

Environment Committee JOINT FAVORABLE REPORT

Bill No.: HB-6503

AN ACT CONCERNING THE SITING OF ANAEROBIC DIGESTION FACILITIES

Title: ON FARMS.

Vote Date: 3/31/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/19/2021

File No.:

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SPONSORS OF BILL:

Rep. Dorinda Borer, 115th Dist.

Rep. Jaime S. Foster, 57th Dist.

Rep. Maria P. Horn, 64th Dist.

Rep. Patrick S. Boyd, 50th Dist.

Rep. Jennifer Leeper, 132nd Dist.

Rep. Anthony L. Nolan, 39th Dist.

Sen. Saud Anwar, 3rd Dist.

REASONS FOR BILL:

Oakridge Dairy, Ellington, one of the largest dairies in Connecticut, is a successful five generation business. One of the long-term efforts for Oakridge dairy has been to build an on farm anaerobic digester. The effort has been an extremely "burdensome and time-consuming permitting process". The process has been detrimental that engineer with prior experience in building anaerobic digesters in other states are unwilling to take on the project.

Substitute Language – LCO No. 6221

Removed lines 26 and 27 from Raised Bill. Removed lines 79 and 80 from Raised Bill.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy and Environmental Protection

Department of Energy and Environmental Protection (DEEP) supports installation of on-farm Anaerobic Digesters and streamline the permitting process. DEEP has prepared an Anaerobic Digester Factsheet to apply for plan and preparation of permit applications. DEEP opposes HB6503 as the regulatory safeguards that protect farmland and the environment has been removed. The bill eliminates the quality and sources of organic waste to be applied to the farm environment, which may contain certain chemicals and be a hazard. HB6503 proposes a ninety-day limit for DEEP to review and approve or deny a solid waste application that is triggered and submitted. Ninety days is inadequate to conduct regulatory applications.

Brian Hurlburt, Commissioner, Department of Agriculture

Department of Agriculture (DOAG) supports the diversion of food and farm waste stream reduction through recycling and clean energy production. Farm-based anaerobic digestion of manure presents the opportunity to break down manure, food scraps and wastewater biosolids to generate biogas and used to create electricity of fed directly into a natural gas pipeline.

NATURE AND SOURCES OF SUPPORT:

Jaime Foster, Representative, CT House of Representatives

HB6503 is to streamline and accelerate the permitting process of anaerobic digesters. Oakridge Dairy, a five-generation family owned business in Ellington, is the state's largest dairy farm. Oakridge has long attempted to build an on-site anaerobic digestion, but the process is proving time-consuming and extremely burdensome. Oakridge, like many farms, relies on a healthy environment to excel and good stewards of the environment.

Lisa Thomas, Councilwoman, Town of Coventry

Hytone Farms, in Coventry, is in process of seeking a permit for an anaerobic digester. Hytone seeks the opportunity to keep itself running, even with the challenges posed by the economics of farming. Anaerobic digesters manage farm-generated organic waste and manure with the capability to increase revenue by selling renewable energy created. Anaerobic digesters help the farm, create revenue and help the environment.

Joan Nichols, Executive Director, Connecticut Farm Bureau Association

Public Act 19-35 exempted farm anaerobic digesters from requirement to obtain a DEEP solid waste permit. PA19-35 set the fuel of a farm anaerobic digester with no less than 50% farm-generated organic waste and not more than 5% from food waste. HB6503 provides farms the ability to procure additional food wasted and remain under the exemption of PA19-

35. The proposed legislation changes for additional food waste fall under the United States Department of Agriculture (USDA) Comprehensive Nutrient Management Plan (CNMP) unique to the animal feed operations and maintains compliance with environmental requirements.

Brian Paganini, Vice President, Quantum Biopower Southington, LLC

Quantum met with DEEP to discuss permitting of anaerobic digesters and farm digesters and has specific changes to HB6503. Quantum supports the current regulatory rule to require farm digesters to be fueled by fifty percent by volume of farm-generated organic waste. Quantum has no issue with up to a fifty percent fuel by organic scraps set by and adjusted by DEEP to offset the cost of an anaerobic digester. Quantum recommends organics waste generated off-site be "source separated", which means there is no packaging in the material. The purpose of "source separated" prevents farms from turning into a solid waste operation and keeps consistency between permitting and the waste material required.

Kies Orr, Fort Hill Farms, Thompson CT

Fourth generation farmer in Thompson CT. Fort Hill Farms installed an anaerobic digester in 2020. The permitting process was extremely difficult as there are several steps in the permitting process to go through. Ms. Orr states " I think the permitting was the toughest every time we turned around; there was another hurdle after we thought we were good." Fort Hill Farms supports the changes in HB6503 to make future permitting anaerobic digesters easier and allow organic waste from off the farm taken in as long as it conforms to the USDA comprehensive nutrient management program.

The Environment Committee did not receive any additional support testimonials for HB6503.

NATURE AND SOURCES OF OPPOSITION:

None

Reported by: Steve Smith

Date: 4/15/2021