



House of Representatives

General Assembly

File No. 349

February Session, 2006

House Bill No. 5271

House of Representatives, April 4, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING BIOMASS GASIFICATION PLANTS.

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

1 Section 1. Section 22a-208x of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) As used in this section and section 22a-208y, (1) "construction
4 and demolition waste" means waste building materials and packaging
5 resulting from construction, remodeling, repair and demolition
6 operations on houses, commercial buildings and other structures,
7 excluding asbestos, clean fill, as defined in regulations adopted under
8 section 22a-209, or solid waste containing greater than de minimis
9 quantities, as determined by the Commissioner of Environmental
10 Protection, of (A) radioactive material regulated pursuant to section
11 22a-148, (B) hazardous waste as defined in section 22a-115, and (C)
12 liquid and semiliquid materials, including, but not limited to,
13 adhesives, paints, coatings, sealants, preservatives, strippers, cleaning
14 agents, oils and tars; and (2) "processed construction and demolition
15 wood" means the wood portion of construction and demolition waste

16 which has been sorted to remove plastics, plaster, gypsum wallboard,
17 asbestos, asphalt shingles, regulated wood fuel as defined in section
18 22a-209a and wood which contains creosote or to which pesticides
19 have been applied or which contains substances defined as hazardous
20 waste under section 22a-115.

21 (b) Construction and demolition waste which does not constitute
22 processed construction and demolition wood may be disposed of at (1)
23 any solid waste disposal area for which a permit has been issued for
24 the disposal of bulky waste, or (2) a municipal solid waste landfill.
25 Processed construction and demolition wood may be disposed of at a
26 biomass gasification plant that qualifies as a Class I renewable energy
27 source, as defined in section 16-1 of the 2006 supplement to the general
28 statutes, a resources recovery facility in accordance with section 22a-
29 208y or at a permitted municipal solid waste landfill or any solid waste
30 disposal area for which a permit has been issued for the disposal of
31 bulky waste.

32 (c) Construction or demolition wood generated at a residence, other
33 than wood that has been pressure-treated or that otherwise contains
34 arsenic, furniture, mattresses and rugs or any such waste which has
35 been crushed, chopped, shredded or otherwise processed shall be
36 considered municipal solid waste and may be disposed of at any solid
37 waste disposal area for which a solid waste permit has been issued for
38 the disposal of bulky waste, [or] a biomass gasification plant that
39 qualifies as a Class I renewable energy source, as defined in section 16-
40 1 of the 2006 supplement to the general statutes, at a resources
41 recovery facility or municipal solid waste landfill.

42 Sec. 2. Section 22a-209a of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2006*):

44 (a) As used in this section:

45 (1) "Recycled wood" means any wood or wood fuel which is derived
46 from such products or processes as pallets, skids, spools, packaging
47 materials, bulky wood waste or scraps from newly built wood

48 products, provided such wood is not treated wood;

49 (2) "Treated wood" means wood which contains an adhesive, paint,
50 stain, fire retardant, pesticide or preservative;

51 (3) "Processed wood" means recycled wood or treated wood or any
52 combination thereof which has been processed at a volume reduction
53 facility permitted under this chapter;

54 (4) "Regulated wood fuel" means processed wood from construction
55 and demolition activities which has been sorted to remove plastics,
56 plaster, gypsum wallboard, asbestos, asphalt shingles and wood which
57 contains creosote or to which pesticides have been applied or which
58 contains substances defined as hazardous under section 22a-115;

59 (5) "Combustible" means the heat-producing constituents of a fuel;

60 (6) "Combustion" means the rapid chemical combination of oxygen
61 with the combustible element of a fuel resulting in the production of
62 heat;

63 (7) "Fuel" means a substance containing combustibles used for
64 producing heat, light, power or energy;

65 (8) "Regulated wood fuel merchant" means any person who offers
66 for sale or sells, transfers, or provides in retail or wholesale trade,
67 regulated wood fuel, including agents, brokers, wholesalers,
68 distributors or producers who sell regulated fuel;

69 (9) "Regulated wood fuel user" means a biomass gasification plant
70 or a resources recovery facility, as defined in section 22a-207, that
71 stores or utilizes regulated wood fuel for the purpose of creating by
72 combustion heat, light, power or energy and combusts in excess of one
73 hundred million BTUs per hour; and

74 (10) "Biomass gasification plant" means a biomass gasification plant
75 that qualifies as a Class I renewable energy source, as defined in
76 section 16-1 of the 2006 supplement to the general statutes.

77 (b) Notwithstanding the provisions of this chapter, processed wood
78 is not a solid waste provided: (1) Such wood is received for use at a
79 biomass gasification plant or a resource recovery facility as a regulated
80 wood fuel; (2) such wood is used for land application in accordance
81 with standards for such use adopted by the Commissioner of
82 Environmental Protection in accordance with chapter 54; or (3) such
83 wood is used for building products or other uses in accordance with
84 any applicable state or federal standards.

