

# Environment Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-6249

AN ACT LIMITING APPEALS UNDER THE CONNECTICUT ENVIRONMENTAL

**Title:** PROTECTION ACT.

**Vote Date:** 3/24/2025

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/17/2025

**File No.:** 680

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### SPONSORS OF BILL:

Rep. Jason Rojas, 9<sup>th</sup> Dist.

Rep. Sarah Keitt, 134<sup>th</sup> Dist.

### REASONS FOR BILL:

HB-6249 aims to reserve the rights to who can raise an environmental claim, a right granted through the Connecticut Environmental Protection Act (CEPA), to those who abut an area of concern. Currently, there are no limitations on the parties who may file appeals. Anyone in the state of Connecticut can raise a challenge in relation to an environmental ruling, which has thwarted projects including but not limited to affordable housing. The production of housing, particularly that classified as "affordable" (which is presently in short supply in the state), might currently be hindered by appeals of environmental approvals. Reserving the right of appeal to owners of neighboring property only could ensure that an excessive number of claims are not brought forth. A reduction in challenges to approvals could potentially expedite the current environmental review process and thereby encouraging more development (of housing in particular) in the state.

### Substitute Language LCO 6800

The substitute language changes this bill from repealing and replacing CGS § 22a-19, to adding subsection (c) to CGS § 22a-19; it removes the intervenor requirement that an entity seeking to intervene would need to either own or rent real property that is within 100 feet of the relevant land, or be a nonprofit; and it adds in the requirement for expedited hearings for intervenors to make a prima facie showing of unreasonable pollution, or face dismissal.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Paul Aresta, Executive Director, Council on Environmental Quality**

In opposition to HB-6249 as any person or "legal entity" would be barred from taking any action against any "administrating proceeding or any judicial review" that is in relation to pollution of the air, water, or natural resources unless: (1) an individual is within 100-feet of the issue or (2) a nonprofit organization brings forth the matter. The original intent of the enactment of CEPA in 1971 held that raising environmental action should not only be limited to "proprietary interest." Instead, the argument was that bringing action should be retained to "every individual's rights."

### **Francis Pickering, Executive Director, Western Council of Governments (WestCOG)**

Mr. Pickering, on behalf of the Western Council of Governments (WestCOG), expressed "deep concerns" in opposition to HB-6249. WestCOG gives four suggestions to why this bill should not pass: (1) CEPA is designed to hold every entity just as accountable as the next; (2) Connecticut has been a key player in environmental stewardship and given the rollbacks to NEPA protections need to be increased not undermined; (3) the decision in made by the CT Supreme Court *Nizzardo v. State Traffic Commission* set that any claim would need to provide a substantial amount of information "containing specific factual allegations about alleged environmental harm" which would ensure that no false claims are being brought to the forefront; and (4) restrict individuals to raise concern who live outside of 100 feet to apparent environmental issues.

## **NATURE AND SOURCES OF SUPPORT:**

### **Representative Rojas, House Majority Leader**

Rep. Rojas supports HB-6249 as enacting this bill would update "grounds for intervention" stating that appeals for environmental concerns would be reserved to owners or renters of a certain property that are in a 100-foot radius to the site of pollution. It would also extent the right to nonprofit organizations as well. By passing this bill it will start "streamlining the appeal process" which would result in housing development while reserving the right to the people is affects directly.

### **1 resident submitted testimony in support of HB-6249**

## **NATURE AND SOURCES OF OPPOSITION:**

### **Representative Courpas, 149<sup>th</sup> District, Connecticut**

Rep. Courpas opposes HB-6249 as passing this bill would restrict "the town, the neighbors down the hill, an engineer, a wildlife specialist, the neighborhood association, the town commission on the environment" to raise a claim to court if pollution was causing an issue. This means that if one were to be an expert on a certain situation and saw that there was pollution affecting a town, their loved ones or friends, they would not be able to raise the issue. Furthermore, if this bill were passed the only ones who can bring a claim to court would be individuals who are within 100 feet of the environmental issue, or a "501c3 non-profit." It is suggested that a "better balance" is needed. By passing this bill it would cut off a "fundamental principle that we hold the environment in public trust" and would bar groups such as Sierra Club, Audubon Society and Save the Sound from stepping in to raise environmental concerns in "every neighborhood, stream and valley across CT."

