



General Assembly

Amendment

January Session, 2017

LCO No. 7631



Offered by:

SEN. KENNEDY, 12th Dist.

SEN. MINER, 30th Dist.

To: Senate Bill No. 943

File No. 275

Cal. No. 157

**"AN ACT CONCERNING THE INSTALLATION OF CERTAIN
SOLAR FACILITIES ON PRODUCTIVE FARMLANDS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2017*) For purposes of sections 1
4 and 2 of this act and section 16-50k of the general statutes, as amended
5 by this act: (1) "Core forest" means unfragmented forest land that is
6 three hundred feet or greater from the boundary between forest land
7 and nonforest land, as determined by the Commissioner of Energy and
8 Environmental Protection; and (2) "prime farmland" means land that
9 meets the criteria for prime farmland as described in 7 CFR 657, as
10 amended from time to time.

11 Sec. 2. (NEW) (*Effective July 1, 2017*) In any solicitation issued under
12 section 16a-3f, 16a-3g, 16a-3h or 16a-3j of the general statutes, as
13 amended by this act, after July 1, 2017, the Commissioner of Energy
14 and Environmental Protection shall consider the environmental

15 impacts of any proposal located in the state that is received in response
16 to such solicitation, including, but not limited to, the impacts to prime
17 farmland and core forests and the reuse of sites with limited
18 development opportunities such as brownfields and landfills, as
19 identified by the commissioner.

20 Sec. 3. Subsection (a) of section 16-50k of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective July*
22 *1, 2017*):

23 (a) Except as provided in subsection (b) of section 16-50z, no person
24 shall exercise any right of eminent domain in contemplation of,
25 commence the preparation of the site for, commence the construction
26 or supplying of a facility, or commence any modification of a facility,
27 that may, as determined by the council, have a substantial adverse
28 environmental effect in the state without having first obtained a
29 certificate of environmental compatibility and public need, hereinafter
30 referred to as a "certificate", issued with respect to such facility or
31 modification by the council. Certificates shall not be required for (1)
32 fuel cells built within the state with a generating capacity of two
33 hundred fifty kilowatts or less, or (2) fuel cells built out of state with a
34 generating capacity of ten kilowatts or less. Any facility with respect to
35 which a certificate is required shall thereafter be built, maintained and
36 operated in conformity with such certificate and any terms, limitations
37 or conditions contained therein. Notwithstanding the provisions of this
38 chapter or title 16a, the council shall, in the exercise of its jurisdiction
39 over the siting of generating facilities, approve by declaratory ruling
40 (A) the construction of a facility solely for the purpose of generating
41 electricity, other than an electric generating facility that uses nuclear
42 materials or coal as fuel, at a site where an electric generating facility
43 operated prior to July 1, 2004, and (B) the construction or location of
44 any fuel cell, unless the council finds a substantial adverse
45 environmental effect, or of any customer-side distributed resources
46 project or facility or grid-side distributed resources project or facility
47 with a capacity of not more than sixty-five megawatts, as long as;
48 [such] (i) Such project meets air and water quality standards of the

49 Department of Energy and Environmental Protection, (ii) the council
50 does not find a substantial adverse environmental effect, and (iii) for a
51 solar photovoltaic facility with a capacity of two or more megawatts, to
52 be located on prime farmland or forestland, excluding any such facility
53 that was selected by the Department of Energy and Environmental
54 Protection in any solicitation issued prior to July 1, 2017, pursuant to
55 section 16a-3f, 16a-3g or 16a-3j: (I) The applicant rebuts the
56 presumption of not being environmentally compatible by providing
57 the council with substantial evidence that locating such facility on
58 prime farmland that is actively used for agriculture will enable such
59 continued agricultural use or, for prime farmland that is not actively
60 used for agriculture, by providing the council with substantial
61 evidence that following the decommissioning of such facility, such
62 property will constitute prime farmland, or (II) the Department of
63 Energy and Environmental Protection demonstrates to the satisfaction
64 of the council that such project will not materially affect the status of
65 such land as core forest, as applicable.

