



# Environmental Justice

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Connecticut Department of Energy and Environmental Protection ♦ Wednesday, June 12, 2024



**Annie Decker, Esq.**

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

**Sarah Huang, PhD**

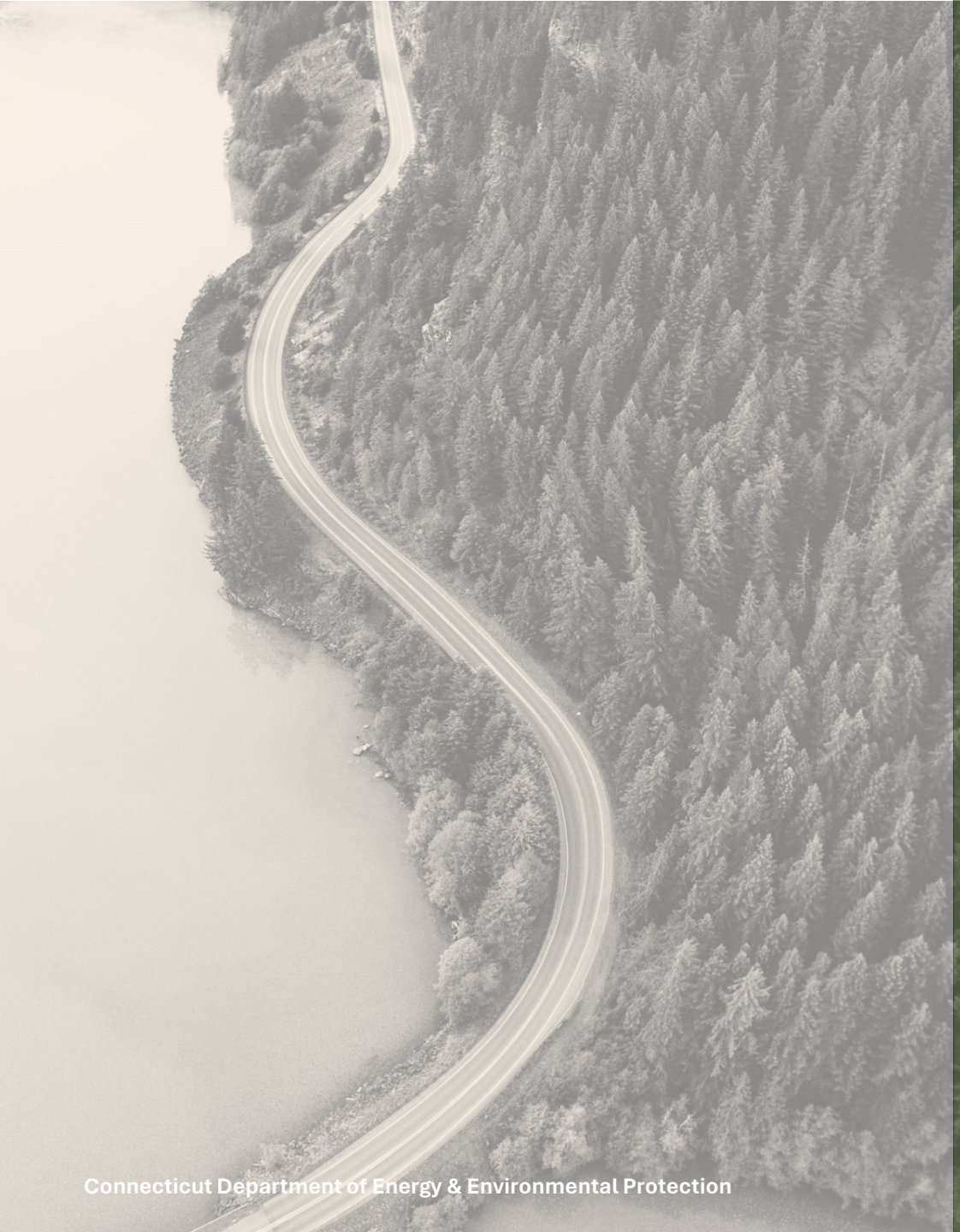
**Director, Office of Equity and  
Environmental Justice**

**Eliza Heins, Esq.**

**Staff Attorney, Environmental  
Quality Branch**

**Edith Pestana, MS, MPH**

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



# Presentation Roadmap

History of Environmental Justice Law

Environmental Justice and the Permitting Process

Cumulative Impacts, Mapping & Indicators

Cumulative Impacts Regulations Development

State Survey of Cumulative Impacts



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**.



