Offered by:
REP. GRESKO, 121st Dist.

To: Subst. House Bill No. 6664 File No. 580 Cal. No. 351

"AN ACT CONCERNING MANAGING WASTE AND CREATING A WASTE AUTHORITY."

1 Strike section 1 in its entirety and renumber the remaining sections and internal references accordingly

2 Strike section 2 in its entirety and insert the following in lieu thereof:

3 "Sec. 2. (NEW) (Effective October 1, 2023) (a) For purposes of this section:

4 (1) "Department" means the Department of Energy and Environmental Protection;

5 (2) "Commissioner" means the Commissioner of Energy and Environmental Protection;

6 (3) "Beverage" means any carbonated beverage or noncarbonated beverage;

7 (4) "Carbonated beverage" has the same meaning as provided in
section 22a-243 of the general statutes;

(5) "Noncarbonated beverage" has the same meaning as provided in section 22a-243 of the general statutes;

(6) "Plastic" means a manufactured or synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms;

(7) "Plastic beverage container" means any beverage container, as defined in section 22a-243 of the general statutes, that is made of plastic. "Plastic beverage container" does not include any label, cap, closure or other item affixed to the container. "Plastic beverage container" does not include any refillable beverage container, including any container that is sufficiently durable for multiple rotations of such container's original or similar purpose and that is intended to function in a system of reuse;

(8) "Post-consumer recyclable material" means a material or product generated by households or by commercial, industrial or institutional facilities in the role of an end-user of the material or product that can no longer be used for its intended purpose or that was returned from the distribution chain and has been separated from the solid waste stream for the purpose of collection and recycling;

(9) "Post-consumer recycled content" means the amount of post-consumer recyclable material used in the manufacture or production of a new product. "Post-consumer recycled content" does not include preconsumer or post-industrial secondary waste material, including, but not limited to, materials and by-products generated from and commonly used within an original manufacturing and fabrication process;

(10) "Producer" means any person responsible for compliance with minimum post-consumer recycled content requirements for a plastic beverage container, including: (A) Any owner or licensee of a brand or trademark for a plastic beverage container that is sold under such owner's or licensee's owned or licensed brand or trademark, regardless
of whether such trademark is registered in this state; (B) the manufacturer of a plastic beverage container that lacks identification of a brand at the point of sale or the person who manufactures such plastic beverage container; and (C) if there is no other person described in this subsection over whom the state can constitutionally exercise jurisdiction, the person who imports or distributes the plastic beverage container in or into the state;

(11) "Manufacturer" means any person that produces or generates a plastic beverage container. "Manufacturer" does not include: (A) Any government agency, municipality or other political subdivision of the state, (B) any organization registered under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, or (C) any producer that annually sells, offers for sale, distributes or imports into the country for sale in this state (i) less than one ton of plastic beverage containers each year, or (ii) plastic beverage containers that, in aggregate, generate less than one million dollars each year in sales in the state; and

(12) "Person" has the same meaning as provided in section 22a-2 of the general statutes.

(b) On and after January 1, 2027, plastic beverage containers sold, offered for sale or distributed in this state by each producer shall contain, on average and in the aggregate, not less than twenty-five per cent post-consumer recycled content.

(c) On and after January 1, 2032, plastic beverage containers sold, offered for sale or distributed in this state by each producer shall contain, on average and in the aggregate, not less than thirty per cent post-consumer recycled content.

(d) On or before December 31, 2032, the commissioner, in accordance with section 11-4a of the general statutes, shall submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment a report reviewing the minimum post-consumer recycled content requirements of this section. Such report shall include, but need not be limited to: (1) An evaluation of the
requirements of this section; (2) any recommendations on future
minimum post-consumer recycled content standards for plastic
beverage containers; (3) any recommendations for the expansion of
post-consumer recycled content requirements to other packaging or
product categories and the attendant percentage requirements
recommended for each packaging or product category; and (4) an
evaluation of any third-party certification methods existing for plastic
beverage containers and whether such certification methods should be
applied to future minimum post-consumer recycled content
requirements.

