



General Assembly

Amendment

February Session, 2006

LCO No. 4689

SB0021204689SD0

Offered by:

SEN. FONFARA, 1st Dist.

REP. FONTANA, 87th Dist.

SEN. HERLIHY, 8th Dist.

REP. DELGOBBO, 70th Dist.

To: Subst. Senate Bill No. 212

File No. 49

Cal. No. 87

"AN ACT CONCERNING BIOMASS."

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- 1 In line 29, strike "or" and insert "and" in lieu thereof
 - 2 In line 29, strike "wood" and insert "waste, as defined in section 22a-
 - 3 208x, as amended by this act," in lieu thereof
 - 4 In line 31, before "growth", insert "old"
 - 5 In line 32, strike "facility that receives" and insert "biomass
 - 6 gasification plant that received" in lieu thereof
 - 7 In line 33, after "funding" insert "prior to May 1, 2006"
 - 8 In line 35, strike "and" and insert "or" in lieu thereof
 - 9 In line 37, after "16-244c" insert "entered into prior to May 1, 2006, or
 - 10 (C) prior to July 1, 2007, such biomass is used in a renewable energy

11 facility that was approved by the department prior to October 1, 2005"

12 In line 81, strike "subsection (a) of this"

13 Strike line 82 in its entirety and insert the following in lieu thereof:
14 "[by (A)] this section (1) by purchasing [Class I or Class II renewable
15 energy"

16 In line 87, strike "electricity generated by a Class I or Class II
17 renewable"

18 Strike lines 88 to 118, inclusive, in their entirety

19 In line 119, strike "another system operator" and insert the following
20 in lieu thereof: "certificates issued by the New England Power Pool
21 Generation Information System, provided the certificates are for (A)
22 energy produced by a generating unit using Class I or Class II
23 renewable energy sources and the generating unit is located in the
24 jurisdiction of the regional independent system operator or (B) energy
25 imported into the control area of the regional independent system
26 operator pursuant to New England Power Pool Generation
27 Information System Rule 2.7(c), as in effect on January 1, 2006

28 In line 119, strike "(3)" and insert "(2) for those renewable energy
29 certificates under contract to serve end-use customers in the state on or
30 before October 1, 2006," in lieu thereof

31 After the last section, add the following and renumber sections and
32 internal references accordingly:

33 "Sec. 501. Section 22a-208x of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2006*):

35 (a) As used in this section and section 22a-208y, (1) "construction
36 and demolition waste" means waste building materials and packaging
37 resulting from construction, remodeling, repair and demolition
38 operations on houses, commercial buildings and other structures,
39 excluding asbestos, clean fill, as defined in regulations adopted under

40 section 22a-209, or solid waste containing greater than de minimis
41 quantities, as determined by the Commissioner of Environmental
42 Protection, of (A) radioactive material regulated pursuant to section
43 22a-148, (B) hazardous waste as defined in section 22a-115, and (C)
44 liquid and semiliquid materials, including, but not limited to,
45 adhesives, paints, coatings, sealants, preservatives, strippers, cleaning
46 agents, oils and tars; and (2) "processed construction and demolition
47 wood" means the wood portion of construction and demolition waste
48 which has been sorted to remove plastics, plaster, gypsum wallboard,
49 asbestos, asphalt shingles, regulated wood fuel as defined in section
50 22a-209a and wood which contains creosote or to which pesticides
51 have been applied or which contains substances defined as hazardous
52 waste under section 22a-115.

53 (b) Construction and demolition waste which does not constitute
54 processed construction and demolition wood may be disposed of at (1)
55 any solid waste disposal area for which a permit has been issued for
56 the disposal of bulky waste, or (2) a municipal solid waste landfill.
57 Processed construction and demolition wood may be disposed of at a
58 biomass gasification plant that qualifies as a Class I renewable energy
59 source, as defined in section 16-1 of the 2006 supplement to the general
60 statutes, a resources recovery facility in accordance with section 22a-
61 208y or at a permitted municipal solid waste landfill or any solid waste
62 disposal area for which a permit has been issued for the disposal of
63 bulky waste.

64 (c) Construction or demolition wood generated at a residence, other
65 than wood that has been pressure-treated or that otherwise contains
66 arsenic, furniture, mattresses and rugs or any such waste which has
67 been crushed, chopped, shredded or otherwise processed shall be
68 considered municipal solid waste and may be disposed of at any solid
69 waste disposal area for which a solid waste permit has been issued for
70 the disposal of bulky waste, [or at] a biomass gasification plant that
71 qualifies as a Class I renewable energy source, as defined in section 16-
72 1 of the 2006 supplement to the general statutes, a resources recovery
73 facility or a municipal solid waste landfill.

74 Sec. 502. Section 22a-209a of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective October 1, 2006*):

76 (a) As used in this section:

77 (1) "Recycled wood" means any wood or wood fuel which is derived
78 from such products or processes as pallets, skids, spools, packaging
79 materials, bulky wood waste or scraps from newly built wood
80 products, provided such wood is not treated wood;

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

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

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

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

92 (6) "Combustion" means the rapid chemical combination of oxygen
93 with the combustible element of a fuel resulting in the production of
94 heat;

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

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

101 (9) "Regulated wood fuel user" means a biomass gasification plant

102 or a resources recovery facility, as defined in section 22a-207, that
103 stores or utilizes regulated wood fuel for the purpose of creating by
104 combustion heat, light, power or energy and combusts in excess of one
105 hundred million BTUs per hour; and

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

109 (b) Notwithstanding the provisions of this chapter, processed wood
110 is not a solid waste provided: (1) Such wood is received for use at a
111 biomass gasification plant or a resource recovery facility as a regulated
112 wood fuel; (2) such wood is used for land application in accordance
113 with standards for such use adopted by the Commissioner of
114 Environmental Protection in accordance with chapter 54; or (3) such
115 wood is used for building products or other uses in accordance with
116 any applicable state or federal standards.

117 (c) No person other than a regulated wood fuel user shall use or
118 burn regulated wood fuel. No regulated wood fuel user shall use or
119 burn (1) regulated wood fuel which contains nonwood material, other
120 than dirt or metal fasteners, unless such material comprises less than
121 one per cent, by dry weight, of such regulated wood fuel or (2) any
122 such fuel which contains more than fifteen one-hundredths of one per
123 cent, by dry weight, total chlorine. Any sampling or analysis to
124 determine the percentage of total chlorine or the amount of nonwood
125 material shall be provided for by the regulated wood fuel merchant
126 and shall be certified by such merchant as having met any standards or
127 methodologies for such sampling or analysis approved or required by
128 the commissioner. Notwithstanding any other provisions of this
129 section, any person who exclusively burns wood, other than regulated
130 wood fuel, as a fuel shall comply with the regulations adopted under
131 section 22a-174 for stationary sources of air pollution.

132 (d) No regulated wood fuel merchant shall store, offer for sale, sell,
133 make available, deliver for use or exchange in trade for use in this state

134 (1) regulated wood fuel which contains nonwood material, other than
135 dirt or metal fasteners, unless such material comprises less than one
136 per cent, by dry weight, of such regulated wood fuel, or (2) any such
137 fuel which contains more than fifteen one-hundredths of one per cent,
138 by dry weight, total chlorine.

139 (e) Any person who sells regulated wood fuel for use in this state or
140 who uses such fuel in this state shall maintain records of all sales or
141 use of such fuel which contains nonwood materials and such records
142 shall be made available for inspection by the commissioner, or his
143 designee, during regular business hours. Such records shall be
144 maintained for at least three years.

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