



House of Representatives

File No. 783

General Assembly

January Session, 2021 **(Reprint of File No. 230)**

Substitute House Bill No. 6496
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 3, 2021

AN ACT CONCERNING CERTAIN SOIL-RELATED INITIATIVES.

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

1 Section 1. Section 22a-209f of the general statutes is amended by
2 adding subsection (c) as follows (*Effective October 1, 2021*):

3 (NEW) (c) (1) For purposes of this subsection: (A) "Beneficially
4 reclaimed materials" means any of the following materials that may
5 contain de minimis amounts of solid waste that is present incidentally
6 in such materials, including any mixture of the following materials:

7 (i) Soil or dewatered sediment that does not exceed the criteria
8 established by regulations adopted pursuant to section 22a-133k,
9 including, but not limited to, criteria for any additional polluting
10 substances for which criteria are not specified in such regulations;

11 (ii) Asphalt, brick, concrete or ceramic material, provided such
12 material is virtually inert and poses no threat to pollute any

13 groundwater or surface waters;

14 (iii) Casting sand;

15 (iv) Crushed recycled glass; or

16 (v) Street sweepings or catch basin clean-out materials.

17 "Beneficially reclaimed materials" does not include materials that
18 contain any asbestos, polychlorinated biphenyls, persistent
19 bioaccumulative toxins, hazardous waste or, unless approved by the
20 commissioner in writing, pyrrhotite-containing concrete;

21 (B) "Soil" means unconsolidated geologic material overlying bedrock;

22 (C) "Dewatered sediment" means unconsolidated material occurring
23 in a surface water body, with water removed;

24 (D) "Casting sand" means waste sand from the casting of metals,
25 provided such sand is not hazardous waste;

26 (E) "Crushed recycled glass" has the same meaning as provided in
27 section 22a-208z;

28 (F) "Hazardous waste" has the same meaning as provided in section
29 22a-448;

30 (G) "Persistent bioaccumulative toxins" means long-lived chemicals
31 that accumulate in the tissues of humans and that are toxic; and

32 (H) "Aquifer protection area" has the same meaning as provided in
33 section 22a-354h.

34 (2) (A) The Commissioner of Energy and Environmental Protection
35 may establish a pilot program for the beneficial use of beneficially
36 reclaimed materials. The primary purpose of such program shall be to
37 allow beneficially reclaimed materials to be used as fill when there is an
38 engineering need for fill materials and to facilitate the reclamation or
39 redevelopment of environmentally impaired or underutilized land.

40 (B) To implement the pilot program established pursuant to this
41 subsection, the commissioner may issue no more than four
42 authorizations, provided: (i) Such authorization does not allow an
43 activity for which an individual or general permit has been issued; (ii)
44 such authorization is not inconsistent with the requirements of the
45 federal Resource Conservation and Recovery Act, 42 USC 6901 et seq.;

46 (iii) such authorization is for single locations only and provides for not
47 less than one hundred thousand cubic yards of beneficially reclaimed
48 materials to be used as fill at such location; (iv) that prior to the
49 submission of an application for authorization in accordance with this
50 subsection, each municipality in which beneficially reclaimed materials
51 will be used as fill has issued all the necessary approvals specified in
52 subdivision (4) of this subsection; and (v) the commissioner finds that
53 the beneficial use of beneficially reclaimed materials does not harm or
54 present a threat to human health, safety or the environment.

