



# Senate

General Assembly

**File No. 127**

January Session, 2011

Senate Bill No. 839

*Senate, March 22, 2011*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT DEFINING BIOSOLIDS AS A CLASS I RENEWABLE ENERGY SOURCE.***

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

1 Section 1. Subsection (a) of section 16-1 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a  
5 and 245b shall be construed as follows, unless another meaning is  
6 expressed or is clearly apparent from the language or context:

7 (1) "Authority" means the Public Utilities Control Authority and  
8 "department" means the Department of Public Utility Control;

9 (2) "Commissioner" means a member of said authority;

10 (3) "Commissioner of Transportation" means the Commissioner of  
11 Transportation appointed under section 13b-3;

12 (4) "Public service company" includes electric, electric distribution,  
13 gas, telephone, telegraph, pipeline, sewage, water and community  
14 antenna television companies and holders of a certificate of cable  
15 franchise authority, owning, leasing, maintaining, operating,  
16 managing or controlling plants or parts of plants or equipment, and all  
17 express companies having special privileges on railroads within this  
18 state, but shall not include telegraph company functions concerning  
19 intrastate money order service, towns, cities, boroughs, any municipal  
20 corporation or department thereof, whether separately incorporated or  
21 not, a private power producer, as defined in section 16-243b, or an  
22 exempt wholesale generator, as defined in 15 USC 79z-5a;

23 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,  
24 poles, wires and other fixed or stationary construction and equipment,  
25 wherever located, used in the conduct of the business of the company;

26 (6) "Railroad company" includes every person owning, leasing,  
27 maintaining, operating, managing or controlling any railroad, or any  
28 cars or other equipment employed thereon or in connection therewith,  
29 for public or general use within this state;

30 (7) "Street railway company" includes every person owning, leasing,  
31 maintaining, operating, managing or controlling any street railway, or  
32 any cars or other equipment employed thereon or in connection  
33 therewith, for public or general use within this state;

34 (8) "Electric company" includes, until an electric company has been  
35 unbundled in accordance with the provisions of section 16-244e, every  
36 person owning, leasing, maintaining, operating, managing or  
37 controlling poles, wires, conduits or other fixtures, along public  
38 highways or streets, for the transmission or distribution of electric  
39 current for sale for light, heat or power within this state, or, engaged in  
40 generating electricity to be so transmitted or distributed for such  
41 purpose, but shall not include (A) a private power producer, as  
42 defined in section 16-243b, (B) an exempt wholesale generator, as  
43 defined in 15 USC 79z-5a, (C) a municipal electric utility established  
44 under chapter 101, (D) a municipal electric energy cooperative

45 established under chapter 101a, (E) an electric cooperative established  
46 under chapter 597, or (F) any other electric utility owned, leased,  
47 maintained, operated, managed or controlled by any unit of local  
48 government under any general statute or any public or special act;

49 (9) "Gas company" includes every person owning, leasing,  
50 maintaining, operating, managing or controlling mains, pipes or other  
51 fixtures, in public highways or streets, for the transmission or  
52 distribution of gas for sale for heat or power within this state, or  
53 engaged in the manufacture of gas to be so transmitted or distributed  
54 for such purpose, but shall not include a person manufacturing gas  
55 through the use of a biomass gasification plant provided such person  
56 does not own, lease, maintain, operate, manage or control mains, pipes  
57 or other fixtures in public highways or streets, a municipal gas utility  
58 established under chapter 101 or any other gas utility owned, leased,  
59 maintained, operated, managed or controlled by any unit of local  
60 government under any general statute or any public or special act;

61 (10) "Water company" includes every person owning, leasing,  
62 maintaining, operating, managing or controlling any pond, lake,  
63 reservoir, stream, well or distributing plant or system employed for  
64 the purpose of supplying water to fifty or more consumers. A water  
65 company does not include homeowners, condominium associations  
66 providing water only to their members, homeowners associations  
67 providing water to customers at least eighty per cent of whom are  
68 members of such associations, a municipal waterworks system  
69 established under chapter 102, a district, metropolitan district,  
70 municipal district or special services district established under chapter  
71 105, chapter 105a or any other general statute or any public or special  
72 act which is authorized to supply water, or any other waterworks  
73 system owned, leased, maintained, operated, managed or controlled  
74 by any unit of local government under any general statute or any  
75 public or special act;

76 (11) "Consumer" means any private dwelling, boardinghouse,  
77 apartment, store, office building, institution, mechanical or

78 manufacturing establishment or other place of business or industry to  
79 which water is supplied by a water company;

