



Senate

General Assembly

File No. 557

January Session, 2021

Substitute Senate Bill No. 930

Senate, April 21, 2021

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

AN ACT CONCERNING FOOD WASTE DIVERSION AND ANAEROBIC DIGESTION FACILITIES.

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

1 Section 1. Section 22a-226e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) (1) On and after January 1, 2014, each commercial food wholesaler
4 or distributor, industrial food manufacturer or processor, supermarket,
5 resort or conference center that is located not more than twenty miles
6 from an authorized source-separated organic material composting
7 facility and that generates an average projected volume of not less than
8 one hundred four tons per year of source-separated organic materials
9 shall: (A) Separate such source-separated organic materials from other
10 solid waste; and (B) ensure that such source-separated organic materials
11 are recycled at any authorized source-separated organic material
12 composting facility that has available capacity and that will accept such
13 source-separated organic material.

14 (2) On and after January 1, 2020, each commercial food wholesaler or
15 distributor, industrial food manufacturer or processor, supermarket,
16 resort or conference center that is located not more than twenty miles
17 from an authorized source-separated organic material composting
18 facility and that generates an average projected volume of not less than
19 fifty-two tons per year of source-separated organic materials shall: (A)
20 Separate such source-separated organic materials from other solid
21 waste; and (B) ensure that such source-separated organic materials are
22 recycled at any authorized source-separated organic material
23 composting facility that has available capacity and that will accept such
24 source-separated organic material.

25 (3) On and after January 1, 2022, each commercial food wholesaler or
26 distributor, industrial food manufacturer or processor, supermarket,
27 resort or conference center that is located not more than twenty miles
28 from an authorized source-separated organic material composting
29 facility and that generates an average projected volume of not less than
30 twenty-six tons per year of source-separated organic materials shall: (A)
31 Separate such source-separated organic materials from other solid
32 waste; and (B) ensure that such source-separated organic materials are
33 recycled at any authorized source-separated organic material
34 composting facility that has available capacity and that will accept such
35 source-separated organic material.

36 (b) Any such wholesaler, distributor, manufacturer, processor,
37 supermarket, resort or conference center that performs composting of
38 source-separated organic materials on site or treats source-separated
39 organic materials via on-site organic treatment equipment permitted
40 pursuant to the general statutes or federal law shall be deemed in
41 compliance with the provisions of this section.

42 (c) Any permitted source-separated organic material composting
43 facility that receives such source-separated organic materials shall
44 report to the Commissioner of Energy and Environmental Protection, as
45 part of such facility's reporting obligations, a summary of fees charged
46 for receipt of such source-separated organic materials.

47 (d) Not later than January 1, 2022, the Commissioner of Energy and
48 Environmental Protection shall establish a voluntary pilot program for
49 any municipality that seeks to separate source-separated organic
50 materials and ensure that such source-separated organic materials are
51 recycled at authorized source-separated organic material composting
52 facilities that have available capacity and that will accept such source-
53 separated organic material.

54 Sec. 2. (NEW) (*Effective from passage*) The Commissioner of Energy
55 and Environmental Protection shall engage in a reach out and education
56 effort to: (1) Municipalities concerning the ability of each municipality
57 to establish an aerated static pile composting facility in such
58 municipality for the purpose of diverting food waste from such
59 municipality's solid waste stream, and (2) commercial entities and
60 school systems concerning the ability of such entities and systems to
61 divert source-separated organic materials to facilities, as provided for in
62 section 22a-226e of the general statutes, as amended by this act. Such
63 effort concerning municipalities shall explain the potential fiscal and
64 environmental benefits of such a facility for each municipality and the
65 requisite permit application and procedures. Not later than February 1,
66 2022, the commissioner, in accordance with section 11-4a of the general
67 statutes, shall submit a report to the joint standing committee of the
68 General Assembly having cognizance of matters relating to the
69 environment detailing such efforts to date, including, but not limited to,
70 responses from such municipalities, entities and school systems and any
71 efforts by such municipalities to establish such composting facilities as
72 a result of such reach out efforts.

73 Sec. 3. (NEW) (*Effective from passage*) The Commissioner of Energy
74 and Environmental Protection, in consultation with the Commissioner
75 of Agriculture, the Connecticut Agricultural Experiment Station, The
76 University of Connecticut Extension Service and the Department of
77 Public Health, may adopt regulations, in accordance with the provisions
78 of chapter 54 of the general statutes, to provide specifications for the
79 production, quality and use of compost made from source-separated
80 organic materials and mixed municipal solid waste. Such regulations

81 shall contain provisions that: (1) Promote composting processes, (2)
82 provide a clean, high-quality, nontoxic and marketable end product, (3)
83 provide for the protection of land and water resources from
84 contaminants and the prevention of adverse environmental and public
85 health effects resulting from the composting operations or such product
86 application, (4) provide for maximum allowable levels of toxic
87 contaminants and other contaminants in the composting product, (5)
88 include testing criteria for such contaminants, (6) establish not less than
89 two classes of compost made from source separated organic materials
90 and mixed municipal solid waste, as follows: (A) Class I compost made
91 only from compostable source separated organic materials, such as food
92 waste, grass clippings and yard waste, that were separated from
93 municipal solid waste at the source of generation, and (B) Class II
94 compost made from mixed municipal solid waste that contains
95 compostable organic materials that were not separated at the source of
96 generation, (7) establish the maximum allowable contaminant levels for
97 Class I compost at a level that will allow unrestricted use of such
98 compost, and (8) prohibit the use of Class II compost for agricultural or
99 horticultural purposes unless such Class II compost meets the
100 maximum allowable contaminant levels established for Class I compost,
101 as determined by the testing criteria established pursuant to subdivision
102 (5) of this section.