**Alicea Charamut, Executive Director, Rivers Alliance of Connecticut**

Rivers Alliance of Connecticut strongly opposes HB-6249 as it would, in essence, render CEPA useless when it comes to the actions everyday citizens can take. Rivers of Alliance of Connecticut states that by passing this bill it will institute restrictions that "undermines a fundamental principle of environmental stewardship: that all people have a right to protect Connecticut's natural resources, regardless of property ownership". If HB-6249 were to be passed it would hold that only those who "own or rent property abutting a subject site" can raise concerns about practices that result in "pollution, impairment, or destruction of our shared environment". This means that if one were to live outside of an "arbitrary 100-foot threshold" to an issue that directly affects them such as a certain type of pollution, they would not be able to intervene. There is belief that if HB-6249 were to be passed it would weaken the public for speaking about their health and concerns they have for their local communities.

**Samuel Gold, Executive Director, The Lower Connecticut River Valley Council of Governments (RiverCOG)**

The Lower Connecticut River Valley Council of Governments (RiverCOG) submitted testimony with questions about the effects of HB-6249. RiverCOG asks, since the proposed bill limits appeals to neighbors only (thereby eliminating the opportunity for "real environmental action groups"), would that substantively impair the protection of the environment in the state. In RiverCOG's view neighbors are "more likely laypeople" and who might use NIMBY- (Not in My Backyard) based arguments in their appeals. Environmental organizations, on the other hand, are much more likely to provide substantive, science-backed arguments in an appeal of a ruling, but their participation in an appeal would be unlikely due to the odds of meeting the criteria under the proposed legislation. RiverCOG "fears cutting out knowledgeable environmental advocacy groups from the CEPA process...will have negative consequences for the conservation of Connecticut's natural resources."

**Donald Danila, East Lyme Commission for the Conservation of Natural Resources**

Mr. Danila, on behalf of the East Lyme Commission for the Conservation of Natural Resources, opposes HB-6249 because the Connecticut Environmental Protection Act is vital to the state and protection of the environment and the right "to speak up against pollution in all its forms should not be restricted based on an arbitrary distance requirement." Since pollution can affect those far beyond property boundaries, passage of this bill would "leave those affected without a voice." Highlighting the current Federal political atmosphere and the tradition of strong environmental laws within the state, the Commission seeks to preserve the rights of non-profit organizations to appeal and the strength of CEPA itself.

**Roger Reynolds, Senior Legal Counsel, Save the Sound**

Save the Sound strongly opposes HB-6249 because this bill, will "incentivize" harmful and illegal practices against the environment, leaving local communities with no options to hold anyone accountable. It is acknowledged that by passing this bill nonprofits can continue to raise claims, it stated that they cannot cover every situation, potentially leaving local communities to bear the consequences. It is noted that the original intent of CEPA was to allow only those who could "show it is necessary to prevent unreasonable pollution that violates environmental issues". It is stated that this bill is not restricted to only affordable housing, instead rolling "back rights to challenge the clearcutting of core forests and habitat for luxury golf course and mansions". Three examples were included of instances CEPA was utilized to protect the environment with (1) conserving a coastal forest of 1,000 acres, (2) stop a condo facility from being built in a bird habitat, and (3) stopped The Annex located in New

Haven from expanding their transfer station. It is believed that the focus should not be to increase the volume of affordable housing at any chance given as it becomes counterproductive suggesting more time and planning needs to be involved. If unfriendly practices were to become more common it is suggested that could increase the events of natural disasters citing Hurricane Helene's impact in Asheville, North Carolina. It was cited that due to rollbacks in regulation there was homes were created in a areas that were vulnerable to the hurricane resulting a high volume of destroyed buildings. It is suggested that there needs to be more protection for the environment, not rollbacks which would be the outcome of this bill.

**Maebel Haynes, Director, Sunrise Movement Connecticut**

Ms. Haynes strongly opposes HB-6249. The opposition is predicated on five harmful consequences if HB-6249 were to be passed as it would: (1) hinder the oversight and accountability the public provides; (2) impact marginalized, low-income communities leaving them vulnerable and endangered; (3) "jeopardizing" the future of present and future generations; (4) enables rollbacks on environmental regulations; and (5) threatens the environments long term sustainability. If this bill were to pass it would "undermine" the intent CEPA originally had when it was passed and deter present and future generations who advocate for a cleaner environment.