80 (12) "Sewage company" includes every person owning, leasing,  
81 maintaining, operating, managing or controlling, for general use in any  
82 town, city or borough, or portion thereof, in this state, sewage disposal  
83 facilities which discharge treated effluent into any waterway of this  
84 state;

85 (13) "Pipeline company" includes every person owning, leasing,  
86 maintaining, operating, managing or controlling mains, pipes or other  
87 fixtures through, over, across or under any public land, water,  
88 parkways, highways, parks or public grounds for the transportation,  
89 transmission or distribution of petroleum products for hire within this  
90 state;

91 (14) "Community antenna television company" includes every  
92 person owning, leasing, maintaining, operating, managing or  
93 controlling a community antenna television system, in, under or over  
94 any public street or highway, for the purpose of providing community  
95 antenna television service for hire and shall include any municipality  
96 which owns or operates one or more plants for the manufacture or  
97 distribution of electricity pursuant to section 7-213 or any special act  
98 and seeks to obtain or obtains a certificate of public convenience and  
99 necessity to construct or operate a community antenna television  
100 system pursuant to section 16-331 or a certificate of cable franchise  
101 authority pursuant to section 16-331q. "Community antenna television  
102 company" does not include a certified competitive video service  
103 provider;

104 (15) "Community antenna television service" means (A) the one-way  
105 transmission to subscribers of video programming or information that  
106 a community antenna television company makes available to all  
107 subscribers generally, and subscriber interaction, if any, which is  
108 required for the selection of such video programming or information,  
109 and (B) noncable communications service. "Community antenna  
110 television service" does not include video service provided by a

111 certified competitive video service provider;

112 (16) "Community antenna television system" means a facility,  
113 consisting of a set of closed transmission paths and associated signal  
114 generation, reception and control equipment that is designed to  
115 provide community antenna television service which includes video  
116 programming and which is provided in, under or over any public  
117 street or highway, for hire, to multiple subscribers within a franchise,  
118 but such term does not include (A) a facility that serves only to  
119 retransmit the television signals of one or more television broadcast  
120 stations; (B) a facility that serves only subscribers in one or more  
121 multiple unit dwellings under common ownership, control or  
122 management, unless such facility is located in, under or over a public  
123 street or highway; (C) a facility of a common carrier which is subject, in  
124 whole or in part, to the provisions of Subchapter II of Chapter 5 of the  
125 Communications Act of 1934, 47 USC 201 et seq., as amended, except  
126 that such facility shall be considered a community antenna television  
127 system and the carrier shall be considered a public service company to  
128 the extent such facility is used in the transmission of video  
129 programming directly to subscribers; or (D) a facility of an electric  
130 company which is used solely for operating its electric company  
131 systems. "Community antenna television system" does not include a  
132 facility used by a certified competitive video service provider to  
133 provide video service;

134 (17) "Video programming" means programming provided by, or  
135 generally considered comparable to programming provided by, a  
136 television broadcast station;

137 (18) "Noncable communications service" means any  
138 telecommunications service, as defined in section 16-247a, and which is  
139 not included in the definition of "cable service" in the Communications  
140 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall  
141 be construed to affect service which is both authorized and preempted  
142 pursuant to federal law;

143 (19) "Public service motor vehicle" includes all motor vehicles used

144 for the transportation of passengers for hire;

145 (20) "Motor bus" includes any public service motor vehicle operated  
146 in whole or in part upon any street or highway, by indiscriminately  
147 receiving or discharging passengers, or operated on a regular route or  
148 over any portion thereof, or operated between fixed termini, and any  
149 public service motor vehicle operated over highways within this state  
150 between points outside this state or between points within this state  
151 and points outside this state;

152 (21) "Cogeneration technology" means the use for the generation of  
153 electricity of exhaust steam, waste steam, heat or resultant energy from  
154 an industrial, commercial or manufacturing plant or process, or the use  
155 of exhaust steam, waste steam or heat from a thermal power plant for  
156 an industrial, commercial or manufacturing plant or process, but shall  
157 not include steam or heat developed solely for electrical power  
158 generation;

159 (22) "Renewable fuel resources" means energy sources described in  
160 subdivisions (26) and (27) of this subsection;

161 (23) "Telephone company" means a telecommunications company  
162 that provides one or more noncompetitive or emerging competitive  
163 services, as defined in section 16-247a;

164 (24) "Domestic telephone company" includes any telephone  
165 company which has been chartered by or organized or constituted  
166 within or under the laws of this state;

