



Environmental Justice

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**Environmental
Equity Policy
(1993)**

**Conn. Gen. Stat.
§ 22a-20a
(2009)**

**2020: Expanded
Requirements**

**2023: Expanded
Requirements**



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

**Public Act 08-98, “An Act Concerning Environmental Justice Communities”
became law CGS § 22a-20a in 2009**

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 agree



Connecticut General Statutes § 22a-20a, codified 2009

Law **Expanded** in 2020

- **Required** a **community benefit agreement** if there are 5 affecting facilities in the Environmental Justice community
- 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 \(ct.gov\)](http://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

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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.

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)).



**Connecticut
Department of Energy &
Environmental Protection
Office of Equity and Environmental Justice**

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: Zip Code:

Business Phone: ext.

Contact Person: Phone: ext.

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.

Part I: Proposed Applicant Information (continued)

2. WILL YOUR PERMIT APPLICATION INVOLVE: (check one):

- A new facility A new permit An expansion of a facility

3. FACILITY NAME AND LOCATION

Name of facility:

Street Address or Location Description:

City/Town:

State:

Zip Code:

Tax Assessor's Reference: Map

Block

Lot

Part II: Informal Public Meeting Requirements

Complete this part, identifying the time and place of the proposed informal meeting required by subsection (b)(2) and the methods that will be used to publicize it. Please note that, pursuant to subsection (b)(6), the Department cannot take any action on the applicant's permit earlier than sixty days after the informal public meeting takes place.

A. Identify Date, Time, and Place of Informal Public Meeting

Identify a date, time, and place where an informal public meeting will be held. These proposals must take into consideration the convenience of the residents of the affected environmental justice community (subsection (b)(2)). Be sure to confirm the **date, time, and place** of the meeting with the Office of Equity and Environmental Justice (860-424-3044 or edith.pestana@ct.gov).

- Approximate Date:
- Place:
- Time:

To ensure an effective public meeting, the following is required by the law in subsection (b)(2): schedule meetings at convenient times (i.e., evenings) and locations for community members; Best practices also include: (1) announcing the meeting through community channels, such as church bulletins, local papers and radio broadcasts; (2) announcing meetings in common languages (e.g., Spanish radio or newspaper); (3) providing documentation and speakers in the appropriate languages other than English, if necessary; (4) providing information regarding applicable laws (state and local) with the appropriate contacts.

Provide easy to understand information to community members. Respond to all comments. Be direct, open and honest regarding the expectations and limitations of the proposed facility.

Refer to Part III of this form for information to be presented at the meeting.

Part II: Informal Public Meeting Requirements (continued)

B. Identify Communication Methods by Which to Publicize the Public Meeting

1. At a minimum, applicants are required to publish notice of the date, time, and nature of the informal public meeting (subsection (b)(4)).

- Name of newspaper(s):
- Date(s) notice will be published:

By law, the notice must be a minimum one-quarter page advertisement in a newspaper having general circulation in the area affected and any other appropriate local newspaper serving such an area, in the Monday issue of a daily publication or any day in a weekly or monthly publication and must include information on how an interested person may review project documents, including any complete needs assessment, alternatives assessment, and environmental impact analysis, as applicable (subsection (b)(4)).

In addition, we suggest that a notice should be published in English, Spanish and other prominent language newspapers and media in circulation in the city or town. Contact the Office of Equity and Environmental Justice at 860-424-3044 for more information on appropriate local and general circulation newspapers. See also attached notice template.

The notice must be published not less than 10 days prior to and no more than 30 days prior to the informal public meeting (subsection (b)(4)).

2. Other required communication includes (per subsection (b)(2)),

- posting a sign on the subject property in English and all other languages spoken by at least 15 percent of the population that reside within a one-half mile radius of the subject facility, subject to any local regulations and ordinances.
- written notification to all local (alderman, council members etc.) and state elected officials, identified in accordance with Part III. C.1. of this document.
- posting on electronic media including, but not limited to, the applicant's website, relevant internet websites and social media platforms, provided such notice is readily found by searching for the name of the affecting facility on the Internet (subsections (b)(2) and (b)(4)).

For new permits and facilities only (subsection (b)(3)):

- Not less than 30 days prior to the public meeting, the written notice is mailed to all residents within 1/2-mile radius of the proposed affecting facility must include the following:
 - Date, time, and location of the meeting.
 - Description of proposed affecting facility.
 - Map including the location of the affecting facility.
 - Information on how interested person may review project documents.
 - Addresses for mailed and internet-based submission of written public comments.

The applicant shall provide such notice in writing in all languages spoken by not less than fifteen per cent of the population that resides within such one-half-mile radius of the proposed or existing affecting facility.

Part II: Informal Public Meeting Requirements *(continued)*

3. Additional communication methods **may** include the following:
- written notification to neighborhood and environmental groups—identified in accordance with Part III. C.2. of this document—in English and other languages appropriate for the target audience;
 - Other communication methods:
Please specify:

Part III: Measures to Facilitate Meaningful Public Participation

At a minimum, each of the following measures must be completed and submitted with this Plan. Please label all supporting documents to correspond with the outline provided in this document, e.g., "Part III A: Identification of Proposed Facility or Proposed Expansion of a Facility".

