

# Connecticut Environmental Policy Act

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**CONNECTICUT**  
Policy and Management

# Statutes & Regulations

## [CT General Statutes \(CGS\) Sec. 22a-1 – 22a-1h](#)

Process established in 1973 with various revisions, especially in 2002

## [Regulations of CT State Agencies \(RCSA\)](#)

### [Sections 22a-1a-1 – 22a-1a-12](#)

Regulations adopted in 1978 and revised in 2019

# A Tale of Two CEPAs

## Connecticut Environmental Policies Act

- All state functions must be coordinated in cooperation with the federal government, regions, local governments, public and private organizations and concerned individuals to manage the basic resources of air, land, and water – and the impact of the built environment on its surroundings
  - Promotes proactive environmental planning
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## Connecticut Environmental Protection Act

- This act permits legal recourse for the unreasonable destruction of the state's natural resources (air, water and soil). This protection that is also extended to historic structures and landmarks
- [CGS Sections 22a-14 through 22a-20](#)

# ...And a Tale of Two Environmental Policy Acts

## CEPA (the Policy Act version)

- Applies to activities performed by state agencies or funded in whole or in part by state agencies for which an agency exercises discretion. We'll return to this later, but agency permitting processes are considered to not involve discretion and not be subject to CEPA.
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## NEPA (National Environmental Policy Act)

- NEPA is a federal equivalent to our policy act and applies to federal agency actions and funding (and even to agency permitting processes, unlike CEPA). NEPA documents can be used for CEPA purposes but state agencies must ensure they meet the requirements of the CEPA regulations.

# Why is there a CEPA review process?

- Identify environmental impacts, ***including impacts on the social and economic environment;***
- Provide opportunity for public review and comment at a time when the public can influence a state agency decision;
- Consider project alternatives;
- Document the agency's review and decision.

# An overview of the possible steps in a CEPA review

STEP 1: Action is considered by the agency proposing or funding a project.

*a CEPA review might end here*

STEP 2: CEPA Scoping

STEP 3: CEPA Post-Scoping Notice

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STEP 4: Environmental Impact Evaluation (EIE)

STEP 5: An EIE is followed by an Agency Record of Decision and OPM determination of adequacy

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# Step 1 - Assess Potential for Environmental Impacts

- A state agency doing /funding a project must decide if a project is an *“action which may significantly affect the environment”*

The agency must consider:

- Environmental Classification Document (ECD);
  - Direct, indirect, & cumulative effects as listed in CEPA regs;
  - Any known public controversy;
  - Inconclusive or unknown impacts.
- This review ends with an agency decision to scope or not to scope.

*A CEPA review might end here*

# What is an action subject to CEPA?

- individual activities or ***a sequence of planned activities*** proposed to be undertaken by state agencies
- **funded in whole or in part by the state**
- could have a major impact on the state's land, water, air, historic structures and landmarks, existing housing, or other environmental resources...
- could serve short term to the disadvantage of long term environmental goals

# ***Actions include, but are not limited to:***

- Capital improvements, alterations, or additions;
- Property acquisition for capitol improvements;
- Lease or purchase agreements;
- Grants-in-aid or other financial assistance;
- Other activities for which an agency exercises judgment or discretion as to the propriety of that action.

# Exceptions to the Rule

- Emergency measures in response to an immediate threat to public health or safety; or
- Activities for which state agency participation is ministerial in nature

# The Environmental Classification Document (ECD)

[https://portal.ct.gov/-/media/OPM/IGPP/ORG/CEPA/Revised-Generic-ECD\\_03022021.pdf](https://portal.ct.gov/-/media/OPM/IGPP/ORG/CEPA/Revised-Generic-ECD_03022021.pdf)

Effective Date: March 2, 2021

## Generic Environmental Classification Document (ECD) For Connecticut State Agencies

Prepared Pursuant to Sections 22a-1a-4 and 22a-1a-5  
of the Regulations of Connecticut State Agencies (RCSA)

State agencies shall use the Generic ECD for determining CEPA applicability of their proposed actions, unless they have adopted an agency-specific ECD in accordance with [RCSA Sections 22a-1a-4 and 22a-1a-5](#). Note that the criteria in an agency-specific ECD may differ from the comparable criteria in this Generic ECD and may also include criteria that are unique to that agency.

### **Definitions:**

As used in this document, “**action**” is defined in [RCSA Section 22a-1a-1](#).

As used in this document, “**facility**” means one or more existing and/or concurrently planned or envisioned structures on a site.

As used in this document, “**developed land**” means the development footprint, including associated land alterations and fixed infrastructure, on land occupied by or previously occupied by a permanent structure or paving. This does not include portions of land altered only by current or historical agriculture or forestry activities.

- Properties of one acre or less that are occupied or were previously occupied by a permanent structure shall be considered developed land.
- Properties of more than one acre and that are at least 75% developed according to the criteria above shall be considered developed land.

As used in this document, having “**access to existing sewer and water infrastructure**” means that a facility will be served by lateral connection to an existing community water system and municipal wastewater system without the extension of existing mains, and that the sponsoring agency has documented that those systems have the capacity to serve the facility.