85 (c) No person other than a regulated wood fuel user shall use or
86 burn regulated wood fuel. No regulated wood fuel user shall use or
87 burn (1) regulated wood fuel which contains nonwood material, other
88 than dirt or metal fasteners, unless such material comprises less than
89 one per cent, by dry weight, of such regulated wood fuel or (2) any
90 such fuel which contains more than fifteen one-hundredths of one per
91 cent, by dry weight, total chlorine. Any sampling or analysis to
92 determine the percentage of total chlorine or the amount of nonwood
93 material shall be provided for by the regulated wood fuel merchant
94 and shall be certified by such merchant as having met any standards or
95 methodologies for such sampling or analysis approved or required by
96 the commissioner. Notwithstanding any other provisions of this
97 section, any person who exclusively burns wood, other than regulated
98 wood fuel, as a fuel shall comply with the regulations adopted under
99 section 22a-174 for stationary sources of air pollution.

100 (d) No regulated wood fuel merchant shall store, offer for sale, sell,
101 make available, deliver for use or exchange in trade for use in this state
102 (1) regulated wood fuel which contains nonwood material, other than
103 dirt or metal fasteners, unless such material comprises less than one
104 per cent, by dry weight, of such regulated wood fuel, or (2) any such
105 fuel which contains more than fifteen one-hundredths of one per cent,
106 by dry weight, total chlorine.

107 (e) Any person who sells regulated wood fuel for use in this state or
108 who uses such fuel in this state shall maintain records of all sales or
109 use of such fuel which contains nonwood materials and such records

110 shall be made available for inspection by the commissioner, or his
111 designee, during regular business hours. Such records shall be
112 maintained for at least three years.

113 (f) Nothing in this section shall prohibit a biomass gasification plant
114 or a resources recovery [facilities] facility from accepting, processing
115 and combusting wood that is not hazardous waste or is not otherwise
116 prohibited by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	22a-208x
Sec. 2	<i>October 1, 2006</i>	22a-209a

ENV *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	EQ - See Below	See Below	See Below

Note: EQ=Environmental Quality Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	See Below	See Below	See Below

Explanation

It is anticipated that allowing biomass gasification plants that qualify as Class I renewable energy sources to dispose of certain wood would minimally increase the workload of the Department of Environmental Protection (DEP) due to the issuance of permits. It is estimated that the workload increase would be offset by permit fees.

The Out Years

The ongoing fiscal impact identified above would continue into the future.

Any potential reduction in future municipal disposal costs due to the disposal of certain wood at a biomass gasification plant would be based on the fee structure and location of a biomass gasification plant and is unknown at this time.

OLR Bill Analysis
HB 5271

AN ACT CONCERNING BIOMASS GASIFICATION PLANTS.

SUMMARY:

This bill allows biomass gasification plants that qualify as Class I renewable energy sources to dispose of (1) processed construction and demolition (C&D) wood and (2) certain C&D wood generated at a residence. Under current law, only a resources recovery facility or a permitted solid waste or bulky waste landfill can dispose of such materials. The bill requires biomass gasification facilities to comply with laws governing regulated wood-fuel users and permits them to accept, process, and burn wood that is not hazardous waste or otherwise prohibited.

EFFECTIVE DATE: October 1, 2006

REGULATED WOOD-FUEL USERS

The bill makes a biomass gasification plant that qualifies as a Class I renewable energy source a regulated wood-fuel user permitted to use or burn processed wood from C&D activities after plastics; plaster; gypsum wallboard; asbestos; asphalt shingles; and wood that contains creosote or certain hazardous waste, or to which pesticides have been applied, have been removed.

The law prohibits regulated wood-fuel users from burning or using regulated wood fuel containing more than (1) 1% of nonwood material, or (2) 15/100 of one percent (0.0015) by dry weight, total chlorine. It requires them to keep records of their use of fuel containing nonwood material. They must keep the records at least three years and make them available for inspection by the environmental protection commissioner or her designee during regular business hours.

BACKGROUND***Biomass Gasification***

Gasification uses heat, pressure, and steam to convert materials directly into a gas composed primarily of carbon monoxide and hydrogen. The resulting gas can be used as a fuel to generate electricity or steam. Biomass refers to organic materials, such as wood by-products and agricultural waste.

Class I Renewable Energy Source

Class I renewable energy sources include biomass gasification plants that use land clearing debris, tree stumps, or other biomass that regenerates or whose use will not deplete resources, if the biomass is cultivated and harvested in a sustainable manner. The plant's average emission rate must be 0.75 pound or less of nitrogen oxides per million BTU of heat input for the previous calendar quarter, except that energy derived from a plant (1) with a capacity of less than 500 kilowatts and (2) that began construction before July 1, 2003 may be considered a Class I renewable energy source, if such biomass is cultivated and harvested in a sustainable manner.

Processed Construction And Demolition Wood

Processed construction and demolition wood is the wood portion of construction and demolition waste from which has been removed plastics, plaster, gypsum wallboard, asbestos, asphalt shingles, regulated wood fuel, and wood that contains creosote or hazardous waste or to which pesticides have been applied.

C&D generated at a residence

C&D wood generated at a residence may be disposed of at a biomass gasification plant, municipal landfill, bulky waste site, or resources recovery facility if it does not (1) include wood that has been pressure-treated or (2) contain arsenic; furniture; mattresses; rugs; or any such waste that has been crushed, chopped, shredded, or otherwise processed.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/17/2006)