# An Act Concerning Environmental Justice Communities

Connecticut General Statutes § 22a-20a

## EJ Community

definition



## Affecting Facilities

definition



## Public Participation

requirement



## CEBA

option



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

# 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 \(ct.gov\)](https://www.ct.gov/deep/oc/oc/oc.cfm?tid=1&cid=1&tid=1&cid=1)





# 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)



# EJ Communities & Affecting Facilities Map



## Affecting Facilities

-  Air
-  Waste
-  Air, Waste
-  Air, Waste, Water
-  Waste, Water
-  Water

## Town





## Tribal Lands

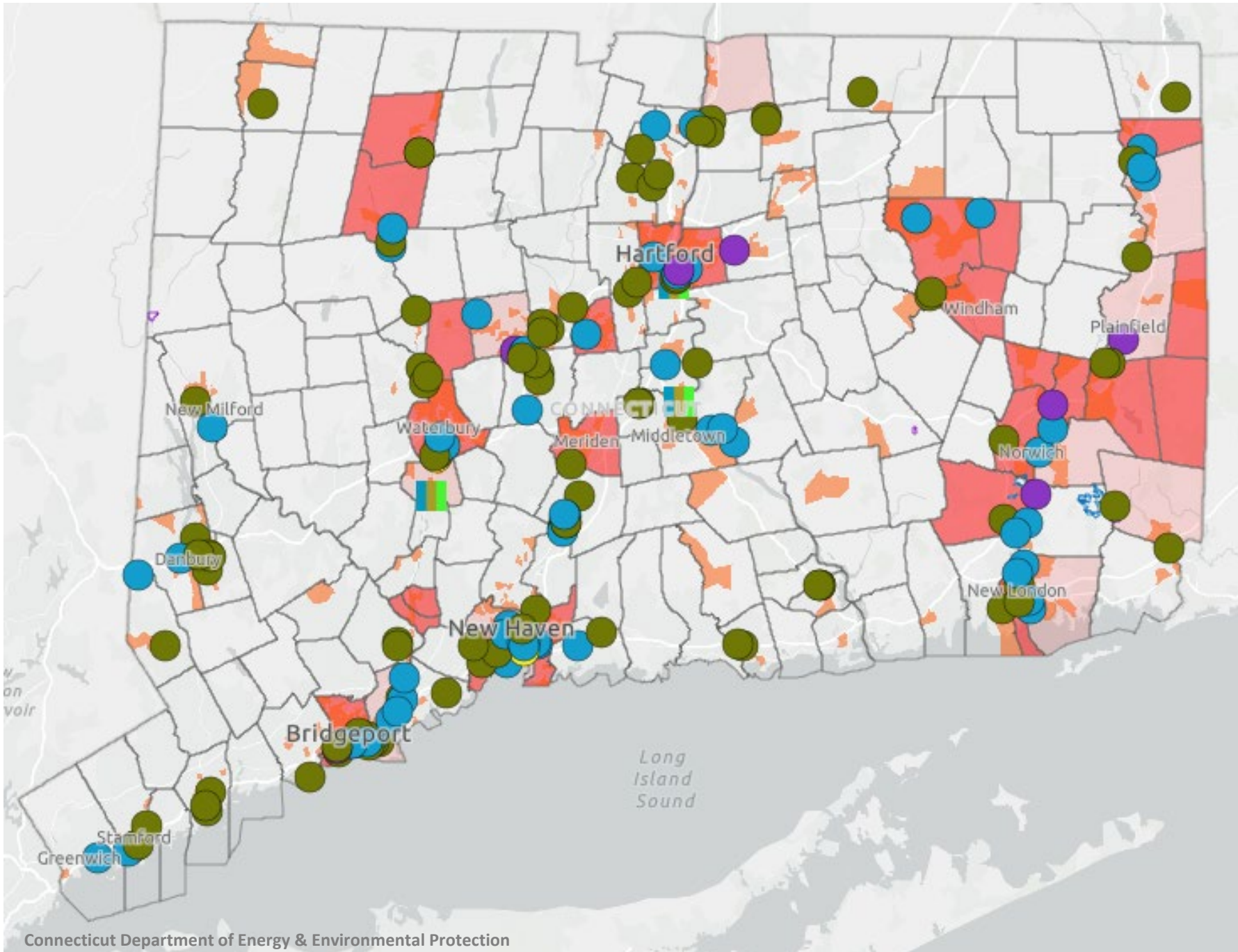
-  Federally Recognized
-  State Recognized