### **I. Typical Actions That Always Require Public Scoping And The Preparation Of An Environmental Impact Evaluation:**

- a. Construction of a new sewage treatment plant;
- b. Construction of a new permanent regional waste management facility or site, including but not limited to solid, hazardous, biomedical and radioactive wastes; recycling centers; resource recovery facilities; waste conversion facilities; and transfer stations; as defined in [Connecticut General Statutes \(CGS\) Sec. 22a-207](#).

March 2, 2021

### **II. Typical Actions That Require Public Scoping To Determine Whether An Environmental Impact Evaluation Is Required:**

- a. Construction of, or addition of, a facility:
  - 1) located on undeveloped land without access to existing sewer and water infrastructure, that exceeds 15,000 gross square feet (GSF) of floor space or 15 residential units; or
  - 2) located on undeveloped land with access to existing sewer and water infrastructure, that exceeds 40,000 GSF of floor space or 40 residential units; or
  - 3) located on developed land with access to existing sewer and water infrastructure, that exceeds 100,000 GSF of floor space or 100 residential units.
- b. Any major reconstruction, rehabilitation, or improvement that would significantly change the use of an existing facility exceeding either 100,000 GSF or 100 residential units;
- c. Construction or expansion of a new rail or bus rapid transit facility; construction of a new public road or a lane addition to an existing public road; construction of a new interchange with a limited access highway or reconstruction of an existing interchange resulting in increased capacity;
- d. Construction of a new parking lot, garage, or additions thereto, that provide for an increase in capacity of 200 vehicles or more;
- e. Construction of a new dam; removal or replacement of an existing dam; or any reconstruction or major alteration of an existing dam resulting in a permanent change in water level of more than four (4) inches, except for emergency repairs deemed necessary by the Commissioner of DEEP pursuant to [CGS 22a-402](#);
- f. Expansion of the hydraulic capacity of an existing sewage treatment plant;
- g. Construction of new wastewater conveyance infrastructure or an increase in the hydraulic capacity of existing wastewater conveyance infrastructure that has the capacity to provide service beyond the existing sewer service area;
- h. Construction of new drinking water distribution infrastructure or increase in the capacity of existing drinking water distribution infrastructure that has the capacity to provide water service beyond the area currently being served;
- i. Demolition or major alteration of any historic landmark or structure as defined in [CGS 10-410](#), or archeological site as defined in [CGS 10-381](#), that is listed or eligible to be listed on the National or State Registers of Historic Places as determined by the State Historic Preservation Office (SHPO);
- j. Any action, other than maintenance or repair of an existing facility, that would convert five (5) or more acres of land from an active agricultural use to a non-agricultural use, or that may significantly affect five (5) or more acres of Prime Farmland Soils, Statewide Important Farmland Soils, and/or Locally Important Farmland Soils as defined in [Title 7 Part 657 of the U.S. Code of Federal Regulations](#), not including developed land underlain by such soil;

March 2, 2021

# Direct, Indirect, & Cumulative Effects

*Per Regulations of Connecticut State Agencies Section 22a-1a-3*

- water quality
  - public water supply
  - flooding, in-stream flows, erosion or sedimentation
  - historic or cultural sites
  - natural communities or species
  - toxic or hazardous materials
  - aesthetic or visual effects
  - inconsistency with plans
  - disruption of community
  - congestion
- energy use
  - human health & safety
  - air quality
  - noise
  - landscapes
  - agriculture
  - infrastructure
  - greenhouse gas emissions
  - effect of a changing climate on the project
  - effects on natural, cultural, recreational, or scenic resources

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## Step 2 – Scoping

- A state agency publishes a Scoping Notice in the [Environmental Monitor](#), providing a 30+ day opportunity for the public, state & local governments, and others to submit comments;
- The state agency might be required to (or might choose to) hold a public scoping meeting;



**July 2, 2024**

[Scoping Notice](#)

1. Notice of Scoping for Hanover Street Residences, Bridgeport.
2. **NEW!** Notice of Scoping for West Ridge Apartments, New Haven.

[Scoping Notice - Post-Scoping Notice \(Need More Time\)](#)

1. **NEW!** Notice of Time Extension for Post-Scoping Notice for AB Eco Park Project, New Haven and North Haven.

[Post-Scoping Notice](#)

1. Post-Scoping Notice for Elmwood Lofts, West Hartford.

# 1. Notice of Scoping for Hanover Street Residences

**Address of possible location:** 344, 350, and 354 Hanover Street, Bridgeport, CT 06605

**Municipality where proposed action might be located:** Bridgeport

**Project Description:** The project is a nine-unit affordable housing development for low-income families in Bridgeport, CT. This development encompasses three adjacent three-family homes located at 344, 350 and 354 Hanover Street, Bridgeport, CT. The combined site area is 0.21 acres. Each dwelling unit will have three bedrooms. One unit in each building will be American Disability Act (ADA) compliant. Buildings will utilize EnergyStar heating/cooling and appliances, as well as solar arrays on roofing to supplement energy demand. The buildings will have a slab on grade-foundation and wood-frame structure. The exterior will have vinyl siding and double hung windows, and the roof will have architectural fiberglass shingles. The interior will have luxury vinyl plank floors. The project location is in hurricane inundation (storm surge) zone and within priority and balanced priority funding area. Phase 1 ESA didn't find any Recognized Environmental Condition (REC) for the site except an offsite property at 332 Hanover Street. No other Environmental concerns were identified.

