



House of Representatives

General Assembly

File No. 358

January Session, 2001

Substitute House Bill No. 6973

House of Representatives, April 18, 2001

The Committee on Environment reported through REP. STRATTON of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A MORATORIUM ON THE CONSTRUCTION OF NEW INCINERATORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) The Commissioner of Environmental Protection
2 shall not issue any permit for an incinerator pursuant to section 22a-
3 174 of the general statutes, as amended by this act, unless such permit
4 would result in an improvement of environmental performance of an
5 existing incinerator or an existing incineration process, as determined
6 by the commissioner. As used in this section, "incinerator" includes,
7 but is not limited to, waste-to-energy plants or incinerators, medical
8 waste incinerators, contaminated soil thermal desorption units, wood
9 burners, sewage sludge incinerators, hazardous waste incinerators and
10 tire incinerators. The provisions of this section do not apply to any
11 application (1) pertaining to a permit for an existing incinerator or
12 waste-to-energy plant, (2) for a permit for a new incinerator pending
13 before the commissioner on or before July 1, 2001, or (3) for a permit
14 for a new incinerator to replace or modify an incinerator that existed

15 on or before July 1, 2001, provided the new incinerator has less of an
16 environmental impact than the one it is replacing, as determined by
17 the commissioner.

18 Sec. 2. Subsection (n) of section 22a-174 of the general statutes is
19 repealed and the following is substituted in lieu thereof:

20 (n) The commissioner shall not issue a permit for an asphalt batch
21 plant or continuous mix facility under the provisions of this section
22 until July 1, [2001] 2004. The provisions of this section shall apply to
23 any application pending on May 5, 1998. Nothing in this section shall
24 apply to applications for upgrading, consolidating or otherwise
25 altering the physical plant of an existing facility with a permit to
26 operate provided such upgrade, consolidation or alteration results in
27 reduced emissions of air pollutants.

28 Sec. 3. This act shall take effect from its passage.

ENV **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Environmental Protection

Municipal Impact: None

Explanation

State Impact:

Placing a moratorium on the construction of new incinerators and extending the moratorium on permitting of asphalt batch plants or continuous mix facilities will have no impact on the resources of the Department of Environmental Protection.

OLR Bill Analysis

sHB 6973

AN ACT CONCERNING A MORATORIUM ON THE CONSTRUCTION OF NEW INCINERATORS.**SUMMARY:**

This bill extends, from July 1, 2001 to July 1, 2004, the moratorium on Department of Environmental Protection (DEP) issuance of air pollution permits for asphalt batch or continuous mix plants facilities. By law, the moratorium applies to applications pending as of May 5, 1998 but not to applications for altering plants with operating permits, so long as the alteration reduces their emissions.

The bill bars the commissioner from issuing air pollution permits for new incinerators, except under specified circumstances. He can issue a permit for a new incinerator only if he received the application on or before July 1, 2001. He can also issue a permit for a new incinerator that replaces or modifies an incinerator, if it existed on or before this date and he determines that the new incinerator has less environmental impact than the existing one.

The bill's effect on existing incinerators is unclear (see COMMENT).

Under the bill, incinerators include facilities that burn medical waste, contaminated soil, wood, sewage sludge, hazardous waste, and tires, as well as waste-to-energy facilities and other incinerators.

EFFECTIVE DATE: Upon passage

COMMENT***Unclear Effect on Existing Incinerators***

Two sections of the bill appear to conflict with each other. One section unconditionally exempts existing incinerators and waste-to-energy

plants from the ban while another allows permits for existing incinerators only if the permits would improve the incinerators' environmental performance.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 7