## Environmental Justice Block Groups 2023



## Environmental Justice Distressed Municipalities 2023

-  Distressed Municipality
-  Municipality within 5-year Grace Period





**Public  
Participation**

1

**Community  
Environmental  
Benefits Agreement\***

2

\*If 5 or more affecting facilities in town

# New Effective October 1, 2023

**CEBA submission** before NTD

**Resident** involvement

**Connection** between impacts and  
benefits

**Minor modifications** exempt

**Streamlined** process

½-mile **mailing**

**Electronic media** posting

Accept **written comments &  
questions**

**Video** record public meeting

Submit report in 30 days

[Public Act 23-202](#)



- 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](mailto: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 the Department approves changes that is to be supplied in this form, or in the tentatively approved Plan, the applicant must submit the Plan to the Office of Equity and Environmental Justice to determine if the initial Plan must be revised.

Please label all supporting documents to correspond with the outline provided in the "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, which is designed to guide applicants in preparing a public participation plan, appropriate statutes and regulations for more detail. It is the applicant's responsibility to ensure that the plan complies with all relevant state, federal, and local laws.
  3. This form is now in Version 2.0, last edited in January 2024. DEEP will update the form as needed.

#### 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

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

Check if any co-applicants. If so, attach additional sheet(s) with above.

[Plan Form](#)

### Connecticut Environmental Justice Public Participation Guidance Document 2024

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#### 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.



**Public  
Participation**

1

**Community  
Environmental  
Benefits Agreement\***

2

\*If 5 or more affecting facilities in town

3

**Cumulative  
Impacts  
Assessment  
*regulations authorized***



# Why Cumulative Impacts?

**Health**      **History**

**National Trend**





# Upcoming Cumulative Impact Assessment Regulations (in process)

**Identification & measurement** of public health stressors' relative impacts

**Tools** for stakeholder industries and sectors

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

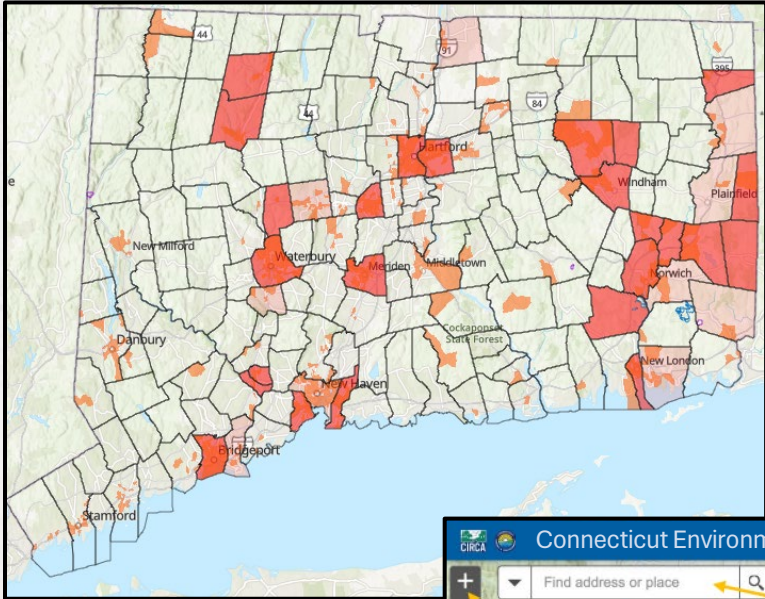
# Sample Cumulative Impacts Stressor Indicators

Potential Pollution Sources	Potential Pollution Exposure	Socioeconomic Factors	Health Sensitivity
Incinerators	Ozone	Poverty Levels	Asthma
Landfills	Particulate Matter 2.5	Unemployment	Coronary Heart Disease
Recycling	Major Sources of Air Pollution	Median Income	Diabetes
Significant Environmental Hazards	Minor Sources of Air Pollution	Population Age < 5	Low Birthweight
	Traffic Density	Population Age > 65	