**Project Map:** [Click here](#) to view a map of the project area.

Written comments from the public are welcomed and will be accepted until the close of business on: **July 4, 2024.**

Any person may ask the sponsoring agency to hold a public scoping meeting by sending such a request to the address below. If a public scoping meeting is requested by 25 or more individuals, or by an association that represents 25 or more members, the sponsoring agency shall schedule a public scoping meeting. Such requests must be made by: **June 14, 2024.**

# When in Doubt, Scope it Out!

- Gain Inter-Agency Feedback
  - Scoping provides an opportunity for other state agencies to become aware of projects and potential synergies
- Public Involvement
  - Aids in gathering input on localized issues that you may otherwise be unaware of
- Scoping can prompt suggestions for alternatives that can improve a project or reduce impacts
- Provides a transparent process for the review of a project

# Step 3 – Post-Scoping Notice

- A Post-Scoping Notice is required if a project was scoped. It summarizes the process, comments received, the agency's responses, and it says if the agency will prepare an Environmental Impact Evaluation (EIE);
- The agency must consult with any municipalities and state agencies that submitted substantive scoping comments;
- If the agency is not ready to publish a Post-Scoping Notice within 6 months, they must publish a Notice of Time Extension

## 1. Notice of Time Extension for Post-Scoping Notice for AB Eco Park Project

**Addresses of Possible Project Location:** 250 Universal Drive, North Haven CT 06473 (Parcel ID 001 00) and Middletown Avenue, New Haven, CT 06511 (Parcel ID 150 1300 00100)

**Municipalities where proposed action would be located:** North Haven and New Haven.

**Connecticut Environmental Policy Act (CEPA) Determination:** On December 5, 2023, the Department of Economic and Community Development (DECD) published a [Notice of Scoping](#) to solicit public comments for this action in the *Environmental Monitor*. The Department of Economic and Community Development is unable to publish its determination regarding this action at this time.

**Action Status:** Seeking additional information.

**Estimated Publication Date:** The Department of Economic and Community Development estimates that a Post-Scoping Notice will be published in the *Environmental Monitor* on or before **January 2nd, 2025**.

# Step 3 – Post-Scoping Notice continued

- An [Environmental Review Checklist](#) must be included with the Post-Scoping Notice for a project not needing an EIE
- Factors considered in ERC include:
  - *Water quality*
  - *Public water supply*
  - *Flooding, in-stream flows, erosion or sedimentation*
  - *Historic or cultural sites*
  - *Disruption of community*
  - *Congestion*
  - *Effects of a changing climate on the project*
  - *Natural communities or species*
  - *Toxic or hazardous materials*
  - *Aesthetic or visual effects*
  - *Inconsistency with plans*
  - *Energy use*
  - *Human health & safety*
  - *Air quality*
  - *Noise*
  - *Landscapes*
  - *Agriculture*
  - *Infrastructure*
  - *Greenhouse gas emissions*
  - *Effects on natural, cultural, recreational or scenic resources*

*A CEPA review might end here*

## 1. Post-Scoping Notice for Elmwood Lofts

**Addresses of possible location:** 1051 and 1061 New Britain Ave

**Municipality where it would be located:** West Hartford

**Connecticut Environmental Policy Act (CEPA) Determination:** On December 6, 2022, the Department of Economic and Community Development published a [Notice of Scoping](#) to solicit public comments for this proposed Elmwood Lofts Project in the *Environmental Monitor*.

No comments from the public were received during the public comment period. [Comments](#)  were received from the Department of Energy and Environmental Protection. DECD's responses to the comments from CT DEEP are included in the [Environmental Review Checklist](#). 

After consideration of the comments received, DECD has determined **the project does not require the preparation of an Environmental Impact Evaluation (EIE) under the CEPA**. The agency's conclusion is documented in a [Memo of Findings and Determination](#)  and an [Environmental Review Checklist](#)  .

# Step 4 – Environmental Impact Evaluation (if necessary)

- A detailed evaluation of a project, its potential impacts, and reasonable alternatives
- EIEs are rare for housing projects
- An EIE is a more complex process than scoping.

# Step 5 (if necessary)

## *Agency Record of Decision*

- Following an EIE, the state agency will prepare a concise public record of decision, which takes into consideration the agency's findings in the EIE and public comments received.

## *OPM Determination of Adequacy*

- OPM determines if the EIE and the associated process are adequate.
- If not, OPM will specify the areas of inadequacy with reference to CEPA or the CEPA regulations and specify the corrective action required.

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# Contact Us

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**For more information on CEPA visit**

<https://portal.ct.gov/OPM/IGPP/ORG/CEPA/Overview-of-Connecticut-Environmental-Policy-Act>



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