

## CONNECTICUT

### **How Does Connecticut Define Environmental Justice and Environmental Justice Communities?**

#### Environmental Justice Definitions:

The Connecticut Department of Energy and Environmental Protection (DEEP) states that environmental justice means that all people should be treated fairly under environmental laws regardless of race, ethnicity, culture or economic status.<sup>1</sup>

Connecticut statutes define an Environmental Justice Community as: (1) a U. S. census block group (part of a census tract) for which 30% or more of the population consists of low-income people who are not institutionalized and have an income of less than 200% of the federal poverty level or (2) a distressed municipality.<sup>2</sup> The current list of environmental justice communities is available on DEEP's website.<sup>3</sup>

#### Environmental Justice Mapping Tools:

The Equity and Environmental Justice Working Group of the Governor's Council on Climate Change has an Environmental Justice Mapping subcommittee that is working on a recommendation for funding and creation of an environmental justice mapping tool.

Currently, there is a Connecticut Storm Surge and Sea Level Rise Viewer.<sup>4</sup>

There is also the Connecticut Public Health Data Explorer, a mapping tool for different health effects which allows mapping of health conditions such as asthma, carbon monoxide, and maternal health by county, race and ethnicity.<sup>5</sup>

### **How Does Connecticut Consider Environmental Justice in its Substantive Actions<sup>6</sup>?**

#### Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

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<sup>1</sup> DEEP, *Overview - Environmental Justice Program*, <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice-Program-Overview> (last visited June 28, 2022).

<sup>2</sup> Conn. Gen. Stat. § 22a-20a(a)(1).

<sup>3</sup> DEEP, *Environmental Justice Communities*, <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice-Communities> (last visited June 28, 2022).

<sup>4</sup> CIRCA, *Connecticut Sea Level Rise and Storm Surge Viewer*, <https://circa.uconn.edu/sea-level-rise-and-storm-surge-viewer/#> (last visited June 28, 2022); DEEP, *CT Sea Level Rise*, <https://portal.ct.gov/DEEP/Coastal-Resources/Coastal-Hazards/Sea-Level-Rise> (last visited June 28, 2022).

<sup>5</sup> Conn. Pub. Health Data Explorer, *Health Effects*, <https://stateofhealth.ct.gov/HealthEffects> (last visited June 28, 2022).

<sup>6</sup> Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/substantive\\_law](https://www.law.cornell.edu/wex/substantive_law) (last visited June 28, 2022).

Consideration of Environmental Justice in Permitting:

For permitting actions at affecting facilities in Environmental Justice Communities, Connecticut statutes require applicants to:

1. File a “meaningful” environmental justice Public Participation Plan, which must receive tentative approval prior to the filing of any permit application; and
2. Consult with the chief elected official(s) of the town(s) in which the facility will be located regarding a community environmental benefit agreement. The applicant is required to enter into such agreement if there are five or more affecting facilities in the municipality at the time the application is filed.<sup>7</sup>

Affecting facilities include: electric generating facilities with a capacity of more than ten megawatts; certain incinerators and combustors; sewage plants with a capacity of 50 mgd, certain landfills; waste processing centers; and Clean Air Act major sources of air pollution.<sup>8</sup>

The community environmental benefit agreement between the applicant and municipality is an agreement whereby the applicant provides financial resources to mitigate – in whole or in part – impacts related to its facility, including air quality and watercourses, quality of life, asthma rates, traffic, parking, and noise.<sup>9</sup>

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

N/A.

State Environmental Policy Act “Mini-NEPA”:

The Connecticut Environmental Policy Act (CEPA) requires an environmental impact evaluation for states actions that may significantly affect the environment, including those that could have a major impact on the state's land, water, air, historic structures and landmarks, existing housing, or other environmental resources.<sup>10</sup> This includes assessment of cumulative impacts.<sup>11</sup>

Dedicated Funding to Environmental Justice Communities:

N/A.

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<sup>7</sup> Conn. Gen. Stat. § 22a-20a(c).

<sup>8</sup> Conn. Gen. Stat. § 22a-20a(a)(2).

<sup>9</sup> Conn. Gen. Stat. § 22a-20a(a)(4).