55 (3) The commissioner may establish guidelines protective of public
56 health, safety and the environment for such authorizations and for a
57 letter of credit provided in accordance with this subsection and shall
58 give public notice on the Department of Energy and Environmental
59 Protection's Internet web site of such guidelines, or any subsequent
60 revision of such guidelines, with an opportunity for submission of
61 written comments by interested persons for a period of thirty days
62 following the publication of such notice. The commissioner shall post a
63 response to any comments received on the Department of Energy and
64 Environmental Protection's Internet web site. At a minimum, any such
65 guidelines shall contain a preference for use of environmentally
66 impaired or underutilized locations, provided that any location for
67 which an authorization is issued under this subsection shall:

68 (A) Be in an area (i) where the quality of the groundwaters of the
69 state, as classified in regulations adopted pursuant to section 22a-426,
70 and the classification maps adopted pursuant to said section, is either
71 "GB" or "GC", and (ii) that is served by a public drinking water supply;

72 (B) Not be in an aquifer protection area; and

73 (C) Be operated in compliance with sections 22a-426-1 to 22a-426-9,
74 inclusive, of the regulations of Connecticut state agencies and not
75 adversely affect sensitive receptors or resources, including, but not
76 limited to, public or private water supply wells, wetlands, floodplains,
77 or threatened or endangered species.

78 (4) Prior to the submission of an application for authorization in
79 accordance with this subsection, an applicant shall: (A) Obtain a valid
80 certificate of zoning approval, special permit, special exception or
81 variance, or other documentation, from each municipality in which
82 beneficially reclaimed materials will be used as fill; (B) obtain a copy of
83 wetlands, aquifer protection, coastal site plan and any other required
84 approval from each municipality; and (C) comply with the process
85 specified in subsection (b) of section 22a-20a, regardless of whether the
86 location where beneficially reclaimed materials will be used as fill is
87 located in an environmental justice community;

88 (5) An application for authorization pursuant to this subsection shall
89 be submitted on forms prescribed by the commissioner and shall
90 include, at a minimum, the following information: (A) A plan for
91 ensuring that only beneficially reclaimed materials that satisfy the
92 requirements of this subsection are used as fill and a description of
93 acceptability criteria for the beneficially reclaimed materials proposed
94 for beneficial use at the subject location; (B) a plan describing the process
95 for placing and recording the placement of beneficially reclaimed
96 materials; (C) a plan for monitoring the waters of the state during the
97 filling process and for a period of not less than thirty years after filling
98 is complete; (D) a proposed letter of credit that conforms to the
99 guidelines established by the commissioner pursuant to subdivision (3)
100 of this subsection and the basis for the cost estimate used in such
101 proposed letter of credit; (E) the qualifications of the environmental
102 professionals intended to exercise oversight of all aspects of the
103 proposed activities; (F) a redevelopment plan for the location where
104 beneficially reclaimed materials will be placed, including engineering
105 plans and drawings in support of such redevelopment; (G) a list of each
106 municipal approval required for the proposed placement of beneficially

107 reclaimed materials and a written copy of each such approval; and (H)
108 any additional information required by the commissioner. Any such
109 application shall be accompanied by a nonrefundable application fee of
110 twenty-five thousand dollars.

111 (6) Notwithstanding section 22a-208a or any regulations adopted
112 pursuant to section 22a-209, the issuance of an authorization under this
113 subsection, or a modification of an authorization under this subsection
114 when such modification is sought by the holder of an authorization,
115 shall conform to the following procedures: (A) The Commissioner of
116 Energy and Environmental Protection shall publish a notice of intent to
117 issue an authorization on the Department of Energy and Environmental
118 Protection's Internet web site. Such notice shall, at a minimum, include:
119 (i) The name and mailing address of the applicant and the address of the
120 location of the proposed activity; (ii) the application number; (iii) the
121 tentative decision regarding the application; (iv) the type of
122 authorization sought, including a reference to the applicable provision
123 of the general statutes or regulations of Connecticut state agencies; (v) a
124 description of the location of the proposed activity and any natural
125 resources that will be affected by such activity; (vi) the name, address
126 and telephone number of any agent of the applicant from whom
127 interested persons may obtain copies of the application; (vii) the length
128 of time available for submission of public comments to the
129 commissioner; and (viii) any other additional information the
130 commissioner deems necessary. There shall be a comment period of
131 thirty days following the publication of such notice by the commissioner
132 during which interested persons may submit written comments to the
133 commissioner; (B) the commissioner shall post a response to any
134 comments received on the Department of Energy and Environmental
135 Protection's Internet web site; and (C) the commissioner may approve
136 or deny such authorization based upon a review of the submitted
137 information. Any authorization issued pursuant to this subsection shall
138 define clearly the activity covered by such authorization and may
139 include such conditions or requirements as the commissioner deems
140 appropriate, including, but not limited to, investigation or remediation

