



Environmental Justice

Connecticut Department of Energy and Environmental Protection ♦ February 8, 2024



Annie Decker, Esq.

**Chief of Legal, Planning, and
Regulatory Affairs**

Sarah Huang, PhD

**Director, Office of Equity and
Environmental Justice**

Eliza Heins, Esq.

**Staff Attorney, Environmental
Quality Branch**

Edith Pestana, MS, MPH

**EJ Program Administrator,
Office of Equity and
Environmental Justice**

No segment of the population should, because of its **racial**, **ethnic**, or **economic** status, bear a disproportionate share of the **risks** and **consequences** of environmental pollution or be denied equal access to environmental **benefits**.

Environmental Equity Policy, 1993

An Act Concerning Environmental Justice Communities

Connecticut General Statutes § 22a-20a

Defined **Environmental Justice communities**



Defined facilities covered under law (“**Affecting Facilities**”)



Required **public participation** as part of the permitting process



Provided for a **community benefit agreement** if the town and EJ community agreed



[Public Act 08-94](#), codified 2009

Law Expanded in 2020

- **Required** a community economic benefits agreement if there were **five** affecting facilities in the town. **This had been at the discretion of the local elected Town official.**
- Required written notice to **local and state elected officials**
- Required written notification of **neighborhood and environmental groups** in English and the language spoken by at least 15 percent of the population living within a half a mile of the proposed or existing facility

Public Act 20-6, effective 2020

Environmental Justice Communities

1. census block groups, for which **30%** or more of the population consists of low-income persons who are not institutionalized and have an income **below 200%** of the federal poverty level

2. **distressed municipalities**

[Distressed Municipalities \(ct.gov\)](#)





Affecting Facilities

electric generating facilities

with a capacity greater than 10 megawatts

sludge or solid waste incinerators or combustors

sewage treatment plants

with a capacity greater than 50 million gallons per day

intermediate processing centers

volume reduction facilities or multitown recycling facilities
with a combined monthly volume in excess of 25 tons

new or expanded **landfills**, including but not limited to,
landfills that contain ash, construction and demolition debris, or solid waste

medical waste incinerators

major sources of air pollution

as defined by the Clean Air Act

[Environmental Justice Affecting Facilities Map \(arcgis.com\)](https://arcgis.com)

Public Participation



Cumulative Impact Assessment *FORTHCOMING*



Community Economic Benefits Agreement*



*Required when there are five Affecting Facilities in the town or towns.

New Effective October 1, 2023

[Public Act 23-202](#) | [Guidance Document](#)

Minor modifications
exempt from public participation

Streamlined public participation

Mailed notice to residents within 1/2 mile for new facilities

Posting on **electronic media**

Accept **written comments & questions**

Video record informal public meeting

Submit report and video within 30 days for new facilities



CEBAs to DEEP/Siting Council **before notice of tentative determination**

Resident involvement in CEBA negotiation

Connection between impacts caused by Affecting Facility and negotiated benefits



Connecticut Environmental Justice Public Participation Guidance Document 2024

Table of Contents

I. Introduction.....	1
II. Background	2
A. Key Terms	2
B. New in 2023	3
III. Who Must Comply with CGS § 22a-20a.....	4
IV. Public Participation Process	5
A. Public Participation Plan.....	5
i. Generally	5
ii. Notice.....	6
iii. Informal Public Meeting.....	7
iv. Public Participation Report	7
B. Community Economic Benefits Agreement Process	7
C. Environmental Justice and RCRA	8
For More Information.....	9
Contact Information.....	9
Appendix A.....	10

I. INTRODUCTION

Connecticut adopted in 2009 one of the country’s first statutes that places environmental justice [“EJ”] requirements on DEEP permitting activities and Siting Council certificates. *See* Connecticut General Statutes [“CGS”] § 22a-20a. The law has been greatly successful and continues to evolve with the times.

Effective October 1, 2023, [Public Act 23-202](#) updated § 22a-20a. This guidance document lays out the EJ law’s requirements, and highlights what is new in 2023.

APPENDIX A: REQUIREMENTS FOR DIFFERENT PERMIT APPLICATION TYPES

	New Permit	Siting Approval	Expanded Permit	Minor Modification
Submit Public Participation Plan	✓	✓	✓	
Get approval of Public Participation Plan before Filing Application	✓	✓	✓	
Notice: Place sign on the proposed or existing facility ¹¹	✓	✓	✓	
Notice: Notify local and state elected officials	✓	✓	✓	
Notice: Post on electronic media	✓	✓	✓	
Notice: Mail notice to residential households within ½ mile radius of proposed or existing Affecting Facility	✓	✓		
Notice: Publish in a newspaper having general circulation in the area affected	✓	✓	✓	
Accept written comments from any interested party and provide an opportunity for meaningful public participation at the informal public meeting	✓	✓	✓	
Follow new Public Participation Report requirements ¹²	✓	✓		
Submit Public Participation Report to the department or council	✓	✓	✓	
Submit Public Participation Report to the department or council not later than thirty days after the informal public meeting	✓	✓		
Video record the informal public meeting and submit the recording to the department or council with the Public Participation Report	✓	✓	✓	
Evaluate the need for a CEBA	✓	✓	✓	
Enter into a CEBA ¹³	✓	✓	✓	
Submit a copy of the executed CEBA to the department or council prior to notice of tentative determination	✓	✓	✓	

¹¹ In English, and in all languages spoken by at least 15% of the population that reside within a one-half mile radius of the proposed or existing Affecting Facility (§ 22a-20a(b)(2)).

