



General Assembly

Amendment

January Session, 2017

LCO No. 8190



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21 repealed and the following is substituted in lieu thereof (*Effective July*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, the Department of Agriculture
56 demonstrates to the satisfaction of the council that such project will not
57 materially affect the status of such land as prime farmland or the
58 Department of Energy and Environmental Protection demonstrates to
59 the satisfaction of the council that such project will not materially affect
60 the status of such land as core forest. In conducting an evaluation of a
61 project for purposes of subparagraph (B)(iii) of this subsection, the
62 Departments of Agriculture and Energy and Environmental Protection
63 may consult with the United States Department of Agriculture and soil
64 and water conservation districts.

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66 repealed and the following is substituted in lieu thereof (*Effective July*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

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

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

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

80 (B) Not later than one hundred eighty days after the filing of an

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

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

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

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

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

102 (D) In the case of an electric transmission line, (i) what part, if any,
103 of the facility shall be located overhead, (ii) that the facility conforms to
104 a long-range plan for expansion of the electric power grid of the
105 electric systems serving the state and interconnected utility systems
106 and will serve the interests of electric system economy and reliability,
107 and (iii) that the overhead portions, if any, of the facility are cost
108 effective and the most appropriate alternative based on a life-cycle cost
109 analysis of the facility and underground alternatives to such facility,
110 are consistent with the purposes of this chapter, with such regulations
111 or standards as the council may adopt pursuant to section 16-50t,
112 including, but not limited to, the council's best management practices

113 for electric and magnetic fields for electric transmission lines and with
114 the Federal Power Commission "Guidelines for the Protection of
115 Natural Historic Scenic and Recreational Values in the Design and
116 Location of Rights-of-Way and Transmission Facilities" or any
117 successor guidelines and any other applicable federal guidelines and
118 are to be contained within an area that provides a buffer zone that
119 protects the public health and safety, as determined by the council. In
120 establishing such buffer zone, the council shall consider, among other
121 things, residential areas, private or public schools, licensed child care
122 centers, licensed youth camps or public playgrounds adjacent to the
123 proposed route of the overhead portions and the level of the voltage of
124 the overhead portions and any existing overhead transmission lines on
125 the proposed route. At a minimum, the existing right-of-way shall
126 serve as the buffer zone;

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

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

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

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

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

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

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

179 an electric distribution company on or before April 13, 2016, and (B)
180 submitted a virtual net metering application to an electric distribution
181 company on or before April 13, 2016.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

256 [(10)] (11) "Transfer station" means any location or structure,
257 whether located on land or water, where more than ten cubic yards of
258 solid waste, generated elsewhere, may be stored for transfer or
259 transferred from transportation units and placed in other
260 transportation units for movement to another location, whether or not
261 such waste is stored at the location prior to transfer;

262 [(11)] (12) "Municipality" means any town, city or borough within
263 the state;

264 [(12)] (13) "Municipal authority" means the local governing body
265 having legal jurisdiction over solid waste management within its
266 corporate limits which shall be, in the case of any municipality which
267 adopts a charter provision or ordinance pursuant to section 7-273aa,
268 the municipal resource recovery authority;

269 [(13)] (14) "Regional authority" means the administrative body
270 delegated the responsibility of solid waste management for two or
271 more municipalities which have joined together by creating a district

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

274 [(14)] (15) "Region" means two or more municipalities which have
275 joined together by creating a district or signing an interlocal agreement
276 or signing a mutual contract for a definite period of time concerning
277 solid waste management within such municipalities;

278 [(15)] (16) "Solid waste management plan" means an administrative
279 and financial plan for an area which considers solid waste storage,
280 collection, transportation, volume reduction, recycling, reclamation
281 and disposal practices for a twenty-year period, or extensions thereof;

282 [(16)] (17) "Municipal collection" means solid waste collection from
283 all residents thereof by a municipal authority;