167 (25) "Telecommunications company" means a person that provides  
168 telecommunications service, as defined in section 16-247a, within the  
169 state, but shall not mean a person that provides only (A) private  
170 telecommunications service, as defined in section 16-247a, (B) the  
171 one-way transmission of video programming or other programming  
172 services to subscribers, (C) subscriber interaction, if any, which is  
173 required for the selection of such video programming or other  
174 programming services, (D) the two-way transmission of educational or

175 instructional programming to a public or private elementary or  
176 secondary school, or a public or independent institution of higher  
177 education, as required by the department pursuant to a community  
178 antenna television company franchise agreement, or provided  
179 pursuant to a contract with such a school or institution which contract  
180 has been filed with the department, or (E) a combination of the services  
181 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

182 (26) "Class I renewable energy source" means (A) energy derived  
183 from solar power, wind power, a fuel cell, methane gas from landfills,  
184 waste heat from a public wastewater treatment plant, ocean thermal  
185 power, wave or tidal power, low emission advanced renewable energy  
186 conversion technologies, a run-of-the-river hydropower facility  
187 provided such facility has a generating capacity of not more than five  
188 megawatts, does not cause an appreciable change in the river flow, and  
189 began operation after July 1, 2003, or a sustainable biomass facility  
190 with an average emission rate of equal to or less than .075 pounds of  
191 nitrogen oxides per million BTU of heat input for the previous  
192 calendar quarter, except that energy derived from a sustainable  
193 biomass facility with a capacity of less than five hundred kilowatts that  
194 began construction before July 1, 2003, may be considered a Class I  
195 renewable energy source, or (B) any electrical generation, including  
196 distributed generation, generated from a Class I renewable energy  
197 source;

198 (27) "Class II renewable energy source" means energy derived from  
199 a trash-to-energy facility, a biomass facility that began operation before  
200 July 1, 1998, provided the average emission rate for such facility is  
201 equal to or less than .2 pounds of nitrogen oxides per million BTU of  
202 heat input for the previous calendar quarter, or a run-of-the-river  
203 hydropower facility provided such facility has a generating capacity of  
204 not more than five megawatts, does not cause an appreciable change in  
205 the riverflow, and began operation prior to July 1, 2003;

206 (28) "Electric distribution services" means the owning, leasing,  
207 maintaining, operating, managing or controlling of poles, wires,

208 conduits or other fixtures along public highways or streets for the  
209 distribution of electricity, or electric distribution-related services;

210 (29) "Electric distribution company" or "distribution company"  
211 means any person providing electric transmission or distribution  
212 services within the state, including an electric company, subject to  
213 subparagraph (F) of this subdivision, but does not include: (A) A  
214 private power producer, as defined in section 16-243b; (B) a municipal  
215 electric utility established under chapter 101, other than a participating  
216 municipal electric utility; (C) a municipal electric energy cooperative  
217 established under chapter 101a; (D) an electric cooperative established  
218 under chapter 597; (E) any other electric utility owned, leased,  
219 maintained, operated, managed or controlled by any unit of local  
220 government under any general statute or special act; (F) after an  
221 electric company has been unbundled in accordance with the  
222 provisions of section 16-244e, a generation entity or affiliate of the  
223 former electric company; or (G) an electric supplier;

224 (30) "Electric supplier" means any person, including an electric  
225 aggregator or participating municipal electric utility that is licensed by  
226 the Department of Public Utility Control in accordance with section  
227 16-245, that provides electric generation services to end use customers  
228 in the state using the transmission or distribution facilities of an  
229 electric distribution company, regardless of whether or not such  
230 person takes title to such generation services, but does not include: (A)  
231 A municipal electric utility established under chapter 101, other than a  
232 participating municipal electric utility; (B) a municipal electric energy  
233 cooperative established under chapter 101a; (C) an electric cooperative  
234 established under chapter 597; (D) any other electric utility owned,  
235 leased, maintained, operated, managed or controlled by any unit of  
236 local government under any general statute or special act; or (E) an  
237 electric distribution company in its provision of electric generation  
238 services in accordance with subsection (a) or, prior to January 1, 2004,  
239 subsection (c) of section 16-244c;

240 (31) "Electric aggregator" means (A) a person, municipality or

241 regional water authority that gathers together electric customers for  
242 the purpose of negotiating the purchase of electric generation services  
243 from an electric supplier, or (B) the Connecticut Resources Recovery  
244 Authority, if it gathers together electric customers for the purpose of  
245 negotiating the purchase of electric generation services from an electric  
246 supplier, provided such person, municipality or authority is not  
247 engaged in the purchase or resale of electric generation services, and  
248 provided further such customers contract for electric generation  
249 services directly with an electric supplier, and may include an electric  
250 cooperative established pursuant to chapter 597;