(e) For the purposes of determining a producer's compliance with the
minimum post-consumer recycled content requirements of this section,
a producer may rely on state-specific data regarding plastic beverage
container sales and material use, if available, or may alternatively rely
on the same type of data applicable to a region or territory in the United
States that includes this state. If a producer elects to rely on data
regarding plastic beverage container sales and material use derived
from data applicable to a region or territory in the United States that
includes this state, the producer shall prorate that regional or territorial
data to determine state-specific figures based on market share or
population in a manner that ensures that the percentage of post-
consumer recycled plastic calculated for plastic beverage containers
sold in this state is the same percentage as calculated for that larger
region or territory; and document in its report the methodology used to
determine those state-specific figures.

(f) (1) On or before April 1, 2026, each producer that offered for sale,
sold, or distributed plastic beverage containers in or into the state in the
previous calendar year shall register with the commissioner,
individually, or through a third-party representative that registers with
the Commissioner of Energy and Environmental Protection on behalf of
a group of producers, in a form and manner prescribed by the
Commissioner of Energy and Environmental Protection. At the time of
registration, each producer shall submit an initial registration fee of five
hundred dollars in a manner prescribed by said commissioner. Any
entity that becomes a producer for the first time on or after April 1, 2026, shall submit the registration and submit the initial registration fee required by this subparagraph not more than one hundred eighty days after such entity becomes a producer and shall register on the schedule specified in subdivision (2) of this subsection. Any producer that sold, offered for sale or distributed less than ten thousand plastic beverage containers or, in the aggregate, less than two hundred pounds of plastic that is not post-consumer recycled plastic shall not be required to pay the initial registration fee required by this subdivision.

(2) On or before April 1, 2031, and every five years thereafter, each producer that offered for sale, sold, or distributed plastic beverage containers in or into this state in the previous calendar year shall register with the Commissioner of Energy and Environmental Protection. In addition, each producer or representative submitting such a registration shall remit a registration fee in an amount to be determined by said commissioner. Such fee shall be scaled to reflect the market share of any such producer or representative during the preceding five calendar years, as determined using information provided in reports filed pursuant to subdivision (3) of this subsection, and shall be adequate to cover the department's cost to implement, administer, monitor and enforce the provisions of this section and shall be used exclusively for such purposes. The commissioner may modify the amount of such registration fee, including by setting a maximum amount for such fee, as necessary, to reflect updated implementation costs. Any producer that sold, offered for sale or distributed less than ten thousand plastic beverage containers or, in the aggregate, less than two hundred pounds of plastic that is not post-consumer recycled plastic, shall not be required to pay the registration fee required by this subdivision.

(3) Each producer shall submit a report to the Department of Energy and Environmental Protection, on or before April 1, 2026, and annually thereafter, identifying the brand names of the plastic beverage containers represented in the report as well as the weight, in pounds, of post-consumer recycled plastic, the weight, in pounds, of plastic that is not post-consumer recycled plastic and the percentage of post-
consumer recycled plastic in the total weight of all plastic beverage
containers the producer sold, offered for sale or distributed for sale in
this state in such prior calendar year. The form and manner of the report
shall be prescribed by the commissioner and each report shall be
certified and such certification signed by an authorized official of the
producer.

(g) Not more than once per calendar year, a producer may seek from
the commissioner a waiver from the requirements of this section by
filing a written request on a form prescribed by the commissioner. In
seeking any such waiver, the producer shall set forth the specific basis
upon which the waiver is claimed, indicate any applicable timeframe for
such waiver request, submit such proof as the commissioner determines
to be necessary and provide any other information specified by the
commissioner. The commissioner shall consider written waiver requests
submitted between the first day of September and the first day of
October of each calendar year, and any approved waiver shall take effect
the first day of January of the following calendar year. The
commissioner may approve a waiver. In making such a determination,
the commissioner may consider factors including, but not limited to, the
availability of feedstock.