66 Sec. 4. Subsection (a) of section 16-50p of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective July*
68 *1, 2017*):

69 (a) (1) In a certification proceeding, the council shall render a
70 decision upon the record either granting or denying the application as
71 filed, or granting it upon such terms, conditions, limitations or
72 modifications of the construction or operation of the facility as the
73 council may deem appropriate.

74 (2) The council's decision shall be rendered in accordance with the
75 following:

76 (A) Not later than twelve months after the filing of an application
77 for a facility described in subdivision (1) or (2) of subsection (a) of
78 section 16-50i or subdivision (4) of said subsection (a) if the application
79 was incorporated in an application concerning a facility described in
80 subdivision (1) of said subsection (a); and

81 (B) Not later than one hundred eighty days after the filing of an
82 application for a facility described in subdivisions (3) to (6), inclusive,
83 of subsection (a) of section 16-50i, provided the council may extend
84 such period by not more than one hundred eighty days with the
85 consent of the applicant.

86 (3) The council shall file, with its order, an opinion stating in full its
87 reasons for the decision. The council shall not grant a certificate, either
88 as proposed or as modified by the council, unless it shall find and
89 determine:

90 (A) Except as provided in subsection (b) or (c) of this section, a
91 public need for the facility and the basis of the need;

92 (B) The nature of the probable environmental impact of the facility
93 alone and cumulatively with other existing facilities, including a
94 specification of every significant adverse effect, including, but not
95 limited to, (i) electromagnetic fields that, whether alone or
96 cumulatively with other effects, impact on, and conflict with the
97 policies of the state concerning the natural environment, (ii) ecological
98 balance, (iii) public health and safety, (iv) scenic, historic and
99 recreational values, (v) agriculture, (vi) forests and parks, (vii) air and
100 water purity, and (viii) fish, aquaculture and wildlife;

101 (C) Why the adverse effects or conflicts referred to in subparagraph
102 (B) of this subdivision are not sufficient reason to deny the application;

103 (D) In the case of an electric transmission line, (i) what part, if any,
104 of the facility shall be located overhead, (ii) that the facility conforms to
105 a long-range plan for expansion of the electric power grid of the
106 electric systems serving the state and interconnected utility systems
107 and will serve the interests of electric system economy and reliability,
108 and (iii) that the overhead portions, if any, of the facility are cost
109 effective and the most appropriate alternative based on a life-cycle cost
110 analysis of the facility and underground alternatives to such facility,
111 are consistent with the purposes of this chapter, with such regulations
112 or standards as the council may adopt pursuant to section 16-50t,

113 including, but not limited to, the council's best management practices
114 for electric and magnetic fields for electric transmission lines and with
115 the Federal Power Commission "Guidelines for the Protection of
116 Natural Historic Scenic and Recreational Values in the Design and
117 Location of Rights-of-Way and Transmission Facilities" or any
118 successor guidelines and any other applicable federal guidelines and
119 are to be contained within an area that provides a buffer zone that
120 protects the public health and safety, as determined by the council. In
121 establishing such buffer zone, the council shall consider, among other
122 things, residential areas, private or public schools, licensed child care
123 centers, licensed youth camps or public playgrounds adjacent to the
124 proposed route of the overhead portions and the level of the voltage of
125 the overhead portions and any existing overhead transmission lines on
126 the proposed route. At a minimum, the existing right-of-way shall
127 serve as the buffer zone;

128 (E) In the case of an electric or fuel transmission line, that the
129 location of the line will not pose an undue hazard to persons or
130 property along the area traversed by the line;