141 of a location prior to placement of beneficially reclaimed materials,
142 operation and maintenance requirements, best management practices,
143 qualifications and requirements for environmental professional
144 exercising oversight, groundwater monitoring, compliance with fill
145 management, closure, redevelopment or other plans, reporting and
146 recordkeeping requirements, auditing by an independent party and a
147 specified term. The commissioner shall require the posting of a letter of
148 credit to assure compliance with any authorization issued under this
149 subsection, including, but not limited to, implementation of a closure
150 plan and post-closure maintenance and monitoring.

151 (7) The commissioner may suspend or revoke any such authorization
152 and may modify an authorization if such modification is not sought by
153 the holder of an authorization, in accordance with the provisions of
154 section 4-182 and the applicable rules of practice adopted by the
155 department.

156 (8) Unless required by the federal Clean Water Act, a discharge
157 permit under section 22a-430 shall not be required for a discharge
158 authorized under this subsection. In addition, the soil reuse provisions
159 of the state remediation standards, adopted pursuant to section 22a-
160 133k, shall not apply to an activity authorized under this subsection.

161 Sec. 2. Section 22a-314 of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2021*):

163 The Commissioner of Energy and Environmental Protection may (a)
164 make or cause to be made surveys, investigations and research
165 concerning the problems of soil and water erosion and its control and
166 soil health and publish his findings and disseminate information
167 concerning the subject; (b) cooperate with or enter into agreements with
168 any state agency or any owner or occupant of land in this state to carry
169 out the provisions of this section; (c) obtain options upon or acquire, by
170 purchase, exchange, lease, gift, grant, bequest or devise, any property,
171 real or personal, or rights or interests therein, maintain, administer and
172 improve any property so acquired, and receive income from such

173 property and expend such income in carrying out the purposes of this
174 section; and may sell, lease or otherwise dispose of any such property
175 or interest therein for such purposes; (d) accept contributions in money,
176 services, materials or otherwise from the United States or from this state
177 or from any person, firm or corporation for such purposes; (e) cooperate
178 with and enter into agreements with soil and water conservation
179 districts and boards to provide available federal resources to study and
180 improve soil health; and ~~[(e)]~~ (f) as a condition to extending of any
181 material benefits to landowners, under this section, require
182 contributions to any operations upon such land and require landowners
183 who have consented to such work being done on their land to enter into
184 and perform such agreements as to long-term use of such lands as will
185 tend to prevent erosion thereon. Said commissioner, or any assistant or
186 employee of the Department of Energy and Environmental Protection,
187 may, at any reasonable time and upon notice by registered mail sent to
188 the last-known address of the owner of such premises or with the oral
189 permission of such owner or his agent, enter any premises while
190 engaged in the performance of duty under the provisions of this title.
191 Said commissioner shall have power to make necessary regulations to
192 carry out the provisions of this section.

193 Sec. 3. Section 22a-315 of the general statutes is repealed and the
194 following is substituted in lieu thereof (*Effective October 1, 2021*):

195 (a) In order to assist the Commissioner of Energy and Environmental
196 Protection in identifying and remedying the problems of soil and water
197 erosion, the commissioner shall, by regulation, establish soil and water
198 conservation districts and boards. Such boards shall advise [him] the
199 commissioner on matters of soil and water conservation, soil health,
200 erosion and sedimentation control and shall assist [him] the
201 commissioner in implementing programs concerning such matters.
202 Such regulations shall (1) establish geographic boundaries for each
203 district, (2) establish procedures for the selection, by the residents in
204 each district, of a board of supervisors for each district, and (3) provide
205 operating procedures for such boards of such districts. Such regulations
206 shall be adopted pursuant to chapter 54.