(h) The Commissioner of Energy and Environmental Protection may
participate in the establishment and implementation of a multistate
clearinghouse to assist in carrying out the requirements of this section.
Any such clearinghouse shall assist in coordinating reviews of producer
registrations, waiver requests and certifications, recommend acceptable
third-party certifications and implement state reporting activities and
any other related functions pursuant to this section. Notwithstanding
the requirements of subsection (f) of this section, if the commissioner
determines to participate in such a clearinghouse, such participation
may provide producers the ability to register on a centralized portal
offered by such clearinghouse in lieu of a state-specific portal provided
such registration requirement shall not otherwise be affected by the use
of any such centralized portal."
In line 919, after "services" insert ","; provided any such proposed facility will utilize anaerobic digester and fuel cell technology, or any other method that utilizes gas at the point of generation"

Strike section 5 in its entirety and renumber the remaining sections and internal references accordingly

Strike section 7 in its entirety and insert the following in lieu thereof:

"Sec. 7. Section 22a-226e of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) (1) On and after January 1, 2014, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from an authorized source-separated organic material composting facility and that generates an average projected volume of not less than one hundred four tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(2) On and after January 1, 2020, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from an authorized source-separated organic material composting facility and that generates an average projected volume of not less than fifty-two tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(3) On and after January 1, 2022, each commercial food wholesaler or
distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from either an authorized source-separated organic material composting facility an authorized transfer station or any collection location authorized to receive source-separated organic materials, and that generates an average projected volume of not less than twenty-six tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(4) On and after January 1, 2025, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort, conference center or institution that generates an average projected volume of not less than twenty-six tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material. For the purposes of this section "institution" means any establishment engaged in providing hospitality, entertainment or rehabilitation and health care services, and any hospital, public or private educational facility or correctional facility.

(b) Any such wholesaler, distributor, manufacturer, processor, supermarket, institution, resort or conference center that performs composting of source-separated organic materials on site or treats source-separated organic materials via on-site organic treatment equipment permitted pursuant to the general statutes or federal law shall be deemed in compliance with the provisions of this section.

(c) Any permitted source-separated organic material composting facility that receives such source-separated organic materials shall
report to the Commissioner of Energy and Environmental Protection, as part of such facility's reporting obligations, a summary of fees charged for receipt of such source-separated organic materials.

(d) Not later than January 1, 2022, the Commissioner of Energy and Environmental Protection shall establish a voluntary pilot program for any municipality that seeks to separate source-separated organic materials and ensure that such source-separated organic materials are recycled at authorized source-separated organic material composting facilities that have available capacity and that will accept such source-separated organic material.

(e) On or before March 1, 2025, and annually thereafter, each wholesaler, distributor, manufacturer, processor, supermarket, resort, conference center or institution that is subject to the provisions of this section shall submit a report to the Department of Energy and Environmental Protection in electronic format. Such report shall summarize such entity’s amount of edible food donated, the amount of food scraps recycled and the organics recycler or recyclers and associated collectors used."

In line 1087, strike "section 22a-208v or 22a-256a, or (3)" and insert "or (2)" in lieu thereof

In line 1090, strike "Connecticut Waste Authority" and insert "MIRA Dissolution Authority" in lieu thereof

In line 1096, strike "Connecticut Waste"

In line 1097, strike "Authority" and insert "MIRA Dissolution Authority" in lieu thereof

In line 1107, strike "Connecticut Waste Authority" and insert "MIRA Dissolution Authority" in lieu thereof

In line 1108, strike "Connecticut Waste"

In line 1109, strike "Authority" and insert "MIRA Dissolution Authority"
Authority" in lieu thereof

In line 1112, after "(2)" insert "engage representatives of the city of Hartford and other stakeholders, as appropriate, with respect to the future of the properties identified in subdivision (1) of this subsection, (3)"

In line 1115, strike "(3)" and insert "(4)" in lieu thereof

In line 1142, strike "Connecticut" Waste Authority" and insert "MIRA Dissolution Authority" in lieu thereof

In lines 1155, 1157 and 1173, strike "Connecticut Waste Authority" and insert "MIRA Dissolution Authority" in lieu thereof

In line 1186, strike "Connecticut Waste"

In line 1187, before "Authority" insert "MIRA Dissolution"

In line 1191, strike "Connecticut Waste Authority" and insert "MIRA Dissolution Authority" in lieu thereof

In line 1335, strike "Connecticut Waste Authority" and insert "MIRA Dissolution Authority" in lieu thereof

Strike lines 1239 to 1250, inclusive, in their entirety and insert the following in lieu thereof:

