



General Assembly

**Amendment**

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LCO No. 4650

\*SB0058104650SD0\*

Offered by:

SEN. MEYER, 12<sup>th</sup> Dist.

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REP. ROY, 119<sup>th</sup> Dist.

To: Subst. Senate Bill No. 581

File No. 275

Cal. No. 182

**"AN ACT CONCERNING THE ENFORCEMENT AUTHORITY OF  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND  
MOTOR BUS IDLING."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 22a-209f of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2008*):

5 (a) The Commissioner of Environmental Protection may issue a  
6 general permit for a category of processing or beneficial use of solid  
7 waste when used in a manufacturing process to make a product or as  
8 an effective substitute for a commercial product, provided: (1) Such  
9 permit does not allow an activity for which an individual permit has  
10 been issued; (2) the issuance of the general permit is not inconsistent  
11 with the requirements of the federal Resource Conservation and  
12 Recovery Act; (3) the solid wastes included in the category are

13 proposed for the same or substantially similar operations and have the  
14 same or similar physical character and chemical composition; (4) the  
15 solid wastes included in the category are proposed for the same or  
16 substantially similar beneficial use or processing activities; and (5) the  
17 commissioner finds that the activities in the category can be  
18 adequately regulated using standardized conditions without harming  
19 or presenting a threat of harm to public health and safety or the  
20 environment. [The commissioner's authority to issue a general permit  
21 shall not apply to the reuse of hazardous waste as defined in section  
22 22a-115.] The issuance of the general permit shall be governed by  
23 procedures established in subsection [(q)] (i) of section 22a-208a, as  
24 amended by this act. The general permit may require any person or  
25 municipality proposing to conduct any activity under a general permit  
26 to register such activity on a form prescribed by the commissioner.

27 (b) (1) The commissioner may issue individual authorizations for  
28 the beneficial use of solid waste in a manufacturing process to make a  
29 product or as an effective substitute for a commercial product  
30 provided (A) such authorization does not allow an activity for which  
31 an individual or general permit has been issued, (B) such authorization  
32 is not inconsistent with the requirements of the federal Resource  
33 Conservation and Recovery Act (42 USC 6901 et seq.) and (C) the  
34 commissioner finds that such solid waste can be reused without  
35 harming or presenting a threat of harm to public health, safety or the  
36 environment.

37 (2) The commissioner shall establish guidelines protective of public  
38 health, safety and the environment for authorizations made in  
39 accordance with this subsection and shall give public notice on the  
40 Department of Environmental Protection's Internet web site of such  
41 guidelines or any subsequent revision of the guidelines with an  
42 opportunity for submission of written comments by interested persons  
43 for a period of thirty days following the publication of the notice. The  
44 commissioner shall post a response to any comments received on the  
45 Department of Environmental Protection's Internet web site.

46       (3) An applicant for such authorization shall submit information on  
47 forms prescribed by the commissioner and any additional information  
48 required by the commissioner. The commissioner may direct the  
49 applicant to pay a fee of not more than five thousand dollars at the  
50 time of application, in accordance with the guidelines established  
51 under subdivision (2) of this subsection, except that no such fee shall  
52 be charged to a municipality.

53       (4) Notwithstanding section 22a-208 or any regulations adopted  
54 pursuant to section 22a-209, the issuance or renewal of an  
55 authorization under this subsection, or a modification of an  
56 authorization under this subsection if such modification is sought by  
57 the holder of an authorization, shall conform to the following  
58 procedures: The commissioner shall publish a notice of intent to issue  
59 an authorization on the Department of Environmental Protection's  
60 Internet web site. Such notice shall include: (A) The name and mailing  
61 address of the applicant and the address of the location of the  
62 proposed activity; (B) the application number; (C) the tentative  
63 decision regarding the application; (D) the type of authorization  
64 sought, including a reference to the applicable statute or regulation; (E)  
65 a description of the location of the proposed activity and any natural  
66 resources affected thereby; (F) the name, address and telephone  
67 number of any agent of the applicant from whom interested persons  
68 may obtain copies of the application; (G) the length of time available  
69 for submission of public comments to the commissioner; and (H) such  
70 additional information as the commissioner deems necessary to  
71 comply with any provision of this title or regulations adopted  
72 pursuant to this title, or with the federal Clean Air Act, federal Clean  
73 Water Act or federal Resource Conservation and Recovery Act. There  
74 shall be a comment period of thirty days following the publication of  
75 such notice during which interested persons may submit written  
76 comments to the commissioner. The commissioner shall post a  
77 response to any comments received on the Department of  
78 Environmental Protection's Internet web site. The commissioner may  
79 approve or deny such authorization based upon a review of the

80 submitted information. Any authorization issued pursuant to this  
81 section shall define clearly the activity covered by such authorization  
82 and may include such conditions or requirements as the commissioner  
83 deems appropriate, including, but not limited to, operation and  
84 maintenance requirements, management practices, reporting  
85 requirements and a specified term. The commissioner may suspend or  
86 revoke an authorization and may modify an authorization if such  
87 modification is not sought by the holder of an authorization, in  
88 accordance with the provisions of section 4-182 and the applicable  
89 rules of practice adopted by the department."