103 Sec. 4. Subsection (d) of section 22a-208a of the general statutes is
104 repealed and the following is substituted in lieu thereof (*Effective October*
105 *1, 2021*):

106 (d) (1) No person or municipality that holds a permit issued under
107 this section shall alter the design or method of operation of the
108 permitted facility without first obtaining a modified permit. For the
109 purposes of this section and sections 22a-208, 22a-208b, 22a-220a, 22a-
110 225 and 22a-226, "alter" means to change to any substantive degree the
111 design, capacity, volume process or operation of a solid waste facility
112 and includes, but is not limited to, changes in the approved capacity or
113 composition of solid waste disposed of, processed, reduced, stored or
114 recycled at the facility. For purposes of this section, "alter" does not

115 include the addition of not more than seventy-five tons per day of
116 mattresses and items designated by the commissioner for recycling
117 pursuant to section 22a-241b and any regulation adopted pursuant to
118 said section, except storage batteries and waste oil, provided the
119 permitted storage capacity of such solid waste facility is not exceeded.
120 The owner or operator of any such facility shall, not later than thirty
121 days after adding such recyclable items, submit a written notification to
122 the commissioner describing such addition. The commissioner may
123 approve, in writing, a modification of a closure plan for a closed
124 permitted solid waste disposal area without modifying the permit for
125 such area. The commissioner may require a person who, or a
126 municipality that, requests such modification to provide public notice
127 of a proposed modification of a closure plan if the modification involves
128 any activity that would disrupt the solid waste or change the use of the
129 solid waste disposal area. A fee of five hundred dollars shall accompany
130 any request for such modification of a closure plan. The commissioner
131 may reduce or waive such fee in cases of financial hardship and may
132 modify such fee in accordance with regulations adopted in accordance
133 with chapter 54.

134 (2) Changes in design, processes or operations, including the addition
135 of thermal oxidizers or other air pollution control equipment, made to
136 mitigate, correct or abate odors from a solid waste facility that is owned
137 or operated by the Materials Innovation and Recycling Authority and
138 that contracts with more than fifty municipalities, shall not be
139 considered an alteration requiring a modified permit or minor permit
140 amendment under this chapter. In addition, notwithstanding any
141 provision of the general statutes or regulation adopted pursuant to said
142 statutes, any such change shall not be considered a modification or new
143 stationary source requiring a permit to construct or operate under
144 chapter 446c or under any regulation adopted pursuant to chapter 446c,
145 unless such change is a major modification or a major stationary source
146 requiring a permit under the federal Clean Air Act Amendments of
147 1990. Any person making any such change to an odor control system at
148 such a facility shall, not more than thirty days after making such change,
149 submit a written report to the commissioner fully describing the

150 changes made and the reason for such changes for the commissioner's
 151 review and comment. Nothing in this subdivision shall affect the
 152 commissioner's authority to take any other action to enforce the
 153 requirements of this title.

154 (3) Notwithstanding any provision of this section, the receipt of not
 155 more than seventy-five tons per day of containerized food scrap, food
 156 processing residuals and soiled or unrecyclable paper and the storage
 157 of not more than one hundred fifty cubic yards of containerized food
 158 scrap, food processing residuals and soiled or unrecyclable paper at a
 159 facility permitted under this subsection shall not require a modification
 160 to any permit issued pursuant to this section. The receipt of such food
 161 scraps, food processing residuals and soiled or unrecyclable paper shall
 162 occur within a fully enclosed building, and such scraps, materials and
 163 paper shall remain containerized, except while being transferred, and
 164 shall be managed to control odor, leachate and attraction of vectors. The
 165 owner or operator of any such facility shall, not later than thirty days
 166 after adding such items for receipt by such facility, submit a written
 167 notification to the Commissioner of Energy and Environmental
 168 Protection describing such addition.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	22a-226e
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2021</i>	22a-208a(d)

ENV *Joint Favorable Subst.*

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.

OFA Fiscal Note

State Impact: None

Municipal Impact: See Below

Explanation

This bill alters various laws concerning organics composting and food waste.

Section 1 expands current law requiring certain organic material generators to separate the materials from other solid waste and recycle them at composting facilities. This has no fiscal impact to the state or municipalities as it applies to private, third-parties.

Section 2 requires the Department of Energy and Environmental Protection (DEEP) to establish a voluntary pilot program for municipalities seeking to separate organic materials and ensure that the materials are recycled at authorized composting facilities under certain circumstances.

This may result in a minimal savings to those municipalities who choose to implement the pilot program, associated with a reduced volume of municipal solid waste (MSW) subject to tip fees. Any savings would depend on the current tip fee and the volume of MSW reduced by the organics composting program.

Section 3 reauthorizes DEEP to adopt regulations on specifications for compost from source-separated organic materials and mixed MSW and **Section 4** exempts, under certain circumstances, permitted solid waste facilities from modifying their permits, also under certain

circumstances. These sections have no fiscal impact as DEEP currently has staff with expertise for these purposes.

The Out Years

State Impact: None

Municipal Impact: None

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)