



**Substitute House Bill No. 6798**

**Public Act No. 23-185**

**AN ACT CONCERNING CERTAIN PRODUCERS OF CONCRETE AGGREGATE.**

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

Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this section and section 2 of this act, "producer of aggregate" means a person who processes coarse aggregate intended to be mixed with other component ingredients to create concrete for use in a residential or commercial concrete foundation.

(b) Except as provided in subsection (c) of this section, not later than July 1, 2024, and not less than annually thereafter, any producer of aggregate in possession of coarse aggregate that is (1) intended for use in a residential or commercial concrete foundation, and (2) from a source other than a quarry required to prepare and provide a geological source report pursuant to section 22a-349c of the general statutes, shall, prior to selling or providing such coarse aggregate for such use, submit a written report to the Commissioner of Energy and Environmental Protection and the State Geologist, containing the results of a third-party test of such coarse aggregate described in subsections (a) and (b) of section 22a-349d of the general statutes.

(c) If the results of such test reveal that the total sulfur content of such

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sample in per cent mass is less than one-tenth per cent, such producer (1) may sell or provide such coarse aggregate for use in a residential or commercial concrete foundation for a period of four years beginning on the date of receipt of such test results, and (2) shall not be required to submit a further report concerning such coarse aggregate pursuant to subsection (b) of this section during such period.

(d) If the results of such test reveal that the total sulfur content of the sample in per cent mass is equal to or greater than one per cent, such producer shall not sell or provide such coarse aggregate for use in a residential or commercial concrete foundation.

(e) If the results of such test reveal that the total sulfur content of the sample in per cent mass is less than one per cent and equal or greater than one-tenth per cent and (1) no pyrrhotite is present, such producer may sell or provide such coarse aggregate for use in a residential or commercial concrete foundation for a period of one year beginning on the date of receipt of such test results, or (2) pyrrhotite is present, such producer shall not sell or provide such coarse aggregate in a manner inconsistent with the acceptance and use indicated by the results of a petrographic analysis or any requirement or restriction established by the Commissioner of Energy and Environmental Protection pursuant to subsection (f) of this section.

(f) The Commissioner of Energy and Environmental Protection, in consultation with the State Geologist, may, if the results of the test performed pursuant to this section reveal that the total sulfur content of the sample in per cent by mass is less than one per cent and equal to or greater than one-tenth per cent and pyrrhotite is present, (1) require such producer to conduct additional petrographic and materials testing, and (2) implement restrictions on such producer's sale or provision of coarse aggregate.

(g) The Commissioner of Energy and Environmental Protection may

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adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 2. (NEW) (*Effective from passage*) (a) For the purposes of this section, "qualified geologist" has the same meaning as provided in section 22a-349c of the general statutes, and "producer of aggregate" has the same meaning as provided in section 1 of this act.

(b) (1) Not later than July 1, 2024, each producer of aggregate in possession of coarse aggregate that is (A) intended for use in a residential or commercial concrete foundation, and (B) from a source other than a quarry required to prepare and provide a geological source report pursuant to section 22a-349c of the general statutes, shall provide a petrographic analysis or prepare a geological source report and provide such report or analysis to the State Geologist and Commissioner of Energy and Environmental Protection. Such report shall be prepared in a form and manner prescribed by the commissioner, and shall include, but need not be limited to, (i) the mining, processing, storage and quality control methods utilized with respect to such coarse aggregate, (ii) a description of the characteristics of such coarse aggregate, which shall be prepared by a qualified geologist, (iii) a copy of the results of an inspection of face material and geologic log analysis of the site from which such coarse aggregate was excavated, which shall be prepared by a qualified geologist, and (iv) a petrographic analysis of a representative sample of such coarse aggregate, completed by a qualified geologist. Not later than July 1, 2028, and every four years thereafter, such producer shall update such report or analysis and provide such updated report or analysis to the State Geologist and commissioner.

(2) Any person who, on or before July 1, 2024, was not in possession of coarse aggregate (A) intended for use in a residential or commercial concrete foundation, and (B) from a source other than a quarry required to prepare and provide a geological source report pursuant to section

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22a-349c of the general statutes, but possesses such coarse aggregate after July 1, 2024, shall prepare a petrographic analysis or geological source report, described in subdivision (1) of this subsection, and provide such analysis or report to the State Geologist and commissioner prior to selling or providing such coarse aggregate for such use. Such person shall update such analysis or report every four years thereafter and provide such updated analysis or report to the State Geologist and commissioner.

(c) No producer of aggregate or person required to provide an analysis or report pursuant to this section shall sell or provide for use coarse aggregate intended for use in a residential or commercial concrete foundation if such producer or person fails to provide such analysis or report.

Sec. 3. (NEW) (*Effective from passage*) (a) For the purposes of this section, "producer of concrete" means any person who mixes coarse aggregate with other component ingredients to create concrete for use in a residential or commercial foundation.

(b) Not later than July 1, 2024, and annually thereafter, any producer of concrete purchasing or receiving coarse aggregate intended for use in a residential or commercial concrete foundation who does not operate a quarry or other source from which such coarse aggregate was sourced, shall, prior to mixing such coarse aggregate with other component ingredients to create such concrete foundation, confirm with the person selling or providing such coarse aggregate to such producer that (1) such coarse aggregate is permitted to be sold pursuant to section 1 of this act or section 22a-349c of the general statutes, as applicable, and (2) a geological source report pertaining to the source of such coarse aggregate has been provided in accordance with section 2 of this act or section 22a-349d of the general statutes, as applicable.

Approved June 27, 2023