207 (b) The commissioner by regulation pursuant to chapter 54, may
208 authorize such boards to (1) develop soil and water conservation, soil
209 health, erosion and sedimentation control programs, priorities and
210 workplans; (2) provide, by agreement, for technical assistance from
211 cooperating state and federal agencies to municipal and regional
212 agencies and to landowners; (3) receive funds, by transfer, grant or
213 otherwise from the commissioner, including grants pursuant to section
214 22a-317, or by donation or subscription from private sources, and
215 expend such funds without regard to the provisions of chapter 50; (4)
216 use or provide for the use of state equipment made available pursuant
217 to section 22a-316; (5) enter into contracts and employ consultants and
218 other assistants on a contract basis or other basis for rendering legal,
219 financial, technical or other assistance and duties to carry out the
220 purposes of this chapter; and (6) acquire property by purchase, lease,
221 gift or otherwise and to hold such property in the name of the district.

222 (c) The commissioner may, by regulation, adopted pursuant to
223 chapter 54, establish a council to coordinate the activities of such boards
224 of such districts with the activities of the Department of Energy and
225 Environmental Protection and other state, regional and local agencies
226 and propose regulations to said department in matters of soil and water
227 erosion conservation and to advise and assist the commissioner in
228 conserving and protecting the land, water and other natural resources
229 of the state. The council shall be within the Department of Energy and
230 Environmental Protection for administrative purposes only. Such
231 council shall consist of nine members, five representing the soil and
232 water conservation districts to be selected by each of the five districts'
233 boards, the Commissioner of Energy and Environmental Protection or a
234 designee, the Commissioner of Agriculture, or a designee, a
235 representative of a nongovernmental organization appointed by the
236 Governor and a representative of The University of Connecticut's
237 cooperative extension system. In addition, the council shall include, but
238 not be limited to, the following at-large nonvoting members: The State
239 Conservationist or designee of the Natural Resource Conservation
240 Service, the director of the Connecticut Agricultural Experiment Station

241 or a designee, the director of the Storrs Agricultural Experiment Station
242 or a designee, municipal staff representatives responsible for erosion
243 and sedimentation control, the State Committee Chairman of the Farm
244 Services Agency and a council member of a resource conservation and
245 development area. The commissioner shall have the authority to receive
246 funds from any source on behalf of the council and shall expend such
247 funds with the advice and consent of the council for equipment,
248 supplies, and such full-time and part-time staff and consultants as may
249 be necessary to carry out the council's duties and any other at-large,
250 nonvoting members who have expertise to support the duties of the
251 council.

252 (d) The council may receive funds from any source and expend such
253 funds for equipment, supplies, staff and consultants as may be
254 necessary to carry out its duties. The council shall distribute funds for
255 program activities after a vote in which the members representing the
256 boards of the soil and water conservation districts shall collectively have
257 one vote. The council may employ an executive director who shall not
258 be subject to the provisions of chapter 67. The council may seek funding
259 and provide financial support to boards of soil and water conservation
260 districts and other organizations for activities contributing to soil and
261 water conservation and soil health. The council may adopt and amend
262 by a majority vote such bylaws as it deems necessary to conduct its
263 business.

264 (e) Prior to the promulgation of any regulations by the commissioner
265 pursuant to subsections (a) and (b) of this section, such proposed
266 regulations shall first be approved by a majority of said council.

267 (f) For the purposes of this section, soil and water conservation
268 districts or boards shall not be considered state agencies or political or
269 administrative subdivisions of the state.

270 Sec. 4. Section 22a-328 of the general statutes is repealed and the
271 following is substituted in lieu thereof (*Effective October 1, 2021*):

272 The council shall develop guidelines for soil erosion and sediment

273 control on land being developed and improving and preserving soil
 274 health. The guidelines shall outline methods and techniques for
 275 minimizing erosion and sedimentation based on the best currently
 276 available technology. Such guidelines shall include, but not be limited
 277 to, model regulations that may be used by municipalities to comply with
 278 the provisions of sections 22a-325 to 22a-329, inclusive. The
 279 Commissioner of Energy and Environmental Protection and the soil and
 280 water conservation districts shall make the guidelines available to the
 281 public.

