
OLR Bill Analysis

sSB 930

AN ACT CONCERNING FOOD WASTE DIVERSION AND ANAEROBIC DIGESTION FACILITIES.

SUMMARY

This bill does the following with respect to organic material composting and food waste:

1. broadens the scope of the law requiring certain organic material generators to separate the materials from other solid waste and recycle them at composting facilities (§ 1);
2. requires the Department of Energy and Environmental Protection (DEEP) commissioner, by January 1, 2022, to (a) establish a voluntary pilot program for municipalities seeking to separate source-separated organic materials and (b) ensure that the materials are recycled at authorized composting facilities with capacity and that will accept them (see BACKGROUND) (§ 1);
3. requires the DEEP commissioner to (a) participate in a reach out and education effort to municipalities, commercial entities, and school systems about using certain composting facilities and (b) report to the Environment Committee on its efforts (§ 2);
4. reauthorizes the DEEP commissioner to adopt regulations on specifications for compost from source-separated organic materials and mixed municipal solid waste (PA 17-218 repealed a similar provision) (§ 3); and
5. exempts, under certain circumstances, permitted solid waste facilities from needing to modify their permit in order to start receiving or storing a certain amount of containerized food scrap, food processing residuals, and soiled or unrecycled paper

(§ 4).

EFFECTIVE DATE: October 1, 2021, except the provisions on DEEP's reach out and education efforts and compost regulations are effective upon passage.

§ 1 — SOURCE-SEPARATED ORGANIC MATERIALS

The bill broadens the scope of the law requiring certain organic materials generators to separate the materials and recycle them at composting facilities by applying the law's requirements to smaller generators.

Under current law, commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, or conference centers generating an annual average projected volume of at least 52 tons of source-separated organic materials must (1) separate the materials from other solid waste and (2) recycle them at a permitted source-separated organic material composting facility located within 20 miles of the generation site that has available capacity and is willing to accept them.

Beginning January 1, 2022, the bill applies these requirements to generators (1) generating an annual average projected volume of at least 26 tons of source-separated organic materials a year and (2) located within 20 miles of an authorized source-separated organic material composting facility. Consequently, the bill likely increases the number of facilities that must comply with this requirement.

By law, generators may comply with the requirements by composting the organic materials or treating it with certain organic treatment equipment on-site.

§ 2 — DEEP REACH OUT AND EDUCATION CAMPAIGN

The bill requires the DEEP commissioner to participate in a reach out and education campaign on using certain composting facilities to divert food waste from the waste stream.

Under the bill, the commissioner must engage with municipalities

about (1) their ability to establish an aerated static pile composting facility to divert food waste from the municipal solid waste stream, including the permit application and procedures involved, and (2) the potential fiscal and environmental benefits of the composting facility. Aerated static pile composting generally involves organic waste mixed in a large pile with layers of certain loosely piled materials such as wood chips or shredded newspaper to allow air to pass through the pile.

The bill requires the commissioner to also engage with commercial entities and school systems about how they can divert source-separated organic materials to authorized composting facilities specifically designed to accept them.

The bill also requires the DEEP commissioner, by February 1, 2022, to report to the Environment Committee on its efforts, including (1) responses from municipalities, entities, and school systems and (2) municipalities' efforts to establish composting facilities resulting from DEEP's reaching out.

§ 3 — COMPOST REGULATIONS

The bill allows the DEEP commissioner to adopt regulations providing specifications for the production, quality, and use of compost made from source-separated organic materials and mixed municipal solid waste. These regulations must be made in consultation with the agriculture commissioner, Connecticut Agricultural Experiment Station, UConn extension service, and the Department of Public Health.

Under the bill, these regulations must have provisions that do the following:

1. promote composting processes;
2. provide clean, high-quality, nontoxic, and marketable end-product;
3. protect land and water resources from contaminants;

4. prevent adverse environmental and public health effects from composting operations or applying its product;
5. set maximum allowable levels of toxic and other contaminants in the composting product;
6. include contaminant testing criteria;
7. have at least two classes of compost, with a (a) Class I made from only compostable source-separated organic materials such as food waste, grass clippings, and yard waste and (b) Class II made from mixed municipal solid waste with compostable organic materials that were not separated at generation;
8. set maximum allowable contaminant levels for Class I compost that will allow for its unrestricted use; and
9. ban using Class II compost for agricultural or horticultural purposes unless it meets the maximum allowable contaminant levels for Class I compost, as determined by the regulations' testing criteria.

§ 4 — SOLID WASTE FACILITY PERMITS

Current law generally prohibits anyone with a solid waste facility permit from altering the facility's design or operation without obtaining a permit modification from DEEP.

The bill exempts a facility from this requirement if it is adding the following to its operation:

1. receiving up to 75 tons per day of containerized food scrap, food processing residuals, and soiled or unrecycled paper or
2. storing up to 150 cubic yards of this containerized material.

To qualify for the bill's exemption, receiving these scraps, residuals, and paper must (1) occur in a fully enclosed building; (2) stay containerized, except when being transferred; and (3) be managed to control odor, leachate, and vector (e.g., insects or rodents) attraction.

The bill requires a facility's owner or operator to, within 30 days after adding these items for receipt, provide written notice to the DEEP commissioner about it.

BACKGROUND

Organic Material and Composting Facilities

By law, "source-separated organic material" includes such things as food scraps, food processing residue, and soiled or unrecyclable paper that are separated, at generation, from nonorganic material (CGS § 22a-207(30)).

A "composting facility" is land, appurtenances, structures, or equipment where organic materials originating from another process or location and separated at generation from nonorganic material are recovered through accelerated biological decomposition under controlled aerobic or anaerobic conditions (CGS § 22a-207(29)).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/31/2021)