



Substitute Senate Bill No. 995

Public Act No. 09-211

AN ACT CONCERNING INDIVIDUAL AUTHORIZATIONS FOR BENEFICIAL USE OF SOLID WASTE.

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

Section 1. Section 22a-209f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The Commissioner of Environmental Protection may issue a general permit for a category of processing or beneficial use of solid waste when used in a manufacturing process to make a product or as an effective substitute for a commercial product, provided: (1) Such permit does not allow an activity for which an individual permit has been issued; (2) the issuance of the general permit is not inconsistent with the requirements of the federal Resource Conservation and Recovery Act; (3) the solid wastes included in the category are proposed for the same or substantially similar operations and have the same or similar physical character and chemical composition; (4) the solid wastes included in the category are proposed for the same or substantially similar beneficial use or processing activities; and (5) the commissioner finds that the activities in the category can be adequately regulated using standardized conditions without harming or presenting a threat of harm to public health and safety or the environment. [The commissioner's authority to issue a general permit

Substitute Senate Bill No. 995

shall not apply to the reuse of hazardous waste as defined in section 22a-115.] The issuance of the general permit shall be governed by procedures established in subsection [(q)] (i) of section 22a-208a. The general permit may require any person or municipality proposing to conduct any activity under a general permit to register such activity on a form prescribed by the commissioner.

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

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

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

Substitute Senate Bill No. 995

be charged to a municipality.

(4) Notwithstanding section 22a-208a, as amended by this act, or any regulations adopted pursuant to section 22a-209, the issuance or renewal of an authorization under this subsection, or a modification of an authorization under this subsection if such modification is sought by the holder of an authorization, shall conform to the following procedures: (A) The commissioner shall publish a notice of intent to issue an authorization on the Department of Environmental Protection's Internet web site. Such notice shall include: (i) The name and mailing address of the applicant and the address of the location of the proposed activity; (ii) the application number; (iii) the tentative decision regarding the application; (iv) the type of authorization sought, including a reference to the applicable statute or regulation; (v) a description of the location of the proposed activity and any natural resources affected thereby; (vi) the name, address and telephone number of any agent of the applicant from whom interested persons may obtain copies of the application; (vii) the length of time available for submission of public comments to the commissioner; and (viii) such additional information as the commissioner deems necessary to comply with any provision of this title or regulations adopted pursuant to this title, or with the federal Clean Air Act, federal Clean Water Act or federal Resource Conservation and Recovery Act. There shall be a comment period of thirty days following the publication of such notice during which interested persons may submit written comments to the commissioner. (B) The commissioner shall post a response to any comments received on the Department of Environmental Protection's Internet web site. (C) The commissioner may approve or deny such authorization based upon a review of the submitted information. Any authorization issued pursuant to this section shall define clearly the activity covered by such authorization and may include such conditions or requirements as the commissioner deems appropriate, including, but not limited to, operation and

Substitute Senate Bill No. 995

maintenance requirements, management practices, reporting requirements and a specified term.

(5) The commissioner may suspend or revoke an authorization and may modify an authorization if such modification is not sought by the holder of an authorization, in accordance with the provisions of section 4-182 and the applicable rules of practice adopted by the department.

Approved July 8, 2009