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**INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO  
THE CONNECTICUT ENVIRONMENTAL POLICY ACT (CEPA)**

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the [Connecticut Environmental Policy Act of 1972](#) (CEPA). When a proposed NEPA action also requires compliance with CEPA, it is critical that these practitioners familiarize themselves with CEPA and understand how CEPA compares to and contrasts with NEPA.

Both statutes are designed to facilitate informed decision-making and environmental review. CEPA requires that state agencies study the environmental consequences of their actions, including permitting. It also requires them to take all feasible measures to avoid, minimize, and mitigate damage to the environment. This fact sheet compares CEPA and the resulting [Connecticut Environmental Policy Act Regulations](#) with CEQ's regulations for implementing the procedural provisions of NEPA, [40 CFR Parts 1500-1508](#).

This fact sheet only provides basic information and is intended to serve as a springboard for discussion with state agency staff when proposed projects trigger both Federal and state environmental review requirements. Project proponents are strongly encouraged to contact the Department in the early stages of project planning so that Federal and state environmental review processes, if applicable, can be appropriately aligned.

It is important to note that Sec. 22a-1f of the Connecticut General Statutes expressly permits that a NEPA Environmental Impact Statement (EIS) may be used in lieu of a CEPA Environmental Impact Evaluation (EIE), provided the EIS was circulated for review and comment in accordance with CEPA statutes and regulations.

### **Introduction**

The Connecticut Legislature enacted CEPA in 1971 to establish an environmental policy for the State of Connecticut. It requires state agencies to identify and evaluate the impacts of proposed actions within the state that have the potential to significantly affect the environment, much in the way that NEPA does at the Federal level. CEPA requires every state agency to develop a list of agency actions that have significant impacts on the environment, and it provides a process by which those agencies review their proposed actions to determine whether to move forward with them in light of the effects on the environment. CEPA also provides opportunities for public review and comment on agency actions at various stages throughout the CEPA process.

CEPA applies to actions that are (1) proposed by a state department, institution, or agency or are funded in whole or in part by the state and (2) that could have major impacts on the state's land, water, air, historic structures and landmarks, existing housing or other environmental resources or could be to the short-term disadvantage of long-term environmental goals.

It is important to recognize that while Connecticut has adopted regulations to guide the CEPA process, these regulations have not, as of 2015, been amended to reflect some significant



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statutory changes. One prominent example is that the regulations do not currently account for the elimination of the Finding of No Significant Impact (FONSI) from CEPA. In instances where the statute and the regulations are in conflict, the statute has precedence.

### **Key Points of Comparison**

The table below compares NEPA terms and several procedural requirements set forth in CEPA and its corresponding regulations.

<b>NEPA</b>	<b>CEPA</b>
Categorical Exclusion (CE), <a href="#">40 CFR 1508.4</a> , <a href="#">40 CFR 1507.3</a>	N/A
Environmental Assessment (EA), <a href="#">40 CFR 1508.9</a> , <a href="#">40 CFR 1501.3</a>	Environmental Assessment (EA), Sec. 22a-1a-4
Notice of Intent, <a href="#">40 CFR 1508.22</a>	N/A
Draft Environmental Impact Statement (DEIS), <a href="#">40 CFR 1502</a> , <a href="#">40 CFR 1508.11</a>	Draft Environmental Impact Evaluation (EIE), Sec. 22a-1a-7 & 8
Final Environmental Impact Statement (FEIS), <a href="#">40 CFR 1502</a> , <a href="#">40 CFR 1508.11</a>	N/A
Finding of No Significant Impact (FONSI), <a href="#">40 CFR 1508.13</a>	N/A
Record of Decision, <a href="#">40 CFR 1505.2</a>	Record of Decision (ROD), Sec. 22a-1a-9

The bullets below provide a general comparison of certain processes:

- Similar to NEPA agency implementing procedures, each sponsoring Connecticut agency must prepare an Environmental Classification Document (ECD), which lists: ( 1) which agency action which may have significant environmental impacts sufficient to require an EIE; and (2) which agency actions could have significant environmental impacts and therefore warrant an environmental assessment (EA); and (3) a list of Federal and state actions that require a NEPA EIS and that the state agency is a cognizant or sponsoring agency. Sec. 22a-1a-4. The ECD is subject to amendments every two years to reflect significant changes in the agency's programs or operations. Sec. 22a-1a-6.
- The agency receives public comments and consults with the Connecticut Council on Environmental Quality, Department of Environmental Protection, and Office of Policy and Management before approval of the ECD is granted. The ECD then is used as the basic criterion in determining whether further environmental study is needed.
- The CEPA Regulations define an EA as a process to determine if a proposed action included in an agency's ECD may have a significant impact on the environment. For these listed actions, the sponsoring agency must undertake an EA, using the criteria set forth in Sec. 22a-1a-3, to determine whether it shall prepare an EIE. Sec. 22a-1a-4(b)(2).
- CEPA provides for public and agency review and comment at many stages of the environmental review process, including public scoping and draft EIEs, as well as during



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the preparation of agency ECDs. CEPA also provides for public hearings on draft EIEs. Sec. 22a-1a-5, 8 & 11.

- Under CEPA, the sponsoring agency must prepare a concise public ROD, taking into consideration its findings in the EIE and comments received on that evaluation; it must forward that ROD to the Connecticut Office of Policy and Management for a determination of adequacy. Sec. 22a-1a-9.

### Contact Information and Resources

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- Connecticut Council on Environmental Quality Recommendations for Modernizing CEPA: <http://www.ct.gov/ceq/cwp/view.asp?a=986&Q=444256>
- Office of Policy and Management: [http://www.ct.gov/opm/cwp/view.asp?a=2990&q=383206&opmNav\\_GID=1807&opmNav=](http://www.ct.gov/opm/cwp/view.asp?a=2990&q=383206&opmNav_GID=1807&opmNav=)
- Department of Energy and Environmental Protection Environmental Permitting Fact Sheet: [http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324144&depNav\\_GID=1643](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324144&depNav_GID=1643)