



General Assembly

**Substitute Bill No. 930**

January Session, 2021



**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 Section 22a-226e of the general statutes is repealed and the  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.*