¹² An affidavit that the applicant satisfied the requirements in § 22a-20a(b)(2)-(5), all written comments received, responses to concerns and questions presented in such written and verbal comments (§ 22a-20a(b)(1)).



CT.gov Home / Department of Energy & Environmental Protection / Environmental Justice / Participate in the Permitting/Policy Process

- Our Commitment to Environmental Justice >
 - Environmental Justice Program Overview >
 - Review Our Environmental Equity Policy >
 - Report an Environmental Concern >
 - Participate in the Permitting/Policy Process >
 - Learn More About Environmental Justice Communities >
 - Tap into Our Education and Outreach Programs >
 - Help Address Climate Change >
 - Explore Environmental Grant Opportunities >
 - Access Health Information >
 - Find Additional Resources >
 - Find Available Programs and Initiatives >
- Search Department of Energy & Environmental Protection
- by Keyword



DEEP is eager to engage the community in its permitting and policymaking process. Whether you're seeking a permit, want to share your opinions about potential permits that could affect your area, or want to help shape environmental policy, we are here to listen and to assist you in any way possible.

About the Permitting Process

We encourage all potential participants, or stakeholders, to understand how the permitting process works so they can better engage in this process. Here are a few resources you may find helpful:

- [Overview of the Permitting Process](#)
- [Permit Process Flowchart](#)
- [Permitting Checklist for Applicants](#)
- [Environmental Equity Checklist for Permit Applicants](#)

How to Engage the Surrounding Community

Keep in mind that before any permit applications can be filed that involve applicable facilities in Environmental Justice Communities, an Environmental Justice Plan must be submitted for review by email to Edith Pestana of the Environmental Justice Program at edith.pestana@ct.gov.

Here are some additional resources that may be helpful in putting together your Environmental Justice Plan:

- [Overview of Environmental Justice Communities](#)
- [Environmental Justice Affecting Facilities Web Map](#)
- [Demographics and Affecting Facilities Web Map](#)
- [Environmental Justice Public Participation Plan Forms \(Word Version | PDF Version \)](#)
- [The Environmental Justice Public Participation Guidelines](#)
- [Public Participation Plans for Remote Meetings](#)
- [2023 Updates to the State's Environmental Justice Law](#)



Environmental Justice Public Participation Plan

Before an applicant files a permit application with the Department, the applicant must submit an Environmental Justice Public Participation Plan (the "Plan") and receive approval for **any affecting facility**, in accordance with [section 22a-20a of the Connecticut General Statutes](#) (CGS), that is proposed to be located or expanded in an **environmental justice community**. For definitions and further guidance on the underlying EJ statute, please refer to the Department's [Environmental Justice Guidance Document](#).

If a Plan is required for your project, please complete and submit this form to the addresses indicated at the end of this form.

Once the Department has **tentatively approved** a Plan, the applicant is responsible for fully implementing that Plan. Before the Department issues a Notice of Tentative Determination, the applicant must submit a final report, documenting the implementation of the Plan and receiving Department **Approval**. If any of the information changes that is to be supplied in this form, or in the tentatively approved Plan, the applicant must contact the Office of Equity and Environmental Justice to determine if the initial Plan must be amended.

Please label all supporting documents to correspond with the outline provided in this document, e.g., "Part II A: Project Summary".

Note:

1. All submitted plans will be made publicly available.
2. All citations herein are to CGS § 22a-20a, Connecticut's Environmental Justice statute. This form is designed to guide applicants in preparing a public participation plan. Applicants should refer to the appropriate statutes and regulations for more detail. It is the applicants' responsibility to obtain and comply with all relevant state, federal, and local laws.
3. This form is now in Version 2.0, last edited in January 2024. DEEP welcomes feedback on the usability of the form.

Part I: Proposed Applicant Information

1. APPLICANT INFORMATION

Applicant:

Mailing Address:

City/Town: State:

Business Phone: ext.