131 (F) In the case of a facility described in subdivision (6) of subsection
132 (a) of section 16-50i that is (i) proposed to be installed on land under
133 agricultural restriction, as provided in section 22-26cc, that the facility
134 will not result in a material decrease of acreage and productivity of the
135 arable land, (ii) proposed to be installed on land near a building
136 containing a school, as defined in section 10-154a, or a commercial
137 child care center, as described in subdivision (1) of subsection (a) of
138 section 19a-77, that the facility will not be less than two hundred fifty
139 feet from such school or commercial child care center unless the
140 location is acceptable to the chief elected official of the municipality or
141 the council finds that the facility will not have a substantial adverse
142 effect on the aesthetics or scenic quality of the neighborhood in which
143 such school or commercial child care center is located, or (iii) proposed
144 to be installed on land owned by a water company, as defined in
145 section 25-32a, and which involves a new ground-mounted
146 telecommunications tower, that such land owned by a water company

147 is preferred over any alternative telecommunications tower sites
148 provided the council shall, pursuant to clause (iii) of this
149 subparagraph, consult with the Department of Public Health to
150 determine potential impacts to public drinking water supplies in
151 considering all the environmental impacts identified pursuant to
152 subparagraph (B) of this subdivision. The council shall not render any
153 decision pursuant to this subparagraph that is inconsistent with
154 federal law or regulations; and

155 (G) That, for a facility described in subdivision (5) or (6) of
156 subsection (a) of section 16-50i, the council has considered the
157 manufacturer's recommended safety standards for any equipment,
158 machinery or technology for the facility.

159 Sec. 5. Subsection (e) of section 16-244u of the general statutes is
160 repealed and the following is substituted in lieu thereof (*Effective July*
161 *1, 2017*):

162 (e) (1) On or before October 1, 2013, the Public Utilities Regulatory
163 Authority shall conduct a proceeding to develop the administrative
164 processes and program specifications, including, but not limited to, a
165 cap of ten million dollars per year apportioned to each electric
166 distribution company based on consumer load, for credits provided to
167 beneficial accounts pursuant to subsection [(c)] (b) of this section and
168 payments made pursuant to subsection [(d)] (c) of this section,
169 provided the municipal, state and agricultural customer hosts, each in
170 the aggregate, and the designated beneficial accounts of such customer
171 hosts, shall receive not more than forty per cent of the dollar amount
172 established pursuant to this subdivision.

173 (2) In addition to the provisions of subdivision (1) of this subsection,
174 the authority shall authorize six million dollars per year for municipal
175 customer hosts, apportioned to each electric distribution company
176 based on consumer load, for credits provided to beneficial accounts
177 pursuant to subsection [(c)] (b) of this section and payments made
178 pursuant to subsection [(d)] (c) of this section where such municipal

179 customer hosts have: (A) Submitted an interconnection application to
180 an electric distribution company on or before April 13, 2016, and (B)
181 submitted a virtual net metering application to an electric distribution
182 company on or before April 13, 2016.

183 (3) In addition to the provisions of subdivisions (1) and (2) of this
184 subsection, the authority shall authorize, apportioned to each electric
185 distribution company based on consumer load for credits provided to
186 beneficial accounts pursuant to subsection (b) of this section and
187 payments made pursuant to subsection (c) of this section three million
188 dollars per year for agricultural customer hosts, provided each
189 agricultural customer host utilizes a virtual net metering facility that is
190 an anaerobic digestion Class I renewable energy source and not less
191 than fifty per cent of the dollar amount for such agricultural customer
192 hosts established under this subparagraph is utilized by anaerobic
193 digestion facilities located on dairy farms that complement such farms'
194 nutrient management plans, as certified by the Department of
195 Agriculture, and that utilize one hundred per cent of the manure
196 generated on such farm.

197 Sec. 6. (NEW) (*Effective from passage*) The Department of Energy and
198 Environmental Protection, in consultation with the Department of
199 Agriculture, may assist one or more companies in the submission of a
200 petition to the Environmental Protection Agency for approval of kelp
201 oil as a feedstock under the fuel pathway for the heating oil program
202 within the Renewable Fuel Standard Program. Such assistance may
203 include, but shall not be limited to, inquiring of the status of kelp and
204 kelp oil for consideration as feedstock for heating oil by the
205 Environmental Protection Agency under such program, providing any
206 applicable or requisite information held by the department that may
207 support such petition, and facilitating timely communications between
208 the Environmental Protection Agency, other relevant state agencies
209 and any such petitioning company in furtherance of any such petition.