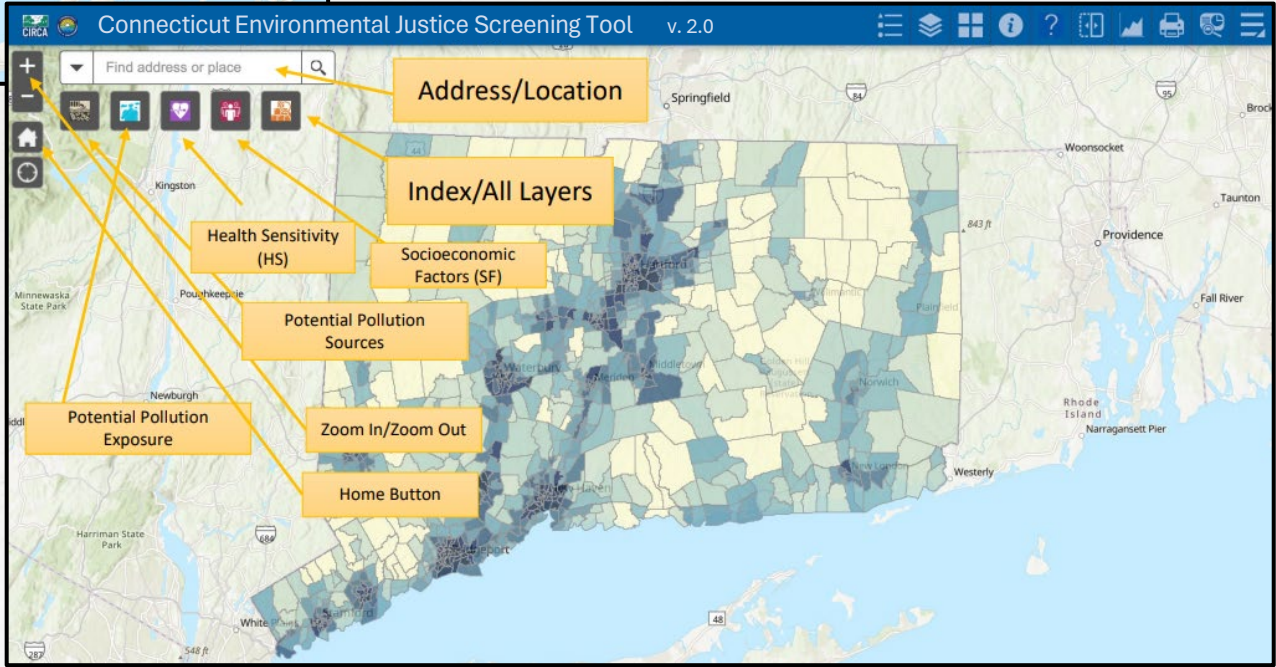


# CT Environmental Justice Tools

**EJ Communities Map**



**EJ Screening Tool**



**Cumulative Impacts Tool\***

**To Be Developed!**



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

# Regulations Development Process



**ORIENTATION**

INFORMATIONAL AND LISTENING SESSIONS



**CONCEPTS**

SIX STAKEHOLDER MEETINGS:  
INTRODUCTION  
FOUR CONCEPTS MEETINGS  
CONCLUSION



**LANGUAGE**

PRESENTATION OF DRAFT LANGUAGE



**COMMENT**

PUBLIC COMMENT PERIOD

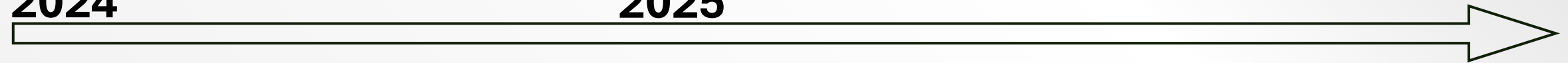


**HEARING**

PUBLIC HEARING

**2024**

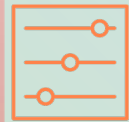
**2025**



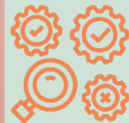
# Regulatory Concepts



**Identification & Measurement of Stressors**



**Public Health & Environmental Stressors Tool**



**Cumulative Impacts Assessment**



**Geographic Points of Comparison**



**Standards for Denying & Placing Conditions on Permits**



**Public Participation Plan, Report**



# New York [2022 law](#)

The department . . . shall adopt rules [which] shall **identify**: (a) each **existing pollution source** or categories of sources affecting a disadvantaged community and the potential routes of human exposure to pollution from that source or categories of sources; [and] (h) the **potential or documented cumulative human health effects** of the foregoing pollution sources. . .