<sup>10</sup> Conn. Gen. Stat. § 22a-1 through 22a-1h; RCSA §§ 22a-1a-1 through 22a-1a-12.

<sup>11</sup> Conn. Gen. Stat. § 22a-1b(c).

Consideration of Cumulative Impacts:

CEPA provides that “an agency shall consider that cumulative effects include the incremental effects of similar actions with similar environmental effects and the incremental effects of a sequence of actions undertaken pursuant to an ongoing agency program which may have a significant environmental effect even though the individual component actions would not.”<sup>12</sup> Cumulative effects is defined as “... the effects on the environment which result from the incremental impact of the action when considered with past, present or reasonably foreseeable future actions to be undertaken by the sponsoring or participating agencies.”<sup>13</sup>

Prohibitions on Disparate Impact Discrimination:

In 1993, DEEP adopted an Environmental Equity Policy, which states that “no segment of the population should, because of its racial, ethnic or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits”<sup>14</sup>

Established Environmental Rights:

N/A.

**How Does Connecticut Address Environmental Justice in its Procedures<sup>15</sup>?**

Environmental Justice as Part of Environmental Agency’s Mission:

The DEEP has an Environmental Justice Program with a designated Administrator and an Outreach and Education Coordinator. The Program is supposed to, among other things:

- assess the effectiveness of DEEP efforts in the state's urban areas;
- assess and respond to environmental problems in low-income and minority communities;
- develop strategies to increase public participation in the agency's decision making process;
- identify community health concerns in consultation with local and state departments of health;
- enhance public participation in administrative proceedings;
- educate the public on DEEP regulations, policies and procedures; and

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<sup>12</sup> Conn. Agencies Regs. § 22a-1a-3.

<sup>13</sup> *Id.*

<sup>14</sup> DEEP, *Environmental Equity Policy* (Dec. 17, 1993), <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Equity-Policy> (last visited July 15, 2022).

<sup>15</sup> Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/procedural\\_law](https://www.law.cornell.edu/wex/procedural_law).

- decrease language barriers.<sup>16</sup>

As noted above, Connecticut also has an Environmental Equity Policy.

*Environmental Justice as Part of Other Agency's Mission:*

N/A.

*Processes and Procedures (including Title VI):*

- *Non-Discrimination Policy:*

Title VI discrimination complaints may be filed with DEEP's EEO and Title VI Manager at 860-424-3035 or at [deep.aaoffice@ct.gov](mailto:deep.aaoffice@ct.gov). These complaints are directed to the Office of Affirmative Action administrator Barbara Viadella.

- *Grievance Procedures:*

N/A.

- *Enhanced Public Participation and Information Access:*

As noted above, DEEP's Environmental Justice Law requires a Public Participation Plan for certain permitting projects in Environmental Justice Communities. The Plan must provide for "meaningful public participation," which the statute defines as (A) residents have an appropriate opportunity to participate in decisions about a proposed facility or expansion; (B) the public's participation may influence the regulatory agency's decision; and (C) the applicant for a new or expanded permit, certificate or siting approval seeks out and facilitates the participation of those potentially affected during the regulatory process.<sup>17</sup> The statute also specifies that a meaningful public participation plan must include measures to facilitate meaningful public participation in the regulatory process and a certification that the applicant will undertake the measures contained in the plan.<sup>18</sup> These measures include an informal meeting with the community at a time that is convenient to the community.<sup>19</sup> The applicant must advertise the meeting, including placing signs on the proposed property, notifying local officials in writing, and complying with the language access requirements below.<sup>20</sup> DEEP also has Environmental Justice Public Participation Guidelines.<sup>21</sup>

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<sup>16</sup> DEEP, *Overview - Environmental Justice Program* <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice-Program-Overview> (last visited June 28, 2022).

<sup>17</sup> Conn. Gen. Stat. § 22a-20a(a)(3).

<sup>18</sup> Conn. Gen. Stat. § 22a-20a(b)(2).

<sup>19</sup> Conn. Gen. Stat. § 22a-20a(b)(2).

<sup>20</sup> Conn. Gen. Stat. § 22a-20a(b)(2).

