
OLR Bill Analysis

sHB 6503

AN ACT CONCERNING THE SITING OF ANAEROBIC DIGESTION FACILITIES ON FARMS.

SUMMARY

This bill makes changes in the law's siting and permitting exemption for on-farm anaerobic digestion (AD) facilities.

Current law exempts certain AD facilities from the requirement that its operator obtain a permit from the Department of Energy and Environmental Protection (DEEP) to construct and operate a solid waste facility. To be exempt, an AD facility must be collocated on a farm with an animal feeding operation (see BACKGROUND). The bill further requires that the animal feeding operation maintain a comprehensive nutrient management plan as developed by the U.S. Department of Agriculture's Natural Resources Conservation Service (i.e., a plan that minimizes adverse impacts of animal feeding operations on water quality and public health).

Under current law, an exempt AD facility must, among other things, use feed stock that is not more than 5% by volume food scraps, food processing residuals, and soiled or unrecycled paper. The bill increases this cap from 5% to 40%. As under current law, an exempt facility must also use feed stock that is at least 50% by volume farm generated organic waste from an animal feeding operation. Existing law allows the agriculture commissioner to inspect exempt AD facilities to ensure compliance with the feed stock requirements.

Under current law, if the DEEP commissioner determines that an AD facility is operating without a permit but is not collocated on a farm with an animal feeding operation or is processing more than the required percentage by volume of food scraps, food processing residuals, and soiled or unrecyclable paper, the facility's operator must

apply to DEEP for a solid waste permit. The bill instead requires this if the commissioner determines an AD facility is not collocated on a farm with an animal feeding operation or is not in compliance with all the feed stock requirements. By law, the operator must file for a permit within five days after receiving notice of the commissioner's determination. The bill requires the DEEP commissioner to approve or deny the permit application within 90 days after receiving it.

Additionally, under the bill, for any permit application submitted to DEEP for an AD facility that is not collocated with an animal feeding operation but that is located on land used for farming, the DEEP commissioner must pre-approve or pre-deny the application within 90 days after receiving it. The 90 days applies to matters that are entirely within the commissioner's discretion or determination.

EFFECTIVE DATE: Upon passage

BACKGROUND

Animal Feeding Operation

By law, an animal feeding operation is an on-farm lot or facility, other than an aquatic animal production facility, where (1) animals have been, are currently, or will be stabled or confined and fed or maintained for a total of at least 45 days in a 12-month period and (2) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/31/2021)