210 Sec. 7. Section 22a-207 of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective July 1, 2017*):

212 For the purposes of this chapter and chapter 103b:

213 (1) "Commissioner" means the Commissioner of Energy and
214 Environmental Protection or his authorized agent;

215 (2) "Department" means the Department of Energy and
216 Environmental Protection;

217 (3) "Solid waste" means unwanted or discarded solid, liquid,
218 semisolid or contained gaseous material, including, but not limited to,
219 demolition debris, material burned or otherwise processed at a
220 resources recovery facility or incinerator, material processed at a
221 recycling facility and sludges or other residue from a water pollution
222 abatement facility, water supply treatment plant or air pollution
223 control facility;

224 (4) "Solid waste facility" means any solid waste disposal area,
225 volume reduction plant, transfer station, wood-burning facility or
226 biomedical waste treatment facility;

227 (5) "Volume reduction plant" means any location or structure,
228 whether located on land or water, where more than two thousand
229 pounds per hour of solid waste generated elsewhere may be reduced
230 in volume, including but not limited to, resources recovery facilities,
231 waste conversion facilities and other incinerators, recycling facilities,
232 pulverizers, compactors, shredders, balers and composting facilities;

233 (6) "Solid waste disposal area" means any location, including a
234 landfill or other land disposal site, used for the disposal of more than
235 ten cubic yards of solid waste. For purposes of this subdivision,
236 "disposal" means the placement of material at a location with the intent
237 to leave it at such location indefinitely, or to fail to remove material
238 from a location within forty-five days, but does not mean the
239 placement of material required to be recycled under section 22a-241b
240 in a location on the premises of a recycling facility, provided such
241 facility is in compliance with all requirements of state or federal law
242 and any permits required thereunder;

243 (7) "Recycling" means the processing of solid waste to reclaim
244 material therefrom;

245 (8) "Recycling facility" or "recycling center" means land and
246 appurtenances thereon and structures where recycling is conducted,
247 including but not limited to, an intermediate processing center as
248 defined in section 22a-260;

249 (9) "Resources recovery facility" means a facility [utilizing processes
250 to reclaim energy from municipal solid waste] that combusts
251 municipal solid waste to generate electricity;

252 (10) "Waste conversion facility" means a facility that uses thermal,
253 chemical or biological processes to convert solid waste, including, but
254 not limited to, municipal solid waste, into electricity, fuel, gas,
255 chemical or other products and that is not a facility that combusts
256 mixed municipal solid waste to generate electricity;

257 [(10)] (11) "Transfer station" means any location or structure,
258 whether located on land or water, where more than ten cubic yards of
259 solid waste, generated elsewhere, may be stored for transfer or
260 transferred from transportation units and placed in other
261 transportation units for movement to another location, whether or not
262 such waste is stored at the location prior to transfer;

263 [(11)] (12) "Municipality" means any town, city or borough within
264 the state;

265 [(12)] (13) "Municipal authority" means the local governing body
266 having legal jurisdiction over solid waste management within its
267 corporate limits which shall be, in the case of any municipality which
268 adopts a charter provision or ordinance pursuant to section 7-273aa,
269 the municipal resource recovery authority;

270 [(13)] (14) "Regional authority" means the administrative body
271 delegated the responsibility of solid waste management for two or
272 more municipalities which have joined together by creating a district

273 or signing an interlocal agreement or signing a mutual contract for a
274 definitive period of time;

275 [(14)] (15) "Region" means two or more municipalities which have
276 joined together by creating a district or signing an interlocal agreement
277 or signing a mutual contract for a definite period of time concerning
278 solid waste management within such municipalities;

279 [(15)] (16) "Solid waste management plan" means an administrative
280 and financial plan for an area which considers solid waste storage,
281 collection, transportation, volume reduction, recycling, reclamation
282 and disposal practices for a twenty-year period, or extensions thereof;

