  - o Cumulative impact legislation
  - o Ensures cumulative impacts are taken into consideration the state’s environmental permitting processes when potentially polluting facilities seek permits in disadvantaged communities
- 2023 Actions
  - o 1/19/23
    - 40 organizations, 2 state reps, 1 mayor, 100 individuals sent letter to Gov. Lamont and the general assembly requesting stronger EJ Law
      - Link: [Strengthen CT's EJ Law - Letter to Gov Lamont CGA 1 19 23.pdf \(actionnetwork.org\)](https://www.actionnetwork.org/links/strengthen-ct-s-ej-law-letter-to-gov-lamont-cga-1-19-23.pdf)
  - o Improve accountability & permitting limitations
    - Proposal that DEEP would be prohibited from issuing permits that would increase environmental health impacts on already overburdened communities
  - o Proposal to expand the current definition of “affecting facility”
  - o Comprehensive definition of EJ community
    - DEEP will expand “vulnerable communities” list to include:
      - Communities of color
      - Children and seniors
      - People with disability and pregnant people
      - People with LEP
      - People impacted by the environmental conditions where they live that affect health
  - o Improve and expand community capacity to engage meaningfully in the permitting process

## **QUESTIONS/COMMENTS**

**Annie Decker – CT DEEP Chief of Legal, Planning, & Regulatory Affairs**

[annie.decker@ct.gov](mailto:annie.decker@ct.gov)

A. Houel: “How are we going to evaluate these new technologies such as Hydrogen powered facilities? I understand that they have been exempted [from proposal of new EJ law]. That's not acceptable.”

- Communities need to understand new technology and need assistance from DEEP to understand the trade-offs
  - o Response (CEEJAC): Annie Decker ([annie.decker@ct.gov](mailto:annie.decker@ct.gov)) is the point-person for this proposal
  - o Response: (DEEP): permitting authorities are bound by certain triggers; if there is activity causing issues to environmental health, DEEP is concerned and wants to get engaged. If something new comes along, we work closely with those who are implementing that technology to ensure environmental and human health

#### D. Lauricella:

- Regarding affecting facilities – there is the issue of contractor yards.
  - Affecting Facilities definition does not include contractor yards, specifically, contractor yards with sand piles. The department (DEEP) is allowing the exposure of well-known hazardous and cancer-causing materials in neighborhoods that are usually EJ communities
  - examples: small number of trees planted at sand-pile in Bridgeport were ineffective in preventing spread of pollution from sand-pile
  - trash-to-energy plant in Bridgeport- trucks are idling 2-3 hours with no kind of enforcement. This should require DEEP to do an inspection.
  - Without having proper DEEP enforcement staff, all of this is almost for naught—DEEP needs more staff.

#### I. McDonald

- This legislation is important for communities with major polluting facilities, incinerators, heavy traffic
- For communities, political changes and leadership can affect leadership at DEEP. Worried that these communities can become even more vulnerable without these EJ laws

#### Alex Rodriguez, Save The Sound

- AAC The Environmental Justice Program of CT DEEP
- “Email [climateintern1@savethesound.org](mailto:climateintern1@savethesound.org) to join the Strengthen CT's EJ law committee meetings Tuesdays at 2. Our next meeting is Feb. 28”

### **DEEP Waste Proposal**

**James Albis CT DEEP Director of Policy and Planning, Bureau of Materials Management and Compliance Assurance**

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#### Governor’s Bill 6664 Waste Management

- MIRA’s Hartford WTE Facility closed in July 2022. The closure led the state to exporting an estimated 860,000 tons of trash out of state for disposal
- The bill proposes strategies to improve recycling and composting of food scraps
- Addresses the remediation of the MIRA Hartford facility
- Rising cost of the disposal of trash
- Improving recycling and composting
  - Extended producer responsibility for packaging (explained in previous CEEJAC meeting on Dec. 5, 2022)
  - Improve food scrap collection
- Addressing the MIRA Hartford Site
  - Reconstitute the MIRA Board as the “Connecticut Waste Authority”
  - The state will be a partner in cleaning up the property for a future productive use