# Minnesota [2023 law](#)

The commissioner must adopt rules . . . to implement and govern the **cumulative impacts analysis** and **issuance or denial** of permits for facilities that impact environmental justice areas [and] establish **benchmarks** to [determine] the need for a cumulative impacts analysis . . .

# Vermont [2022 law](#)

[Department] shall adopt rules to: (1) **define** cumulative environmental burdens; (2) implement consideration of **cumulative environmental burdens** within the Agency of Natural Resources; and (3) inform how the public and the covered agencies implement the consideration of cumulative environmental burdens and use the environmental justice mapping tool and associated funding.

# Chicago (city) [EO](#); [report](#)

Executive Order: called for Cumulative Impact analysis working group. Group put together a report with survey of the city, plus recommendations. Recommend a city ordinance codifying the EO, followed by local rulemaking—zoning, permitting and enforcement.



# Colorado

[law](#); [regulations](#)

## FACILITIES

Sources of "Affected Pollutants" determined to have the potential to cause or contribute to significant health or environmental impacts, including VOC, Oxides of Nitrogen, Hazardous Air Pollutants (e.g., benzene, toluene, ethylbenzene, xylene), PM 2.5; regulations set threshold

## CUMULATIVE IMPACT ANALYSIS

Any census block group that is in the 80<sup>th</sup> percentile or higher for the indicators is a “Cumulatively Impacted Community”

## HIGHER STANDARDS IN CUMULATIVELY IMPACTED COMMUNITIES

Must apply Reasonably Available Control Technology to emission units

Must design and implement source-specific monitoring plan (except for VOC)

Must continue pre-production and early-production operation monitoring for the duration of facility operations

## INDICATORS

Air Toxics  
Asthma  
Cancer  
Diabetes  
Diesel Particulate Matter  
Disability  
Drinking Water  
Drought  
Education  
Extreme Heat Days  
Fine Particulate Matter (PM2.5)  
Floodplains  
Heart Disease  
Housing Cost Burdened  
Income  
Lead  
Life Expectancy  
Linguistic Isolation  
Low Birth Weight  
Mental Health  
Mining  
Noise  
NPL (Superfund) Sites  
Oil and Gas  
Older (>64 Years Old)  
Other Air Pollutants  
Ozone  
People of Color  
Risk Management Plan Sites  
Surface Water  
Traffic  
Waste Facilities  
Water Discharge  
Wildfires  
Young (<5 Years Old)



# Massachusetts

[law](#); [regulations](#)

## FACILITIES

Any new or modified facility or emission unit that may emit air contaminants to the ambient air

## GEOGRAPHIC RADIUS

Within an EJ community

Within 1 mile of an EJ population if the facility or emission unit will not be a major source of air pollution

Within 5 miles of an environmental justice population if the facility or emission unit may be a major source of air pollution

## CUMULATIVE IMPACT ANALYSIS

Air quality dispersion modeling

Cumulative cancer risk calculated does not exceed the cumulative cancer risk limit (1 in 10,000,000)

Cumulative non-cancer risk calculated does not exceed cumulative non-cancer risk limit (hazard index = 1)

## INDICATORS

Air Toxics Cancer Risk  
Air Toxics Respiratory Hazard Index  
Airports  
Asthma prevalence in schools  
Childcare facilities  
Chronic obstructive pulmonary disease  
Coronary heart disease  
Diesel particulate matter  
Elevated blood lead levels prevalence  
English language isolation household  
Facilities under the EPA Toxics Release Inventory  
Facilities under the Toxics Use Reduction Act  
Facilities with air permits  
Fine Particulate Matter (PM2.5)  
Freight rail yards  
Hazardous waste treatment, storage and disposal  
Impervious Surface  
Income  
Large quantity hazardous waste generators  
Long-term care residences  
Low birth weight  
Minority population percent  
Older (>65 years old)  
Ozone summer seasonal average  
Port facilities  
Premature deaths  
Prisons  
Public housing  
Schools (k-12)  
Solid waste diversion and disposal  
Traffic proximity  
Wastewater treatment plants  
Young (<5 years old)