283 [(16)] (17) "Municipal collection" means solid waste collection from
284 all residents thereof by a municipal authority;

285 [(17)] (18) "Contract collection" means collection by a private
286 collector under a formal agreement with a municipal authority in
287 which the rights and duties of the respective parties are set forth;

288 [(18)] (19) "Solid waste planning region" means those municipalities
289 within the defined boundaries of regional councils of governments or
290 as prescribed in the state solid waste management plan;

291 [(19)] (20) "Biomedical waste" means infectious waste, pathological
292 waste and chemotherapy waste generated during the administration of
293 medical care or the performance of medical research involving humans
294 or animals and which, because of its quantity, character or
295 composition, has been determined by the commissioner to require
296 special handling but excluding any solid waste which has been
297 classified by the department as a hazardous waste pursuant to section
298 22a-115 or is a radioactive material regulated pursuant to section 22a-
299 148;

300 [(20)] (21) "Generator of biomedical waste" means any person who
301 owns or operates a facility that produces biomedical waste in any
302 quantity, including, but not limited to the following: General hospitals,

303 skilled nursing facilities or convalescent hospitals, intermediate care
304 facilities, chronic dialysis clinics, free clinics, health maintenance
305 organizations, surgical clinics, acute psychiatric hospitals, laboratories,
306 medical buildings, physicians' offices, veterinarians, dental offices and
307 funeral homes. Where more than one generator is located in the same
308 building, each individual business entity shall be considered a separate
309 generator;

310 [(21)] (22) "Biomedical waste treatment facility" means a solid waste
311 facility capable of storing, treating or disposing of any amount of
312 biomedical waste, excluding any facility where the only biomedical
313 waste treated, stored or disposed of is biomedical waste generated at
314 the site and any licensed acute care facility or licensed regional
315 household hazardous waste collection facility accepting untreated
316 solid waste generated during the administration of medical care in a
317 single or multiple family household by a resident of such household;

318 [(22)] (23) "Throughput" means the amount of municipal solid waste
319 processed by a resources recovery facility determined by dividing the
320 average annual tonnage of municipal solid waste by three hundred
321 sixty-five days;

322 [(23)] (24) "Municipal solid waste" means solid waste from
323 residential, commercial and industrial sources, excluding solid waste
324 consisting of significant quantities of hazardous waste as defined in
325 section 22a-115, land-clearing debris, demolition debris, biomedical
326 waste, sewage sludge and scrap metal;

327 [(24)] (25) "Wood-burning facility" means a facility, as defined in
328 section 16-50i, whose principal function is energy recovery from wood
329 for commercial purposes. "Wood-burning facility" does not mean a
330 biomass gasification plant that utilizes land clearing debris, tree
331 stumps or other biomass that regenerates, or the use of which will not
332 result in a depletion of, resources;

333 [(25)] (26) "Person" has the same meaning as in subsection (b) of
334 section 22a-2;

335 [(26)] (27) "Closure plan" means a comprehensive written plan,
336 including maps, prepared by a professional engineer licensed by the
337 state that details the closure of a solid waste disposal area and that
338 addresses final cover design, stormwater controls, landfill gas controls,
339 water quality monitoring, leachate controls, postclosure maintenance
340 and monitoring, financial assurance for closure and postclosure
341 activities, postclosure use and any other information that the
342 commissioner determines is necessary to protect human health and the
343 environment from the effects of the solid waste disposal areas;

344 [(27)] (28) "Designated recyclable item" means an item designated
345 for recycling by the Commissioner of Energy and Environmental
346 Protection in regulations adopted pursuant to subsection (a) of section
347 22a-241b, or designated for recycling pursuant to section 22a-208v or
348 22a-256;

349 [(28)] (29) "Composting facility" means land, appurtenances,
350 structures or equipment where organic materials originating from
351 another process or location that have been separated at the point or
352 source of generation from nonorganic material are recovered using a
353 process of accelerated biological decomposition of organic material
354 under controlled aerobic or anaerobic conditions;

355 [(29)] (30) "Source-separated organic material" means organic
356 material, including, but not limited to, food scraps, food processing
357 residue and soiled or unrecyclable paper that has been separated at the
358 point or source of generation from nonorganic material.

