

APPENDIX 16: COMPARISON OF ENVIRONMENTAL JUSTICE CONSIDERATIONS – CT, MA

Connecticut

“The CSC shall not grant a Certificate, either as proposed or as modified by the CSC, unless it (A) provides summaries and written responses to any comments that the Departments of Administrative Services, Agriculture, Economic and Community Development, Energy and Environmental Protection, Emergency Services and Public Protection, Public Health and Transportation, the Labor Department, the Council on Environmental Quality, the Public Utilities Regulatory Authority, the Office of Policy and Management or the Office of Consumer Counsel submits pursuant to subsection (i) of section 16–50j, as amended by this act, and (B) provides written responses to the positions of each intervenor that participated in the certification proceeding concerning such certificate. **The CSC shall specifically address any environmental justice concerns raised in the comments of said departments,** Council on Environmental Quality, authority and offices, or in the positions of any such intervenor, in such written responses.”¹⁶⁰

Additionally, applicants who seek siting approval from the Connecticut Siting Council involving a facility that is proposed to be located in an environmental justice community or the proposed expansion of an affecting facility located in such a community need to file an assessment of environmental or public health stressors and a meaningful participation plan.¹⁶¹

It is interesting to note that the Environmental Standards Act (the Siting Council statutes) only contain one reference to “environmental justice.” Although the Siting Council is required to respond to comments about environmental justice concerns raised by the state agencies, that appears to be the only reference. However, the siting statutes don’t refer to the Environmental Justice statute.¹⁶²

Massachusetts

In Massachusetts, the Executive Office of Energy and Environmental Affairs issued an Environmental Justice policy in 2017. In *Green Roots, Inc. v. Energy Facilities Siting Board*,¹⁶³ the court wrote that the policy expressly applies to proceedings of the Board. “As to the specific requirements, agencies must provide “enhanced public participation” and “[e]nhanced analysis of impacts and mitigation” for a project (1) “that exceeds an Environmental Notification Form (ENF) threshold for air, solid and hazardous waste (other than remediation projects), or wastewater and sewage sludge treatment and disposal”; and (2) where “[t]he project site is located within one mile of an [Environmental Justice (EJ)] Population (or in the case of projects exceeding an ENF threshold

¹⁶⁰ [CGS Sec. 16-50p](#) amended by [P.A. 24-144](#).

¹⁶¹ *Id.* at [Sec. 22a-20a](#).

¹⁶² *Id.*

¹⁶³ Massachusetts Supreme Judicial Court: [490 Mass. 747 \(2022\)](#)

for air, within five miles of an EJ Population).”¹⁶⁴ An EJ Population is a neighborhood that meets one or more of the following criteria: (i) the annual median household income of twenty-five percent of households is not more than sixty-five percent of the Statewide annual median; (ii) twenty-five percent or more of residents are racial or ethnic minorities; or (iii) twenty-five percent or more of households are English isolated (that is, they lack a member over fourteen years old with English language proficiency).”¹⁶⁵

¹⁶⁴ [Green Roots, Inc. v. Energy Facilities Siting Board, 490 Mass. 747 \(2022\)](#)

¹⁶⁵ See [EFSB Environmental Justice Information | Mass.gov](#)