"under such contract.] (1) The Governor, or the Governor's designee, (2) the Secretary of the Office of Policy and Management, or the secretary's designee, (3) the Commissioner of Administrative Services, (4) the Commissioner of Energy and Environmental Protection, or the commissioner's designee, (5) one appointed by the president pro tempore of the Senate, (6) one appointed by the speaker of the House of Representatives, (7) one appointed by the majority leader of the House of Representatives, (8) one appointed by the majority leader of the Senate, (9) one appointed by the minority leader of the Senate, (10) one
appointed by the minority leader of the House of Representatives, and
(11) one appointed by the mayor of Hartford. Additionally, the Hartford
City Council may appoint not more than five members to the board,
each of whom shall serve a term that is coterminous with that of the
applicable appointing authority."

Strike lines 1305 to 1310, inclusive, in their entirety and insert the
following in lieu thereof:

"[(k)] (i) The authority shall [continue as long as it has bonds or other
obligations outstanding and until its existence is terminated by law.
Upon the termination of the existence of the authority, all its rights and
properties shall pass to and be vested in the state of Connecticut] terminate on July 1, 2026. Upon the termination of the authority, all of
such authority's rights and properties shall pass to and be vested in the
state of Connecticut in accordance with the provisions of section 17 of
this act."

After the last section, add the following and renumber sections and
internal references accordingly:

"Sec. 501. (NEW) (Effective from passage) Notwithstanding the
provisions of sections 22a-228 and 22a-241a of the general statutes,
respectively, any proposed revision to the state-wide solid waste
management plan or the Comprehensive Materials Management
Strategy shall be submitted by the Commissioner of Energy and
Environmental Protection to the joint standing committee of the General
Assembly having cognizance of matters relating to the environment for
approval prior to implementation of any such revision. Upon receipt of
any such proposed revision, said committee shall hold a public hearing
on any such proposed revision not later than fifteen days after such
receipt. Not later than thirty days after such receipt, said committee may
meet to vote to approve, reject or amend such proposed revision. In the
event the committee does not meet, the proposed revision shall be
deemed approved. In the event said committee rejects any such
proposed revision, the commissioner may file such rejected proposed
revision with the clerks of the House of Representatives and the Senate for consideration of the approval, by resolution, of such rejected proposed revision by the members of the General Assembly. If the General Assembly is in session, it shall vote to approve or reject such rejected proposed revision not later than thirty days after the date of filing. If the General Assembly is not in session when such rejected proposed revision is filed, it shall be submitted to the General Assembly not later than ten days after the first day of the next regular session or special session called for such purpose. The rejected proposed revision shall be deemed rejected by the General Assembly if the General Assembly fails to vote to approve or reject such proposed revision not later than thirty days after such filing.

Sec. 502. (NEW) (Effective from passage) Not later than October 1, 2023, the Commissioner of Energy and Environmental Protection shall issue a request for information to obtain information on systems for the processing of solid waste that is generated in the state and that is not otherwise diverted from the state's solid waste stream in accordance with the provisions of the state-wide solid waste management plan and the Comprehensive Materials Management Strategy. Such request for information shall seek information on such systems that include, but are not limited to, gasification systems that convert such solid waste into gas through a chemical reaction that does not consist of burning. Such request for information shall require the receipt of such information by the Department of Energy and Environmental Protection not later than November 15, 2023. Any presentation of materials in relation to such request for information shall be made to the commissioner not later than January 15, 2024. Not later than February 1, 2024, the commissioner shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment that includes recommendations for the issuance of a request for proposals concerning such systems that is based on the commissioner's review of all information received in connection with such request for information. In forming such recommendations, the commissioner shall
additionally consider the: (1) Potential environmental impacts of any such system to the air, water and soils of the state, (2) consistency of any such system with the greenhouse gas emissions goals of the state, (3) municipal costs potentially associated with the utilization of any such system for the processing of solid waste in the state, (4) effectiveness of any such system to process all solid waste in the state that is not otherwise diverted from the state's solid waste stream, (5) ability to convert any existing state-owned or operated facility to utilize any such system without state subsidization of such conversion and while substantially decreasing any environmental or public health impacts of such converted facility to any environmental justice community, and (6) reasonable likelihood of siting one or more facilities that utilize any such system in a community other than an environmental justice community.