359 Sec. 8. Section 22a-207a of the general statutes is repealed and the
360 following is substituted in lieu thereof (*Effective July 1, 2017*):

361 (a) As used in [sections] section 22a-208d, [22a-208q] as amended by
362 this act, and subsection (b) of section 22a-228: (1) "Composting" means
363 a process of accelerated biological decomposition of organic material
364 under controlled conditions; and (2) "mixed municipal solid waste"
365 means municipal solid waste that consists of mixtures of solid wastes
366 which have not been separated at the source of generation or

367 processed into discrete, homogeneous waste streams such as glass,
368 paper, plastic, aluminum or tire waste streams provided such wastes
369 shall not include any material required to be recycled pursuant to
370 section 22a-241b₂ [; and (3) "mixed municipal solid waste composting
371 facility" means a volume reduction plant where mixed municipal solid
372 waste is processed using composting technology.]

373 (b) As used in this chapter, "end user" means any person who uses a
374 material for such material's original use or any manufacturer who uses
375 a material as feedstock to make a marketable product.

376 Sec. 9. Section 22a-208d of the general statutes is repealed and the
377 following is substituted in lieu thereof (*Effective July 1, 2017*):

378 (a) On and after July 1, 1989, the Commissioner of Energy and
379 Environmental Protection shall not issue a permit under section 22a-
380 208a to construct or expand a resources recovery facility [or a mixed
381 municipal solid waste composting facility] where any mixed municipal
382 solid waste will be processed or a disposal area for ash residue
383 generated by resources recovery facilities or mixed municipal solid
384 waste unless said commissioner makes a written determination that
385 such facility or disposal area is necessary to meet the solid waste
386 disposal needs of the state and will not result in substantial excess
387 capacity of resources recovery facilities [,] or disposal areas. [or mixed
388 municipal solid waste composting facilities.]

389 (b) The commissioner shall publish, at the expense of the applicant,
390 notice of the preliminary determination of need for the proposed
391 facility or disposal area in a newspaper having a substantial circulation
392 in the area affected. Publication shall be within sixty days of
393 determination by the commissioner that the application is complete.
394 Any person may submit written comments on the preliminary
395 determination of need in the same manner as provided by the
396 commissioner for the submission of comments on the application. The
397 commissioner shall not make a final determination of need for the
398 facility or disposal area unless a permit is issued. A preliminary

399 determination of need shall be void if a permit is not issued. As used in
400 this section, "preliminary determination of need" means a statement by
401 the commissioner of the need for a resources recovery facility [, a
402 mixed municipal solid waste composting facility] or disposal area
403 during the pendency of an application to construct such facility or
404 area.

405 (c) (1) The applicant for a permit to construct or expand a resources
406 recovery facility [or a mixed municipal solid waste composting facility]
407 requiring a determination of need under subsection (a) of this section
408 shall provide such information as the commissioner deems necessary,
409 including but not limited to:

410 (A) The design capacity of the proposed facility;

411 (B) The planned operating rate and throughput for the facility;

412 (C) An explanation of any difference between the information
413 provided under subparagraphs (A) and (B) of this subdivision;

414 (D) The estimated amount of the following: (i) The mixed municipal
415 solid waste generated by and received from each municipality and
416 other customers that will send waste to the facility, in tons per day
417 evidenced by contracts or letters of intent, (ii) the mixed municipal
418 solid waste to be recycled pursuant to regulations adopted by the
419 commissioner under section 22a-241b, and (iii) change in the amount
420 of mixed municipal solid waste generated because of population
421 growth, waste generation, source reduction and industrial and
422 commercial development over the design life of the facility.
423 Information submitted under this subdivision shall include the
424 methodology used to determine the estimates;