Contact Person: Phone:

Email:

Applicant (check one): individual company federal agency, state agency municipality

If a company, list company type (e.g., corporation, limited partnership, etc.):

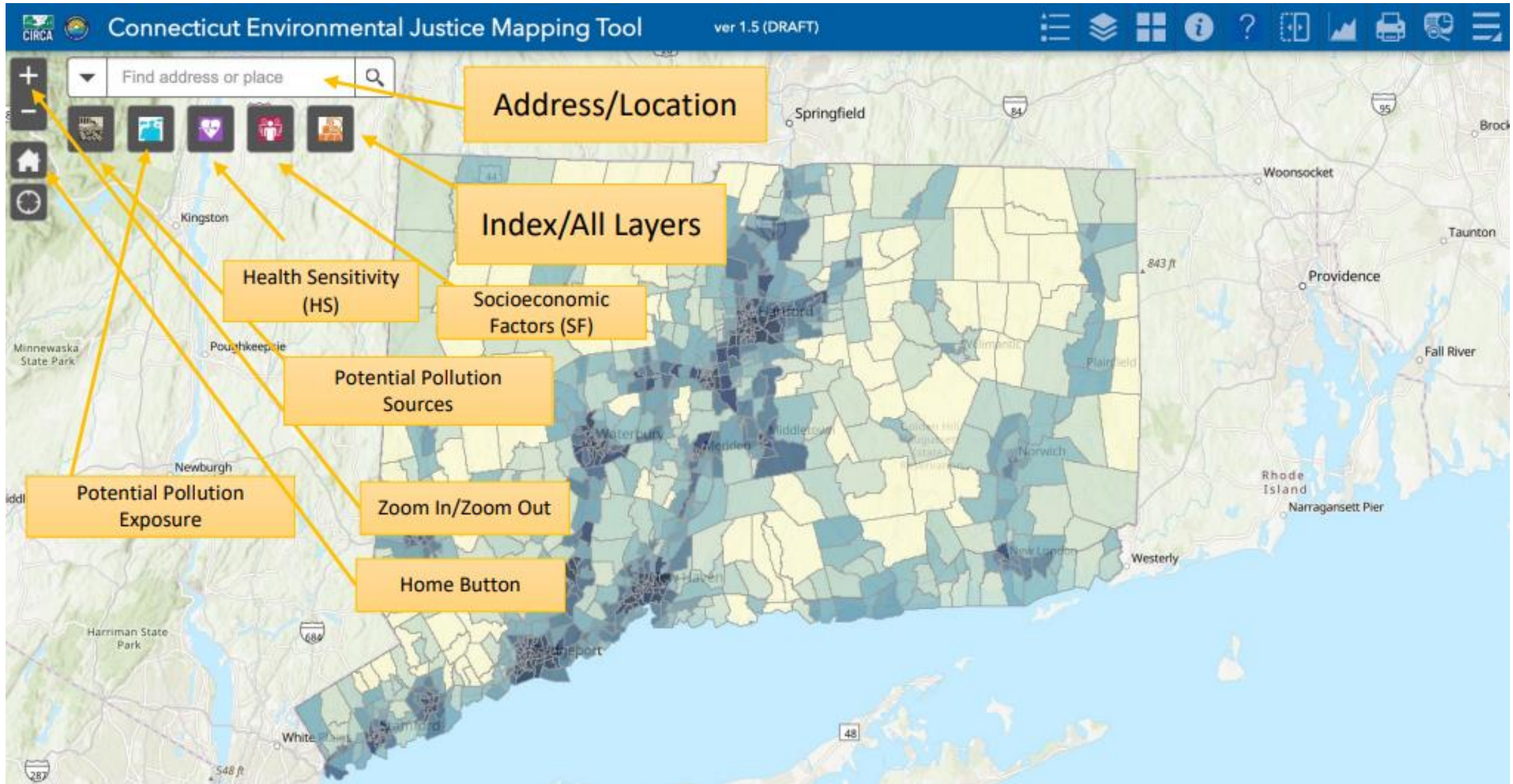
Check if any co-applicants. If so, attach additional sheet(s) with the required information as requested above.



Connecticut
Department of Energy &
Environmental Protection

ENVIRONMENTAL JUSTICE





[Connecticut Environmental Justice Screening Tool \(uconn.edu\)](https://uconn.edu)



from [CIRCA report](#)

New Cumulative Impact Assessment Regulations

“ **Identification** and **measurement** of the relative impact of environmental and public health stressors across communities”

“ **Tools** for stakeholder industries and sectors to use that take account of any such environmental or public health stressors, including tools to help inform decisions about potential locations for proposed affecting facilities that comply with this section”

“ Standards for **denying** or placing conditions on permits”



“The commissioner shall consult with **stakeholder industries** and **sectors** when developing the regulations pursuant to this section.” Conn. Gen. Stat. § 22a-20a(f)

Opportunities for Involvement



LISTENING

INFORMATIONAL AND LISTENING SESSIONS (EARLY AND MID 2024)



STAKEHOLDERS

STAKEHOLDER MEETINGS: REGULATORY CONCEPTS (LATE 2024 AND BEYOND)



LANGUAGE

PRESENTATION OF DRAFT LANGUAGE



COMMENT

PUBLIC COMMENT PERIOD



HEARING

PUBLIC HEARING

Environmental Justice

