



STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

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*Executive Director*

March 14, 2025

Honored Co-Chairs Sen. Lopes and Rep. Parker, Vice Chairs Sen. Hochadel and Rep. Bumgardner, Ranking Members Sen. Harding and Rep. Callahan, Distinguished Members of the Environment Committee,

Re: Proposed House Bill No. 6249 - An Act Limiting Appeals Under the Connecticut Environmental Protection Act

The Council on Environmental Quality (Council) is a nine-member board that works independently of the Department of Energy and Environmental Protection (DEEP) to assess the condition of Connecticut's environment and report its findings annually to the Governor; recommend actions to improve state environmental programs; advise other state agencies on the environmental impacts of proposed projects; and investigate citizens' complaints and allegations of violations of environmental laws.

The Council **OPPOSES** the provisions of the proposed bill that would limit a person or other legal entities from intervening as a party in any administrative proceeding or any judicial review thereof which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state unless that person or legal entity 1) owns or rents real property that abuts or is within a 100-foot radius of the land subject to the administrative proceeding, or 2) is a nonprofit organization. The proposed legislation is contrary to state policy that "it is in the public interest to provide **all persons** with an adequate remedy to protect the air, water and other natural resources from unreasonable pollution, impairment or destruction".

In 1971, the General Assembly created the Connecticut Environmental Protection Act (CEPA) (C.G.S. §22a-19). In debating the bill that created the CEPA, then Rep. Papandrea noted that common law already recognizes the right of an abutting property owner to sue a neighbor for nuisance created by pollution, but that parties without a proprietary interest generally did not have standing to sue. He added "some of the most beautiful aspects of our environment, some of those most vital not only to our survival, but to that of future generations are such that they do not lend themselves to a proprietary or a personal interest".<sup>1</sup> That sentiment is as true today as it was in 1971, and the Council encourages the legislature to retain every individual's right to protect the environment, regardless of any proprietary interest.

Thank you for consideration of the Council's comments.

Sincerely,

Paul Aresta, Executive Director

<sup>1</sup> Office of Legislative Research, 97-R-1481, Legislative History of CGS §§ 22a-19 and -19a, December 20, 2024; <https://www.cga.ct.gov/PS97/rpt/olr/htm/97-R-1481.htm>; Proceedings. House, 1971, v.14, pt.02, p.449-973 [Proceedings. House, 1971, v.14, pt.02, p.449-973](https://www.ct.gov/ceq) | [CT Digital Archive](https://www.ct.gov/ceq) at page 739.