*December 5, 2022 - Waste Subcommittee CEEJAC Meeting*

Slides: [https://portal.ct.gov/-/media/DEEP/environmental\\_justice/CEEJAC-Meetings/CEEJAC-Waste-Subcommittee-EPR-for-Packaging-Training-12-5-22.pdf](https://portal.ct.gov/-/media/DEEP/environmental_justice/CEEJAC-Meetings/CEEJAC-Waste-Subcommittee-EPR-for-Packaging-Training-12-5-22.pdf)

recording: <https://ctdeep.zoom.us/rec/share/0GkvX2pchkYyS3w62iU4pCUG66Dmz6v5C-K1KJBqGDqHctvCYQNL4KTRgwyKIZ7.zpnLV9QMUmYggK9T?startTime=1670279648000>

## **QUESTIONS/COMMENTS**

J. Bechard-Marro: “Has DEEP considered any new requirements for the municipal solid waste incinerators? Have they considered making modifications for monitoring efforts?”

- **Tracy Babbidge, CT DEEP Acting Deputy Commissioner:** [tracy.babbidge@ct.gov](mailto:tracy.babbidge@ct.gov)

Sharon Lewis: CT is not on track with its GHG emissions. Why would CT think about developing legislation that would cause more burning? CT burns more of its trash than any state in the union. Potentially continuing to harm EJ communities in CT and other states. Section 8 of proposed bill incentivizes burning. \$3/ton to burn the trash and \$5/ton to send it out of state

- CT DEEP: the closure of the MIRA facility is creating an additional 150,000 ton per year of emissions due to shipping trash out of state. DEEP agrees that diversion is a better solution than disposal.

Sharon Lewis: Section 3 of proposed bill – authorizes the commissioner to issue new RFP for new solid waste disposal facilities. Contradicts the state’s climate goals.

- CT DEEP: Reacting to the 860,000 tons that CT is shipping out of state, which is more harmful than GHG emissions

Sharon Lewis: transferring harm from one community to another

- CT DEEP: DEEP agrees. DEEP does not have jurisdiction over where garbage is going. It is based on contracts between facilities. DEEP believes it should optimize its waste strategies. Increasing recycling rates will reduce waste by 190,000 tons. Diverting 40% of food scraps from the waste stream would divert 185,000 tons of material per year from disposal. DEEP wants to push as much waste diversion as possible.

J. Bechard-Marro: Why would DEEP allow medical waste to come into CT [from out of state] at the Bristol site if we have challenges managing the current waste load?

- Jaimeson: Waste Bureau is reviewing the application
  - o Air bureau hasn’t received it yet but will review it.
  - o May require additional monitoring

J. Behr Getz: Is DEEP supporting single use waste reduction bills HB6606 and HB6608?

- DEEP: Yes.

I. McDonald: concerns regarding EPR bill; does not have enough effective targets



**Public Comments in Chat:**

*Theresa Hopkins-Staton 5:43 PM*

*Can the CEEJAC get a copy of the map of affected facilities with the legend?*

*Cora Barber to Everyone 5:44 PM*

<https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=7783574e2cd94d388124b54cdb82a34e>

*Theresa Hopkins-Staton to Everyone 5:44 PM*

*Census tracts map also. Thank you.*

*Edith Pestana to Everyone 5:44 PM*

*thank you, Cora, for providing the map with affecting facilities*

*Sharon Lewis to Everyone 5:46 PM*

*Effective 2009*

*Doris Johnson to Everyone 5:55 PM*

*Thanks @Cora*

*Camille Fontanella to Everyone 5:57 PM*

*Link to Permit + EJ Process Flow chart: <https://portal.ct.gov/DEEP/Permits-and-Licenses/Permitting-Process-Overview/Application-Process-Individual-Permits>*

*Edith Pestana to Everyone 6:12 PM*

*thank you, Jaimeson.*

*Gabrielle Frigon to Everyone 6:39 PM*

*Gabrielle.frigon@ct.gov Please feel free to contact me if you have any questions regarding Solid Waste permitting.*

*Adrienne Houle to Everyone 6:55 PM*

*How are we going to evaluate these new technologies such as Hydrogen powered facilities? I understand that they have been exempted. That's not acceptable.*

*Maisa Tisdale to Everyone 7:01 PM*

*Yes, I share this concern as well. "Green" technologies should not be exempted from the public participation requirements in EJ Communities or flood zones.*