282 Sec. 5. (*Effective from passage*) Not later than November 1, 2021, the
 283 Commissioner of Energy and Environmental Protection shall submit to
 284 the joint standing committee of the General Assembly having
 285 cognizance of matters relating to the environment, in accordance with
 286 section 11-4a of the general statutes, a report on the approval process for
 287 maintenance marine dredging projects for the previous four year
 288 period. Such report shall include, but not be limited to, a description of
 289 each such application during such four year period, an analysis of the
 290 timeframe for action on such application by the Department of Energy
 291 and Environmental Protection and whether such application was
 292 approved or denied by the department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	22a-209f
Sec. 2	<i>October 1, 2021</i>	22a-314
Sec. 3	<i>October 1, 2021</i>	22a-315
Sec. 4	<i>October 1, 2021</i>	22a-328
Sec. 5	<i>from passage</i>	New section

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:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Department of Energy and Environmental Protection	GF - Potential Cost	Approximately 200,000	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 allows the Department of Energy and Environmental Protection (DEEP) to establish a pilot program using as fill reclaimed materials containing minor amounts of solid waste content. This has no fiscal impact as DEEP currently has expertise to implement the pilot program.

Sections 2 - 5 allows DEEP to perform research on soil health and requires updated regulations on soil and water conservation districts and boards to include soil health. This may result in one-time cost to DEEP of approximately \$200,000 for outside consultants to develop soil health standards in conjunction with other state agencies and external organizations on soil health.

Lastly, **Section 6** requires DEEP to submit a report, by November 1, 2021, to the Environment Committee on the approval process for maintenance marine dredging projects for the last four years. This has no fiscal impact since DEEP has the expertise to prepare the report.

House "A" removes the requirements that reclaimed materials used in pilot program be generated in Connecticut. It also DEEP to work and

have agreements with soil and water conservation districts and boards to provide federal resources for soil health and makes certain requirements for soil health guidelines resulting in the impacts described above.

The Out Years

There is no annualized ongoing fiscal impact since the potential cost identified above is estimated to occur only in FY 22.

OLR Bill Analysis**sHB 6496 (as amended by House "A")******AN ACT CONCERNING CERTAIN SOIL-RELATED INITIATIVES.*****SUMMARY**

This bill allows the Department of Energy and Environmental Protection (DEEP) commissioner to establish a pilot program to beneficially use as fill certain reclaimed materials that may have very minor amounts of solid waste. Under the bill, the commissioner may authorize four projects using these materials, subject to certain conditions, including that there is no harm or threat to human health, safety, or the environment (§ 1).

The bill expands the Council on Soil and Water Conservation's charge to include advising the DEEP commissioner on soil health matters and implementing related programs. The bill (1) allows the commissioner to have research done on soil health and (2) requires her to update regulations on soil and water conservation districts and boards to include soil health matters. Under the bill, she may take certain actions to provide the districts and boards with federal resources to study and improve soil health (§§ 2-4).

Lastly, the bill requires the DEEP commissioner, by November 1, 2021, to submit a report to the Environment Committee on the approval process for maintenance marine dredging projects for the last four years. The report must (1) describe each dredging project application and (2) analyze how long it took DEEP to act on each application and specify whether DEEP approved or denied the application (§ 5).

*House Amendment "A" (1) removes the requirements that (a) the reclaimed materials used under the pilot program be generated in

Connecticut and (b) the commissioner provide minimum statewide soil health standards; (2) allows the commissioner to work and have agreements with soil and water conservation districts and boards to provide federal resources for soil health; and (3) requires the soil health guidelines to be for improvement and preservation generally, rather than only preservation on land being developed.