425 (E) A contingency plan for use of facility capacity if throughput
426 declines or increases by at least ten per cent from the throughput
427 estimated in the application;

428 (F) An analysis of reasonable levels of reserve capacity for seasonal

429 peaks and unexpected facility outages;

430 (G) The capability of the applicant to complete the project;

431 (H) The technical feasibility of the proposed facility; and

432 (I) A demonstration that the throughput capacity of the proposed
433 facility, when combined with the throughput capacity of all other
434 resources recovery facilities with permits to construct under the
435 provisions of section 22a-208a [] and existing resources recovery
436 facilities with construction permits to expand [and mixed municipal
437 solid waste composting facilities,] shall not exceed the total throughput
438 capacity of resources recovery facilities [and mixed municipal solid
439 waste composting facilities] needed to process waste generated in the
440 state as set forth in the solid waste management plan adopted
441 pursuant to section 22a-228.

442 (2) In making the determination required under this section, the
443 commissioner shall consider the information submitted under
444 subdivision (1) of this subsection, the current and anticipated
445 availability of throughput capacity for mixed municipal solid waste at
446 resources recovery facilities, [mixed municipal solid waste composting
447 facilities,] land disposal areas, recycling facilities and other facilities
448 that process or dispose of mixed municipal solid waste that have
449 obtained all necessary permits to construct and any other information
450 the commissioner deems pertinent and shall insure that no waste is
451 accounted for more than once as a result of transfer from one vehicle or
452 facility to another or for any other reason.

453 (d) (1) The applicant for a permit to construct a disposal area for ash
454 residue generated by resources recovery facilities or mixed municipal
455 solid wastes which requires a certificate of need under subsection (a) of
456 this section shall submit such information as the commissioner deems
457 necessary, including but not limited to, (A) the name of the resources
458 recovery facilities or municipalities to be served by the disposal area;
459 (B) the transportation system needed to serve the disposal area; (C) the
460 available capacity of other disposal areas for ash residue or mixed

461 municipal solid waste in the state that have obtained all necessary
462 permits to construct; and (D) the design capacity of the disposal area.

463 (2) In making the determination required under this subsection, the
464 commissioner shall consider the information submitted pursuant to
465 subdivision (1) of this subsection and any other information the
466 commissioner deems pertinent.

467 (e) The provisions of this section shall apply to any application for a
468 permit under section 22a-208a for a resources recovery facility, for a
469 disposal area for ash residue generated by resources recovery facilities,
470 [for a mixed municipal solid waste composting facility] or for a
471 disposal area for mixed municipal solid wastes which is pending on or
472 submitted after July 1, 1989.

473 (f) This section shall not apply to an application for a permit or
474 permit modifications of any resources recovery facility operating as of
475 June 30, 1993, provided there is no expansion after that date of the
476 facility's boilers or waste handling and processing equipment. Any
477 such facility shall comply with all applicable environmental laws and
478 regulations. Nothing in this subsection and no action taken by the
479 commissioner pursuant hereto shall validate or invalidate any permit
480 or determination of need issued or approved prior to June 30, 1993, for
481 any resources recovery facility not operating as of that date, or
482 otherwise affect any action of the commissioner, proceedings or
483 judicial review relating thereto, pending on or commenced after that
484 date.

485 Sec. 10. Section 22a-208q of the general statutes is repealed. (*Effective*
486 *July 1, 2017*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	New section
Sec. 2	<i>July 1, 2017</i>	New section
Sec. 3	<i>July 1, 2017</i>	16-50k(a)

Sec. 4	<i>July 1, 2017</i>	16-50p(a)
Sec. 5	<i>July 1, 2017</i>	16-244u(e)
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2017</i>	22a-207
Sec. 8	<i>July 1, 2017</i>	22a-207a
Sec. 9	<i>July 1, 2017</i>	22a-208d
Sec. 10	<i>July 1, 2017</i>	Repealer section