<sup>21</sup> DEEP, *The Environmental Justice Public Participation Guidelines*, Rev. Feb. 8, 2012, [https://portal.ct.gov/-/media/DEEP/environmental\\_justice/EJGuidpdf.pdf](https://portal.ct.gov/-/media/DEEP/environmental_justice/EJGuidpdf.pdf) (last visited June 28, 2022).

- Language Access:

DEP's Environmental Justice Law requires the public participation plans for applicable permitting actions to include a public meeting for which notice is provided by posting signs printed in all languages spoken by at least fifteen per cent of the population that reside within a one-half of a mile radius of the proposed or existing facility.<sup>22</sup> In addition, Connecticut state websites, including DEEP's, can be viewed in English, Arabic, Chinese, French, Italian, Polish, Portuguese, Russian, or Spanish.

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

Executive Order 21-3<sup>23</sup> established within the DEEC the

Connecticut Equity and Environmental Justice Advisory Council ("CEEJAC"). According to the Executive Order, "[t]he purpose and mission of the CEEJAC is to advise the Commissioner of DEEP on current and historic environmental injustice, pollution reduction, energy equity, climate change mitigation and resiliency, health disparities, and racial inequity, including but not limited to the following:

A. Integrating environmental justice considerations into the programs, policies, and activities of DEEP to improve the health and environment of Environmental Justice Communities, in key areas including, but not limited to: (1) rulemaking, (2) permitting standards and processes, (3) compliance and enforcement, (4) science and data, and (5) equitable program delivery; providing mechanisms for Environmental Justice Communities to have a meaningful opportunity to participate in any decision; and

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<sup>22</sup> Conn. Gen. Stat. § 22a-20a(b)(2).

<sup>23</sup> Gov. Lamont, Conn. Executive Order No. 21-3.

B. Providing mechanisms for Environmental Justice Communities to have a meaningful opportunity to participate in any decision to allow in such communities certain types of facilities which, by the nature of their activity, have the potential to increase environmental and public health stressors and where appropriate, to limit the further placement and expansion of such facilities in these communities; and

C. Developing a model plan for community engagement and stakeholder outreach centered around meaningful participation; and

D. Strengthening DEEP’s partnerships with other governmental agencies, other states, tribal, local governments, and community leaders and organizations regarding environmental justice issues.”

- Funding for Environmental Justice:

N/A.

### **Additional Connecticut Environmental Justice Provisions?**

N/A.

### **Connecticut Environmental Justice Contacts?**

DEEP Environmental Justice Program:

Edith Pestana  
Administrator  
[edithpestana@ct.gov](mailto:edithpestana@ct.gov)  
860-424-3044

Doris Johnson  
Outreach & Education Coordinator  
860-424-3053

Barbara Viadella  
Office of Affirmative Action Administrator and Title VI Coordinator  
860-424-3035  
[deep.aoffice@ct.gov](mailto:deep.aoffice@ct.gov)

### **Where to Find Connecticut Environmental Justice Laws, Policies, and Tools?**

Constitutional Provisions:

N/A.

Executive Orders:

- Governor’s Council on Climate Change, Executive Order No. 3

Legislation and Statutes:

- Conn. Gen. Stat. Ann. §§ 22a-1 through 22a-1h. (CEPA)
- Conn. Gen. Stat. Ann. § 22a-20a. (Environmental Justice Law)

Regulations:

- RCSA §§ 22a-1a-1 through 22a-1a-12. (CEPA)

Policies/Guidance:

- Environmental Equity Policy,  
<https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Equity-Policy>.
- Environmental Justice Public Participation Guidelines,  
[https://portal.ct.gov/-/media/DEEP/environmental\\_justice/EJGuidpdf.pdf](https://portal.ct.gov/-/media/DEEP/environmental_justice/EJGuidpdf.pdf).
- Environmental Justice Program Overview,  
<https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice-Program-Overview>.

Mapping Tools:

- Connecticut Storm Surge and Sea Level Rise Viewer,  
<https://circa.uconn.edu/sea-level-rise-and-storm-surge-viewer/#>.
- Connecticut Public Health, Health Effects Mapping Tool,  
<https://stateofhealth.ct.gov/HealthEffects>.

Other:

- CT Office of Legislative Research, *Connecticut’s Environmental Justice Law*,  
<https://www.cga.ct.gov/2017/rpt/pdf/2017-R-0316.pdf>.