251 (32) "Electric generation services" means electric energy, electric  
252 capacity or generation-related services;

253 (33) "Electric transmission services" means electric transmission or  
254 transmission-related services;

255 (34) "Generation entity or affiliate" means a corporate affiliate or, as  
256 provided in subdivision (3) of subsection (a) of section 16-244e, a  
257 separate division of an electric company after unbundling has occurred  
258 pursuant to section 16-244e, that provides electric generation services;

259 (35) "Participating municipal electric utility" means a municipal  
260 electric utility established under chapter 101 or any other electric  
261 utility owned, leased, maintained, operated, managed or controlled by  
262 any unit of local government under any general statute or any public  
263 or special act, that is authorized by the department in accordance with  
264 section 16-245c to provide electric generation services to end use  
265 customers outside its service area, as defined in section 16-245c;

266 (36) "Person" means an individual, business, firm, corporation,  
267 association, joint stock association, trust, partnership or limited  
268 liability company;

269 (37) "Regional independent system operator" means the "ISO - New  
270 England, Inc.", or its successor organization as approved by the  
271 Federal Energy Regulatory Commission;

272 (38) "Certified telecommunications provider" means a person  
273 certified by the department to provide intrastate telecommunications  
274 services, as defined in section 16-247a, pursuant to sections 16-247f to  
275 16-247h, inclusive;

276 (39) "Gas registrant" means a person registered to sell natural gas  
277 pursuant to section 16-258a;

278 (40) "Customer-side distributed resources" means (A) the generation  
279 of electricity from a unit with a rating of not more than sixty-five  
280 megawatts on the premises of a retail end user within the transmission  
281 and distribution system including, but not limited to, fuel cells,  
282 photovoltaic systems or small wind turbines, or (B) a reduction in the  
283 demand for electricity on the premises of a retail end user in the  
284 distribution system through methods of conservation and load  
285 management, including, but not limited to, peak reduction systems  
286 and demand response systems;

287 (41) "Federally mandated congestion charges" means any cost  
288 approved by the Federal Energy Regulatory Commission as part of  
289 New England Standard Market Design including, but not limited to,  
290 locational marginal pricing, locational installed capacity payments, any  
291 cost approved by the Department of Public Utility Control to reduce  
292 federally mandated congestion charges in accordance with section 7-  
293 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-  
294 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and 16-  
295 245z, and section 21 of public act 05-1 of the June special session\* and  
296 reliability must run contracts;

297 (42) "Combined heat and power system" means a system that  
298 produces, from a single source, both electric power and thermal energy  
299 used in any process that results in an aggregate reduction in electricity  
300 use;

301 (43) "Grid-side distributed resources" means the generation of  
302 electricity from a unit with a rating of not more than sixty-five  
303 megawatts that is connected to the transmission or distribution system,

304 which units may include, but are not limited to, units used primarily to  
305 generate electricity to meet peak demand;

306 (44) "Class III source" means the electricity output from combined  
307 heat and power systems with an operating efficiency level of no less  
308 than fifty per cent that are part of customer-side distributed resources  
309 developed at commercial and industrial facilities in this state on or  
310 after January 1, 2006, a waste heat recovery system installed on or after  
311 April 1, 2007, that produces electrical or thermal energy by capturing  
312 preexisting waste heat or pressure from industrial or commercial  
313 processes, or the electricity savings created in this state from  
314 conservation and load management programs begun on or after  
315 January 1, 2006;

316 (45) "Sustainable biomass" means biomass that is cultivated and  
317 harvested in a sustainable manner. "Sustainable biomass" does not  
318 mean construction and demolition waste, as defined in section 22a-  
319 208x, finished biomass products from sawmills, paper mills or stud  
320 mills, organic refuse fuel derived separately from municipal solid  
321 waste, or biomass from old growth timber stands, except where (A)  
322 such biomass is used in a biomass gasification plant that received  
323 funding prior to May 1, 2006, from the Renewable Energy Investment  
324 Fund established pursuant to section 16-245n, or (B) the energy  
325 derived from such biomass is subject to a long-term power purchase  
326 contract pursuant to subdivision (2) of subsection (j) of section 16-244c  
327 entered into prior to May 1, 2006, (C) such biomass is used in a  
328 renewable energy facility that is certified as a Class I renewable energy  
329 source by the department until such time as the department certifies  
330 that any biomass gasification plant, as defined in subparagraph (A) of  
331 this subdivision, is operational and accepting such biomass, in an  
332 amount not to exceed one hundred forty thousand tons annually, is  
333 used in a renewable energy facility that was certified as a Class I  
334 renewable energy source by the department prior to December 31,  
335 2007, and uses biomass, including construction and demolition waste  
336 as defined in section 22a-208x, from a Connecticut-sited transfer  
337 station and volume-reduction facility that generated biomass during