284 [(17)] (18) "Contract collection" means collection by a private
285 collector under a formal agreement with a municipal authority in
286 which the rights and duties of the respective parties are set forth;

287 [(18)] (19) "Solid waste planning region" means those municipalities
288 within the defined boundaries of regional councils of governments or
289 as prescribed in the state solid waste management plan;

290 [(19)] (20) "Biomedical waste" means infectious waste, pathological
291 waste and chemotherapy waste generated during the administration of
292 medical care or the performance of medical research involving humans
293 or animals and which, because of its quantity, character or
294 composition, has been determined by the commissioner to require
295 special handling but excluding any solid waste which has been
296 classified by the department as a hazardous waste pursuant to section
297 22a-115 or is a radioactive material regulated pursuant to section 22a-
298 148;

299 [(20)] (21) "Generator of biomedical waste" means any person who
300 owns or operates a facility that produces biomedical waste in any
301 quantity, including, but not limited to the following: General hospitals,

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

309 [(21)] (22) "Biomedical waste treatment facility" means a solid waste
310 facility capable of storing, treating or disposing of any amount of
311 biomedical waste, excluding any facility where the only biomedical
312 waste treated, stored or disposed of is biomedical waste generated at
313 the site and any licensed acute care facility or licensed regional
314 household hazardous waste collection facility accepting untreated
315 solid waste generated during the administration of medical care in a
316 single or multiple family household by a resident of such household;

317 [(22)] (23) "Throughput" means the amount of municipal solid waste
318 processed by a resources recovery facility determined by dividing the
319 average annual tonnage of municipal solid waste by three hundred
320 sixty-five days;

321 [(23)] (24) "Municipal solid waste" means solid waste from
322 residential, commercial and industrial sources, excluding solid waste
323 consisting of significant quantities of hazardous waste as defined in
324 section 22a-115, land-clearing debris, demolition debris, biomedical
325 waste, sewage sludge and scrap metal;

326 [(24)] (25) "Wood-burning facility" means a facility, as defined in
327 section 16-50i, whose principal function is energy recovery from wood
328 for commercial purposes. "Wood-burning facility" does not mean a
329 biomass gasification plant that utilizes land clearing debris, tree
330 stumps or other biomass that regenerates, or the use of which will not
331 result in a depletion of, resources;

332 [(25)] (26) "Person" has the same meaning as in subsection (b) of
333 section 22a-2;

334 [(26)] (27) "Closure plan" means a comprehensive written plan,
335 including maps, prepared by a professional engineer licensed by the
336 state that details the closure of a solid waste disposal area and that
337 addresses final cover design, stormwater controls, landfill gas controls,
338 water quality monitoring, leachate controls, postclosure maintenance
339 and monitoring, financial assurance for closure and postclosure
340 activities, postclosure use and any other information that the
341 commissioner determines is necessary to protect human health and the
342 environment from the effects of the solid waste disposal areas;

343 [(27)] (28) "Designated recyclable item" means an item designated
344 for recycling by the Commissioner of Energy and Environmental
345 Protection in regulations adopted pursuant to subsection (a) of section
346 22a-241b, or designated for recycling pursuant to section 22a-208v or
347 22a-256;

348 [(28)] (29) "Composting facility" means land, appurtenances,
349 structures or equipment where organic materials originating from
350 another process or location that have been separated at the point or
351 source of generation from nonorganic material are recovered using a
352 process of accelerated biological decomposition of organic material
353 under controlled aerobic or anaerobic conditions;

354 [(29)] (30) "Source-separated organic material" means organic
355 material, including, but not limited to, food scraps, food processing
356 residue and soiled or unrecyclable paper that has been separated at the
357 point or source of generation from nonorganic material.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

428 peaks and unexpected facility outages;

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

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

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

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

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

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

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

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

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

484 Sec. 10. Section 22a-208q of the general statutes is repealed. (*Effective*
485 *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