EFFECTIVE DATE: October 1, 2021, except the DEEP reporting requirement for marine dredging projects is effective upon passage.

§ 1 — BENEFICIAL USE PILOT PROGRAM

Program Purpose

Under the bill, the pilot program's primary purposes are to (1) allow the use of "beneficially reclaimed materials" as fill if there is an engineering need for fill materials and (2) help reclaim or redevelop environmentally impaired or underused land.

Acceptable Materials

The bill allows the following "beneficially reclaimed materials," which may have de minimis amounts of incidentally present solid waste, to be used for projects accepted as part of the pilot program:

1. soil or dewatered sediment that does not exceed criteria set out in state regulations for remediating pollution at hazardous waste disposal sites and properties that had a spill, and criteria for other polluting substances not provided in the regulations;
2. virtually inert asphalt, brick, concrete (including concrete with pyrrhotite if the DEEP commissioner provides written permission to use it), or ceramic materials that do not threaten to pollute groundwater or surface water;
3. waste sand from metal casting that is not hazardous waste;
4. crushed recycled glass; and
5. street sweepings or catch basin clean-out materials.

These materials may not include those with asbestos; polychlorinated biphenyls (PCBs); persistent bioaccumulative toxins, which are long-lived toxic chemicals that accumulate in human tissue; and hazardous waste.

Project Restrictions

The bill allows for up to four projects to use these materials but provides several restrictions on projects that may use it. Among them, an applicant must have the necessary municipal approvals for using the materials before submitting its application to DEEP (see “Municipal Approval,” below).

Under the bill, DEEP may not authorize an activity for which it already issued an individual or general permit. The authorization must also be for (1) a single location and (2) use of at least 100,000 cubic yards of the materials.

The bill requires that the DEEP commissioner find that the use of the materials does not harm or threaten human health, safety, or the environment. The use must also be consistent with federal law on proper solid waste management.

The bill specifies that (1) someone operating under the pilot program does not need to obtain a discharge permit, unless the federal Clean Water Act requires it and (2) the state remediation standards’ soil reuse provisions do not apply to pilot program projects.

DEEP Protective Guidelines

The bill allows the DEEP commissioner to establish authorization guidelines (1) to protect public health, safety, and the environment and (2) for a letter of credit (LOC).

Under the bill, the guidelines must at least prefer using environmentally impaired or underused locations but cannot be in an aquifer protection area. The locations must be in areas where groundwater quality is (1) suitable for specific industrial purposes but not human consumption (classified as GB) or subject to municipal and

industrial discharge and unsuitable for human consumption (GC) and (2) served by a public drinking water supply. The locations must also (1) operate in compliance with state water quality standards and (2) not adversely affect sensitive receptors or resources such as water supply wells, wetlands, floodplains, or threatened or endangered species.

The bill requires the commissioner to provide public notice of the guidelines, or revisions to them, on the department's website. The public must have an opportunity to submit written comments for at least 30 days after DEEP publishes the notice. DEEP must then publish any response it has to the comments on the website.

Municipal Approval

Before applying to DEEP for authorization, a project applicant must obtain local approvals from each municipality where the materials will be used, including a (1) valid certificate of zoning approval, special permit, special exception, variance, or other documentation and (2) copy of wetlands, aquifer protection, coastal site plan, or other required municipal approvals.

The bill also requires applicants to comply with the state environmental justice law's public participation and community benefit agreement process, whether or not the location is in an environmental justice community (i.e., a distressed municipality or a census block group with at least 30% of the noninstitutionalized population having an income below a certain threshold). The state's environmental justice law generally requires applicants for certain projects in these areas to, before applying to DEEP for the project, (1) obtain approval of and implement a meaningful participation plan (e.g., provide certain notices and hold an informal public meeting) so the public can learn about the proposed project and (2) discuss with municipal officials the need for a community environmental benefit agreement to mitigate the project's impacts (CGS § 22a-20a, as amended by PA 20-6).