338 calendar year 2007 that was used during calendar year 2007 to  
339 generate Class I renewable energy certificates, or (D) in the event there  
340 is no facility as described in subparagraph (A) or (C) of this  
341 subdivision accepting such biomass, in an amount not to exceed one  
342 hundred forty thousand tons annually, is used in one or more other  
343 renewable energy facilities certified either as a Class I or Class II  
344 renewable energy source by the department, provided such facilities  
345 use biomass, including construction and demolition waste as defined  
346 in said section 22a-208x, from a Connecticut-sited transfer station and  
347 volume-reduction facility that generated biomass during calendar year  
348 2007 that was used during calendar year 2007 to generate Class I  
349 renewable energy certificates. Notwithstanding the provisions of  
350 subparagraphs (C) and (D) of this subdivision, the amount of biomass  
351 specified in said subparagraphs shall not apply to a biomass  
352 gasification plant, as defined in subparagraph (A) of this subdivision;

353 (46) "Video service" means video programming services provided  
354 through wireline facilities, a portion of which are located in the public  
355 right-of-way, without regard to delivery technology, including Internet  
356 protocol technology. "Video service" does not include any video  
357 programming provided by a commercial mobile service provider, as  
358 defined in 47 USC 332(d), any video programming provided as part of  
359 community antenna television service in a franchise area as of October  
360 1, 2007, any video programming provided as part of and via a service  
361 that enables users to access content, information, electronic mail or  
362 other services over the public Internet;

363 (47) "Certified competitive video service provider" means an entity  
364 providing video service pursuant to a certificate of video franchise  
365 authority issued by the department in accordance with section 16-331e.  
366 "Certified competitive video service provider" does not mean an entity  
367 issued a certificate of public convenience and necessity in accordance  
368 with section 16-331 or the affiliates, successors and assigns of such  
369 entity or an entity issued a certificate of cable franchise authority in  
370 accordance with section 16-331p or the affiliates, successors and  
371 assignees of such entity;

372 (48) "Certificate of video franchise authority" means an  
373 authorization issued by the Department of Public Utility Control  
374 conferring the right to an entity or person to own, lease, maintain,  
375 operate, manage or control facilities in, under or over any public  
376 highway to offer video service to any subscribers in the state;

377 (49) "Certificate of cable franchise authority" means an authorization  
378 issued by the Department of Public Utility Control pursuant to section  
379 16-331q conferring the right to a community antenna television  
380 company to own, lease, maintain, operate, manage or control a  
381 community antenna television system in, under or over any public  
382 highway to (A) offer community antenna television service in a  
383 community antenna television company's designated franchise area, or  
384 (B) use the public rights-of-way to offer video service in a designated  
385 franchise area. The certificate of cable franchise authority shall be  
386 issued as an alternative to a certificate of public convenience and  
387 necessity pursuant to section 16-331 and shall only be available to a  
388 community antenna television company under the terms specified in  
389 sections 16-331q to 16-331aa, inclusive;

390 (50) "Thermal energy transportation company" means any person  
391 authorized under any provision of the general statutes or special act to  
392 furnish heat or air conditioning or both, by means of steam, heated or  
393 chilled water or other medium, to lay and maintain mains, pipes or  
394 other conduits, and to erect such other fixtures necessary or convenient  
395 in and on the streets, highways and public grounds of any  
396 municipality to carry steam, heated or chilled water or other medium  
397 from such plant to the location to be served and to return the same;  
398 and

399 (51) "The Connecticut Television Network" means the General  
400 Assembly's state-wide twenty-four-hour state public affairs  
401 programming service, separate and distinct from community access  
402 channels.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-1(a)

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which allows waste heat recovered from exhaust gas by processing biosolids to be classified as a Class I renewable energy source, does not result in a fiscal impact to the state or municipalities.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 839*****AN ACT DEFINING BIOSOLIDS AS A CLASS I RENEWABLE ENERGY SOURCE.*****SUMMARY:**

By law, electric companies and competitive electric suppliers must get part of their power from Class I renewable resources such as solar and wind power. This bill expands this class to include the energy derived from waste heat from a public wastewater (sewage) treatment plant. In this case, waste heat is recovered from exhaust gas by processing biosolids removed from wastewater. Biosolids are treated sewage sludge.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 24    Nay 2    (03/09/2011)