



PA 23-185—sHB 6798

*Planning and Development Committee
Housing Committee*

AN ACT CONCERNING CERTAIN PRODUCERS OF CONCRETE AGGREGATE

SUMMARY: This act establishes material testing requirements and related reporting requirements for entities that process coarse aggregate intended to be mixed with other component ingredients to create concrete for use in a residential or commercial concrete foundation (i.e., producers).

Existing law requires concrete aggregate quarry operators to have a third party test their aggregate and report on its total sulfur content (i.e., total S) to the state. It imposes restrictions on using aggregate with a relatively high total S and, in certain circumstances, requires additional testing to identify the presence of pyrrhotite, which led to the premature deterioration of certain concrete foundations in parts of the state (CGS § 22a-349d). Existing law also requires quarries to submit a geological source report (GSR) to the state, outlining the quarry’s mining, processing, and quality control methods, among other things (CGS § 22a-349c). The act imposes generally similar requirements on aggregate producers that are not subject to existing law’s requirements for quarries, as described below.

The act also requires concrete producers mixing concrete for residential or commercial foundations to confirm that the coarse aggregate they plan to mix into concrete (1) complies with the act and existing law’s requirements related to total S and pyrrhotite concentrations and (2) comes from a producer or quarry that has filed a current GSR with the state.

EFFECTIVE DATE: Upon passage

§ 1 — THIRD PARTY TOTAL S TESTING REQUIREMENT

Under the act, if a producer possesses coarse aggregate that is (1) intended for use in a residential or commercial concrete foundation and (2) from a source other than a quarry that must prepare and provide a GSR under existing law, then the producer must have the aggregate tested by a third party and submit the results to the state geologist and Department of Energy and Environmental Protection (DEEP). The testing requirement begins on July 1, 2024, and, depending on the test results, must be completed at least annually. The DEEP commissioner may adopt regulations to implement the act’s testing requirements.

Total S Test

Under the act, if testing shows the sample’s total S by mass is at least 1%, the producer cannot sell or otherwise provide the aggregate for use in residential or

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commercial concrete foundations.

If testing shows the sample's total S by mass is less than 0.1%, the producer (1) may sell or provide the aggregate for use in concrete foundations for four years, beginning on the date of receipt of the test results, and (2) does not need to submit test results to the DEEP commissioner and state geologist during that period.

If testing shows the sample's total S falls between these thresholds, further testing is required, as described below.

Further Testing for Pyrrhotite

If the sample's total S by mass is 0.1% or more, but less than 1%, then the act requires the sample to be further tested for pyrrhotite's presence and relative abundance (concentration).

If that testing does not reveal the presence of pyrrhotite, then the aggregate may be used in concrete for one year, beginning on the date the results are received. If testing shows that pyrrhotite is present and the total S by mass is 0.1% or more but less than 1%, then DEEP's commissioner, in consultation with the state geologist, may (1) require the producer to conduct additional petrographic and materials testing and (2) impose restrictions on selling or providing the aggregate, which producers must comply with.

§ 2 — PETROGRAPHIC ANALYSIS OF AGGREGATE OR GSR

Under the act, if a producer possesses 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 GSR under existing law's requirements, then the producer must submit to the state geologist and DEEP either a (1) petrographic analysis or (2) GSR (§ 3 requires that aggregate provided to a concrete producer have a current GSR on file with the state). The first report or analysis is due by July 1, 2024, and then must be updated and resubmitted every four years thereafter. The analysis or report must comply with the state geologist's and DEEP's submission requirements and must include:

1. the mining, processing, storage, and quality control methods used for the coarse aggregate;
2. a description, prepared by a qualified geologist, of the aggregate's characteristics;
3. a copy of the results for an inspection of face material and geologic log analysis of the site from which the aggregate was excavated, prepared by a qualified geologist; and
4. a petrographic analysis of a representative sample of the aggregate, completed by a qualified geologist.

The act prohibits producers from selling or providing aggregate for use in foundations if they have not complied with the act's reporting requirements.

A "qualified geologist" is a geologist certified by the American Institute of Professional Geologists, licensed by the National Association of State Boards of Geology, or certified or licensed by another organization deemed suitable by the

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state geologist.

§ 3 — CONCRETE PRODUCER REQUIREMENTS

The act requires concrete producers (i.e., those who mix coarse aggregate with other component ingredients to create concrete for use in a residential or commercial foundation) that receive or purchase coarse aggregate from another provider (i.e., aggregate that does not come from the concrete producer's own quarry or other source), to confirm certain information with the provider before mixing it with other components. Under the act, concrete producers must confirm that the aggregate (1) complies with the act and existing law's requirements related to total S and pyrrhotite concentrations and (2) comes from a producer or quarry that has filed a current GSR with the state. The act requires them to confirm this information by July 1, 2024, and then annually thereafter.