A. Identification of Proposed Facility or Proposed Expansion of a Facility

1. Identify the potential environmental and health impacts of such facility or the expansion of such facility, i.e., increased air emissions, water discharges, material management issues, etc.
2. Identify permits and general permits needed for the project by completing the [Permit Checklist](#) (DEEP-APP-001A). *It is important to complete the Checklist thoroughly to identify to the public what types of Department permits may be needed for such a facility.*
3. Identify efforts to mitigate the potential environmental and health impacts of such facility.
4. Identify any pollution control measures associated with the project.
5. Describe the location of the proposed facility with respect to residents and other community members (e.g., schools, parks, where people live, work etc.), including vehicle traffic patterns, noise, hours of operation and proximity to sensitive receptors, which could cause concerns in the community.

B. Identification of Impacted Community

1. Identify potentially impacted community (e.g., local neighborhood and religious institutions, schools and sensitive receptors such as day care centers and clinics and hospitals, local businesses, community-based organizations and environmental organizations).
2. Identify community's demographics including age, income, language, population, race/ethnicity, and economic status.
Efforts should be made to identify and discuss social and economic conditions as well as the cultural basis for some of the community's concerns and needs.
3. Identify community(s) planned and existing types of development.
Maps may be used to provide information on related environmental considerations. Keep in mind that communities may define themselves in non-geographic ways using cultural and social terms (e.g., retirement center, parks, places of worship, social clubs, etc.). In any given area there may also be multiple overlapping communities and interests.

Part III: Measures to Facilitate Meaningful Public Participation *(continued)*

At a minimum, each of the following measures must be completed and submitted with this Plan. Please label all supporting documents to correspond with the outline provided in this document,

C. Identification of Individuals/Groups to Seek and Notify

1. Notify town(s) officials in which the affecting facility is proposed to be located or expanded. At a minimum, identify the following:
 - Chief elected official of the applicable municipality;
 - City Council and/or Board of Alderman members;
 - State representative of the applicable municipality;
 - State senator of the applicable municipality;Check other individual/groups to notify.
 - local building official.
 - the zoning enforcement officials.
 - local health officials; and
 - any local environmental commission, committee, or officials.

For information on municipal officials, please refer to the latest edition of the "State of Connecticut Register and Manual" (<https://portal.ct.gov/SOTS/Register-Manual/Register-Manual/Connecticut-State-Register-Manual>), or contact municipal offices.

2. Identify the following to notify abutting property owners, neighborhood residents, community leaders, (neighborhood and religious leaders, block watch captains, etc.), key community members; environmental commissions; civic organizations (e.g. Chamber of Commerce); local businesses; environmental justice leaders and organizations; and neighborhood groups.

For assistance in obtaining environmental justice and other local contacts in the geographic area of interest, contact the Office of Equity and Environmental Justice at 860-424-3044 or edith.pestana@ct.gov.

3. Other (please specify):

D. Proposed Outreach Efforts

Identify proposed outreach efforts which will be implemented, in addition to the required informal public meeting required covered by Part II of this document.

Check proposed outreach efforts as applicable:

- media outreach (e.g., sign, newspapers, radio, including Spanish language media). Include a copy of the planned publication or broadcast. For a list of alternative media, contact the Office of Equity and Environmental Justice at 860-424-3044 or edith.pestana@ct.gov.
- open house; facility tours
- meetings with neighborhood and community leaders, residents, business, etc.
- Other (please specify):

E. Identify Other Measures, if applicable:

Part IV: Certification

The proposed applicant *and* the individual(s) responsible for actually preparing the Plan must sign the following Certification. Refer to the [Environmental Justice Guidance Document](#), for information on who should sign the certification. An application will be considered incomplete unless all required signatures are provided. If the applicant is the preparer, please mark "applicant" in the spaces provided for the preparer.

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.

I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

I certify that this form is complete and accurate, as prescribed by the commissioner and without alteration of the text.

I also certify that a final report, which documents the implementation of this Plan, will be submitted to the Department **after** this Plan has been **Tentatively Approved** in writing by the Department, 30 days after the informal public meeting is held and **before** the Department issues a Notice of Tentative Determination."

Signature of Proposed Applicant	Date
Name of Proposed Applicant (print or type)	Title (if applicable)
Signature of Preparer (if different than above)	Date
Name of Preparer (print or type)	Title (if applicable)

Note: Please submit a hard copy of this completed Plan with all supporting documents to:

ATTN: EDITH PESTANA
OFFICE OF EQUITY AND ENVIRONMENTAL JUSTICE
OFFICE OF THE COMMISSIONER
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Please also send an electronic copy by email to: Edith.pestana@ct.gov

Refer to the [Environmental Justice Guidance Document](#), and cover sheet for completing the final report which must be submitted **after** this Plan has been approved in writing by the Department and **before** the Department issues a Notice of Tentative Determination.