*Mark Mitchell to Everyone 7:06 PM*

*I agree. Many times, new facilities claim to be "green" that are not, and that using a real green technology in a larger project that is not green is also a concern.*

*Maisa Tisdale to Everyone 7:07 PM*

*Is it true that non- EJ communities, such as White suburbs, would be granted rights of public participation? If so, this isn't just an EJ issue, it is a Civil Rights issue.*

*Certain areas in Bridgeport are zoned for open piles in contractor yards. How would state and municipal government negotiate permitting of contractor yards?*

*Sharon Lewis to Everyone 7:14 PM*

*What's protection without enforcement?*

*Mark Mitchell to Everyone 7:16 PM*

*The presumption should be that the permit will be denied unless they are supported by the EJ community; elected officials are likely to be looking to the short term, rather than long term.*

*Alex Rodriguez to Everyone 7:17 PM*

*Email [climateintern1@savethesound.org](mailto:climateintern1@savethesound.org) to join the Strengthen CT's EJ law committee meetings Tuesdays at 2. Our next meeting is Feb. 28*

*Sharon Lewis to Everyone 7:28 PM*

*One seat is not enough. Same members not acceptable*

*Graham Stevens to Everyone 7:29 PM*

*December 5, 2022 - Waste Subcommittee, Slides: [https://portal.ct.gov/-/media/DEEP/environmental\\_justice/CEEJAC-Meetings/CEEJAC-Waste-Subcommittee-EPR-for-Packaging-Training-12-5-22.pdf](https://portal.ct.gov/-/media/DEEP/environmental_justice/CEEJAC-Meetings/CEEJAC-Waste-Subcommittee-EPR-for-Packaging-Training-12-5-22.pdf) , recording: <https://ctdeep.zoom.us/rec/share/0GkvX2pchkyYyS3w62iU4pCUG66Dmz6v5C-K1KJBqGDqHctvCYQNL4KTRqwyKIZ7.zpnLV9QMUmYggK9T?startTime=1670279648000>*

*Sharon Lewis to Everyone 7:29 PM*

*3+ decades*

*Doris Johnson to Everyone 7:29 PM*

*Thanks*

*Jodie Bechard-Marro to Everyone 7:37 PM*

*Thank you, Tracy,*

*As far as you know, DEEP is adhering to EPA regulation for MSW incinerators?*

*Ian McDonald to Everyone 7:39 PM*

*Agree completely with Sharon Lewis's comments here. Also, I think for an EPR proposal to be as effective as all of us hope I think we may want to consider mandated targets for reduction and ensure there are sufficient penalties for non-compliance. I think it is also important that the policy doesn't include loopholes for "chemical" or "advanced recycling" which whatever their theoretical promise is unproven and not-environmentally friendly as they now exist.*

*Maisa Tisdale to Everyone 7:40 PM*

*Sorry, I have to leave.*

*Jodie Bechard-Mero to Everyone 7:40 PM*

*Why would DEEP allow medical waste to come into CT at the Bristol site if we have challenges managing the current waste load?*

*Mark Mitchell to Everyone 7:42 PM*

*I need to leave. Goodbye.*

*Jeanine Behr Getz to Everyone 7:44 PM*

*Is DEEP supporting single use waste reduction bills HB6606 and HB6608?*

*Jodie Bechard-Mero to Everyone 7:45 PM*

*Thank you very much*

*Jeanine Behr Getz to Everyone 7:46 PM*

*Thank you*

*Adrienne Houle to Everyone 7:46 PM*

*Thank you to our DEEP friends and Alex for this session! We learned a lot!!!*

*Edith Pestana to Everyone 7:47 PM*

*Thank you, Adrienne!*

*Anne Decker to Everyone 7:47 PM*

*Some next steps, in addition to ongoing work on these bills: Next meeting date of the full CEEJAC: March 22, 2023, 5:30-7:30*

*Air & Transportation Subcommittee Meeting: March 29, 2023, 5:30-7:30*

*Caitlin (she/hers) Daddona 7:49 PM*

*Thank you all for the information provided tonight, your time on the call, and otherwise to address these steps in coordination. Take care.*