**Aimee Petras, Executive Director, Farmington River Watershed Association (FWRA)**

The Farmington River Watershed Association is in strong opposition to HB-6249. FWRA believes that passing this bill would restrict the ability to raise claims against environmentally hazardous activities to individuals whose property is within 100 feet of the issue, or nonprofit organization. Along with this there are four other concerns had If this bill were to be passed. These concerns include (1) restricting property owners when there is a need to intervene on "unreasonable and/or illegal violations of environmental standards", (2) create a disconnection between passionate local residents and government agencies when matters of pollution are present, (3) removing safeguards needed to protect "critical habitats and natural flood protection", and (4) hinder economic growth by contracting out "pristine forest and floodplain acreage".

**Connor Yakaitis, Deputy Director, Connecticut League of Conservation Voters (CLCV)**

The Connecticut League of Conservation Voters strongly opposes HB-6249. CLCV believes that if this bill were to be passed, the safeguard put in place to protect the air, water and land will be put in jeopardy. If this bill passes, it greatly hinders who can raise concern about the environment and would in turn silence individuals who have had a voice since CEPAs inception. Not only would it silence individuals, but lower income areas would face a great negative impact as these areas are already lack both in "financial and political resources". Through CEPA, these areas have been able to have a viable means to raise their concerns and passing this bill "would strip these protections away". One last note made was if the bill were passed a near chilling effect would be sent to the entire state that Connecticut is willing to "sacrifice environmental oversight for expediency".

**Terri Eickel, Executive Director, The Interreligious Eco-Justice Network (IREJN)**

The Interreligious Eco-Justice Network (IREJN) opposes HB-6249, acknowledging that affordable housing is necessary however, "developers already have recourse in state statute 8-30G" which grants developers the right to sue a municipality that has less than 10% affordable housing who refuses a proposed affordable housing project. Furthermore, 8-30G also allows developers to "bypass zoning regulations" in such municipalities that have less

than 10% affordable housing. It is also noted that those most affected by the passage of this bill would be "low-income communities."

**Julianna Larue, Organizer, Sierra Club Connecticut**

Ms. Larue, on behalf of the Sierra Club, opposes HB-6249 because this bill it would severely restrict who challenge environmental issues that stem from developmental projects, undermining the intentions of CEPA. The Sierra Club gives examples of instances where "environmentally destructive projects" were curtailed, thanks to CEPA. These projects included the "Preserve in Old Saybrook, Oswegatchie Hills in East Lyme, and the Coastal Center on Milford Point" along with slowing down pollution in areas such as "The Annex in New Haven, one of the state's most environmentally overburdened neighborhoods". It is noted that through CEPA, a "powerful too for environmental justice" is created. Lastly, it is noted that this bill looks to encourage more affordable housing to be built which could "could damage natural resources and exacerbate existing environmental challenges."

**Anne Hulick, CT Director, Clean Water Action**

In opposition of HB-6249 as CEPA has been a crucial act that has enabled passionate people to bring up concerns regarding environmental issues. There is belief that if this bill were to be passed there would be "unintended consequences" that stem from it which could be "harmful to the residents of the state and the environment".

**Numerous groups and individuals oppose HB-6249**

The following groups and individuals oppose HB-6249 because it would bar people from raising claims of environmental concerns who reside more than of 100 feet from a property in question:

**Amy Blaymore Patterson, Executive Director, Connecticut Land Conservation Council**  
**Ashen Harper, Founder, Fridays for Future Stamford**  
**Elizabeth Gara, Executive Director, CT Water Works Association**  
**Nathan Frohling, Director of External Affairs, The Nature Conservancy in Connecticut**  
**Eric Eichorn, Vice President, Quinnipiac Valley Audubon Society**  
**Sharon Huttner, Member, Branford Clean Energy Committee**  
**Richard Landau, Board Member, Ash Creek Conservation Association**  
**Leo Smith, Chair, Connecticut Chapter of DarkSky**  
**Jessie Stratton, Member, Groton Conservation Advocates**  
**Ellen Carucci, Owner, Anonym Partners**  
**Barry Michelson, Community Planner, Stamford Neighborhoods Coalition**  
**Alan Siniscalchi, President, Connecticut association of Conservation and Inland Wetlands Commissions, Inc.**  
**Bob Wall, Chair, Sustainable Fairfield**  
**Madison Spremulli, Communication Director, Connecticut Coalition for Economic and Environmental Justice**

**85 residents sent in testimony in opposition of HB-6249**

**Reported by: Joshua Dontigney**

**Date: April 8, 2025**