[SAMPLE TEMPLATE FOR INFORMAL PUBLIC MEETING ANNOUNCEMENT]

PUBLIC INFORMATIONAL MEETING ANNOUNCEMENT

[insert who is presenting the meeting]

OPEN TO THE GENERAL PUBLIC

AN INFORMATIONAL MEETING REGARDING:

[insert information concerning permit applications for proposed facility or expansion of facility]

WILL BE HELD AT: [insert location]

ON: [insert date and time].

PRIOR TO THE MEETING, INTERESTED PARTIES MAY RSVP ON WEEKDAYS, WITH RESPECT TO ATTENDANCE, TO: [insert contact name and number]

THE AGENDA FOR THE INFORMATIONAL MEETING WILL BE:

[below is an example]

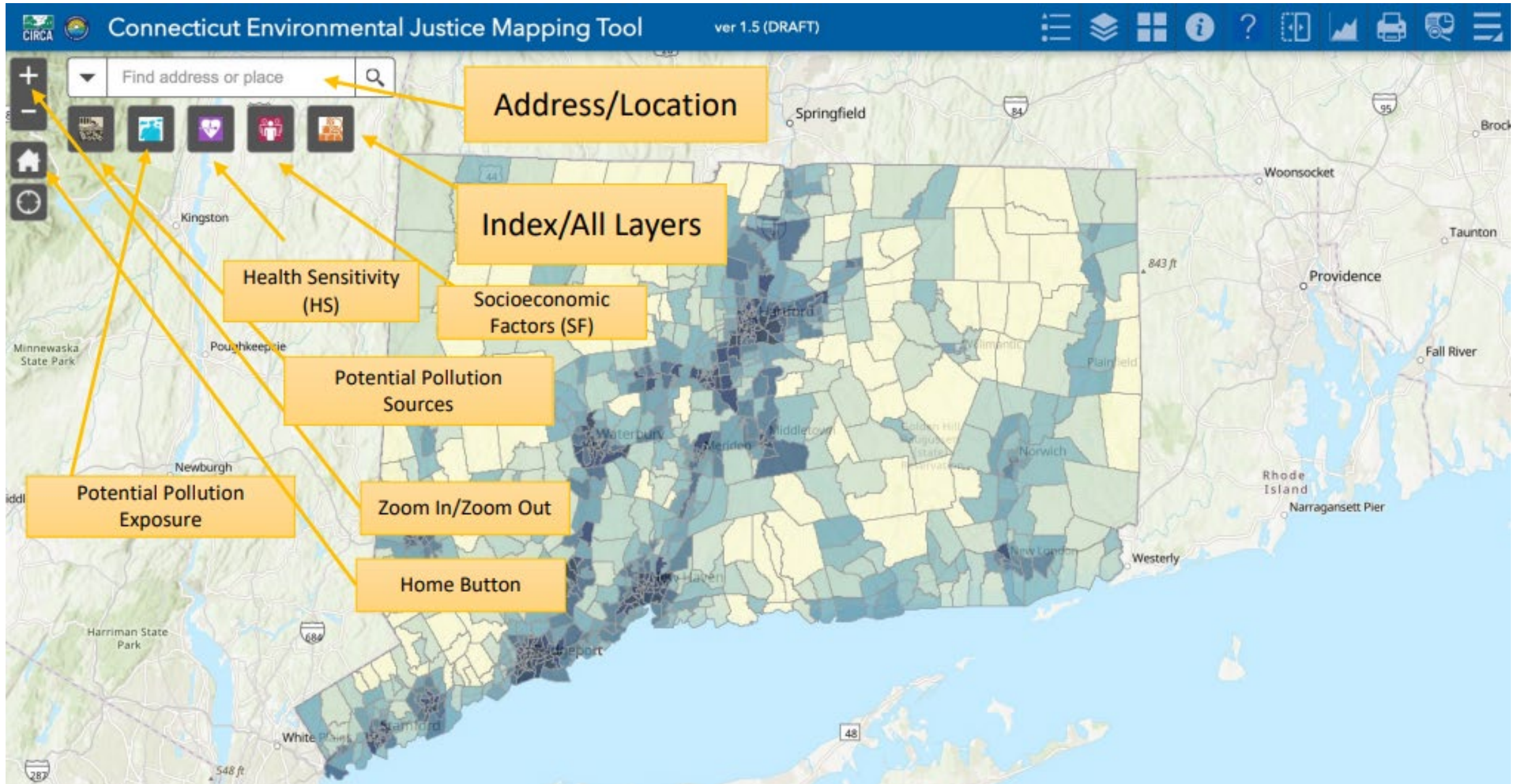
- (1) GENERAL INTRODUCTION
- (2) LAYOUT OF THE FACILITY
- (3) SAFETY FEATURES ASSOCIATED WITH FACILITY OPERATION
- (4)
- (5)
- (6)
- (7)
- (8) QUESTIONS AND ANSWERS



Connecticut
Department of Energy &
Environmental Protection

ENVIRONMENTAL JUSTICE







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