# New Jersey

[law](#); [regulations](#)

## FACILITIES

Major sources of air pollution  
Resource recovery facilities or incinerators  
Sludge processing facilities  
Sewage treatment plants  
Transfer stations or solid waste facilities  
Recycling facilities  
Scrap metal facilities  
Landfills  
Medical waste incinerators

## PERMIT DENIALS & CONDITIONS

Mandatory denial of new facilities if cumulative impact, unless compelling public interest

## GEOGRAPHIC POINT OF COMPARISON

lower value of the state or county's 50th percentile, calculate excluding the values of other overburdened facilities

## CONTROL MEASURES

All feasible measures to avoid adding to stressors → Onsite measures to minimize → Offsite measures within the EJ community → Feasible offsite measures to provide a net environmental benefit to EJ community

## INDICATORS

Air Toxics Cancer Risk  
Air Toxics Non-Cancer Risk  
Combined Sewer Overflows  
Drinking Water Well Testing  
Education  
Emergency Planning Sites  
Fine Particulate Matter (PM2.5)  
Flooding (Land Use Cover)  
Ground Water Classification Exception Areas  
Ground-Level Ozone  
Impervious Surface  
Known Contaminated Sites  
Lack of Recreational Open Space  
Lack of Tree Canopy  
NJ Pollutant Discharge Elimination System Sites  
Permitted Air Sites  
Potential Lead Exposure  
Railways  
Scrap Metal Facilities  
Soil Contamination Deed Restrictions  
Solid Waste Facilities  
Surface Water Pollution  
Traffic – Cars, Light- Medium- and Heavy-Duty Trucks  
Unemployment



# Connecticut

[2023 law](#)

## FACILITIES

electric generating facilities  
sludge or solid waste incinerators or combustors  
sewage treatment plants  
intermediate processing centers  
landfills  
medical waste incinerators  
major sources of air pollution

## PERMIT DENIALS & CONDITIONS

## GEOGRAPHIC POINT OF COMPARISON

(for example, county, state)

## CONTROL MEASURES

(may come in part from Clean Water Act, Clean Air Act laws)

### Socioeconomic

Housing Burden  
Linguistic Isolation  
Poverty/Low Income  
Unemployment  
Race/People of Color  
Educational Attainment  
Median Income  
Young Population  
Elderly Population  
Health Insurance  
Mobile Home  
Multi-Unit Home  
Rent-Ownership Ratio  
Single Parent  
Food Security  
Energy Burden  
Disability  
Tree Canopy

### Health Sensitivity

Asthma Emergency Department Visits  
Coronary Heart Disease  
COPD Emergency Department Visits  
Childhood Elevated Lead Levels  
Depression  
Diabetes  
Mental Health  
Low Birth Weight Rate Infants


## INDICATOR OPTIONS

### Pollution Exposure

Diesel PM Emissions  
Noise  
Ozone  
Particulate Matter 2.5  
Facilities Releasing Toxins  
Traffic Density  
Permitted Major Air Pollution Sources  
Permitted Minor Air Pollution Source  
Minor Facilities with Permit-Limited Emissions Potential  
Urban Heat Index  
EPA Respiratory Hazard Index  
EPA Cancer Risk

### Pollution Sources

Brownfields  
Facilities Managing Chemicals  
Impervious Area  
Incinerators/Resource Recovery Facilities  
Landfills  
Lead Paint Risk in Housing  
Municipal Transfer Station  
Potentially Contaminated Sites  
Recycling Processing Facilities  
Proximity to Superfund Site  
Significant Environmental Hazards  
Underground Storage Tanks  
Wastewater Discharge



**We want to hear from you!**  
**[deep.ejrulemaking@ct.gov](mailto:deep.ejrulemaking@ct.gov)**

**Stay tuned for upcoming  
stakeholder meetings**



# Environmental Justice