Application Process

The bill requires an authorization application to be submitted on

DEEP commissioner-prescribed forms, include a non-refundable \$25,000 application fee, and provide the following information:

1. a plan to ensure that only materials meeting the bill's definition of "beneficially reclaimed materials" be used as fill, including a description of acceptability criteria for materials proposed for use at the location;
2. a plan describing the process for placing and recording the materials' placement;
3. a plan for monitoring water during the filling process and for at least 30 years afterward;
4. a proposed LOC conforming to the commissioner's guidelines, with the basis for the cost estimate used for it;
5. the qualifications of the environmental professional intended to oversee the project;
6. a redevelopment plan for the location, including engineering plans and drawings;
7. a list of municipal approvals required for the project, with a written copy of each; and
8. any additional information the commissioner requires.

DEEP Authorization Process

Under the bill, the process for obtaining an authorization, or a modification to one, involves a public notice and comment period.

Notice. The bill requires the DEEP commissioner to publish a notice of intent to issue an authorization on the department's website. The notice must include the following information:

1. applicant's name and mailing address;
2. project location address;

3. application number and tentative decision on the application;
4. name, address, and telephone number of any applicant agent that interested people may contact for copies of the application;
5. requested authorization type, with applicable statutory or regulatory references;
6. description of (a) the project location and (2) any affected natural resources;
7. the available amount of time to submit written comments to the commissioner; and
8. any other information the commissioner deems necessary.

Comment Period and Review. The bill requires a 30-day comment period beginning after the commissioner publishes the notice. The commissioner must post a response to any comment she receives on the website.

Final Decision. Under the bill, the commissioner may approve or deny an authorization based on her review of the submitted information. The bill requires the authorization to clearly define the activity it covers and may include conditions or requirements as the commissioner deems appropriate. These conditions or requirements may pertain to investigating or remediating a location before placing the materials; operation and maintenance; best management practices; requiring environmental professionals to oversee the projects, including their qualifications; groundwater monitoring; fill management; closure; redevelopment or other plans; reporting and recordkeeping; independent auditing; and term specifications.

The commissioner must require posting a LOC to assure compliance with the authorization, including implementing a closure plan and performing maintenance and monitoring after closure. The bill allows her to modify, suspend, or revoke an authorization, under the procedures of the Uniform Administrative Procedure Act and

applicable DEEP rules of practice.

§§ 2-4 — SOIL HEALTH

Commissioner Duties (§ 2)

As she may already do for problems related to soil and water erosion, the bill allows the DEEP commissioner to (1) have surveys, investigations, and research conducted on soil health and (2) publish and disseminate related information. The bill extends to the soil health activities the commissioner's existing authorizations for carrying out soil and water erosion activity, such as entering into agreements with landowners, acquiring property, or accepting monetary contributions. It also allows her to cooperate with and enter into agreements with soil and water conservation districts to provide federal resources to study and improve soil health (see below).

Soil and Water Conservation District Boards and Council (§§ 3 & 4)

Existing law requires the commissioner to establish, by regulation, soil and water conservation districts and boards whose purpose is to help identify and fix soil and water erosion problems. The bill requires the district boards to also advise her on soil health matters and help implement related programs.

The bill allows the commissioner to amend current district board regulations to allow them to develop soil health programs, priorities, and workplans, as they already may do for soil and water conservation, erosion, and sedimentation control (Conn. Agencies Regs. § 22a-315-1 et seq.).

Under existing law, the commissioner established the Council on Soil and Water Conservation to (1) coordinate the boards' activities with those of DEEP and other agencies; (2) propose regulations related to soil and water erosion conservation; and (3) advise and help the commissioner conserve and protect the state's natural resources.

The bill requires the council to develop guidelines for improving and

preserving soil health and make them publicly available. The council must already do this for soil erosion and sediment control on land being developed. As it may already do for soil and water conservation activities, the bill allows the council to seek funding and provide financial support to district boards for soil health activities.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/12/2021)

Appropriations Committee

Joint Favorable

Yea 49 Nay 0 (05/10/2021)