Sec. 503. Subdivision (1) of subsection (h) of section 16-244c of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2024):

(h) (1) Notwithstanding the provisions of subsection (b) of this section regarding an alternative standard service option, an electric distribution company providing standard service, supplier of last resort service or back-up electric generation service in accordance with this section shall contract with its wholesale suppliers to comply with the renewable portfolio standards. The Public Utilities Regulatory Authority shall annually conduct an uncontested proceeding in order to determine whether the electric distribution company's wholesale suppliers met the renewable portfolio standards during the preceding year. On or before December 31, 2013, the authority shall issue a decision on any such proceeding for calendar years up to and including 2012, for which a decision has not already been issued. Not later than December 31, 2014, and annually thereafter, the authority shall, following such proceeding, issue a decision as to whether the electric distribution company’s wholesale suppliers met the renewable portfolio standards during the preceding year. An electric distribution company shall include a provision in its contract with each wholesale supplier that requires the wholesale supplier to pay the electric distribution company
an amount of: (A) For calendar years up to and including calendar year 2017, five and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period, (B) for calendar years commencing on January 1, 2018, up to and including the calendar year commencing on January 1, 2020, five and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources, [and] (C) for calendar years commencing on and after January 1, 2021, four cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources, and (D) for calendar years commencing on and after January 1, 2024, three cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources. The electric distribution company shall promptly transfer any payment received from the wholesale supplier for the failure to meet the renewable portfolio standards to the Clean Energy Fund for the development of Class I renewable energy sources, provided, on and after June 5, 2013, any such payment shall be refunded to ratepayers by using such payment to offset the costs to all customers of electric distribution companies of the costs of contracts and tariffs entered into pursuant to sections 16-244r, 16-244t and 16-244z, except that, on or after January 1, 2023, any such payment that is attributable to a failure to comply with the Class II renewable portfolio standards shall be deposited in the sustainable materials management account established pursuant to section 16-244bb. Any excess amount remaining from such payment shall be applied to reduce the costs of contracts entered into pursuant to subdivision (2) of this subsection, and if any excess amount remains, such amount shall be applied to reduce
costs collected through nonbypassable, federally mandated congestion charges, as defined in section 16-1.

Sec. 504. Subdivision (2) of subsection (a) of section 16-245n of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(2) "Clean energy" means solar photovoltaic energy, solar thermal, geothermal energy, wind, ocean thermal energy, wave or tidal energy, fuel cells, landfill gas, hydropower that meets the low-impact standards of the Low-Impact Hydropower Institute, hydrogen production and hydrogen conversion technologies, low emission advanced biomass conversion technologies, alternative fuels, used for electricity generation including ethanol, biodiesel or other fuel produced in Connecticut and derived from agricultural produce, food waste or waste vegetable oil, provided the Commissioner of Energy and Environmental Protection determines that such fuels provide net reductions in greenhouse gas emissions and fossil fuel consumption, usable electricity from combined heat and power systems with waste heat recovery systems, thermal storage systems, other energy resources and emerging technologies which have significant potential for commercialization and which do not involve the combustion of coal, petroleum or petroleum products, [municipal solid waste] or nuclear fission, financing of energy efficiency projects, projects that seek to deploy electric, electric hybrid, natural gas or alternative fuel vehicles and associated infrastructure, any related storage, distribution, manufacturing technologies or facilities and any Class I renewable energy source, as defined in section 16-1;

Sec. 505. (NEW) (Effective from passage) For the purpose of financing any solid waste facility described in section 3 of this act, bonds may be issued by the Connecticut Green Bank as environmental infrastructure bonds pursuant to section 16-245n and sections 16-245kk to 16-245mm, inclusive, of the general statutes, as amended by this act. The Commissioner of Energy and Environmental Protection may enter agreements with the Connecticut Green Bank to effectuate the issuance
of such bonds, including, but not limited to, the pledge of moneys for revenue bonds to support the solid waste facilities described in section 3 of this act.

Sec. 506. Subsection (g) of section 16-245mm of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(g) Notwithstanding any other provision contained in this section, the aggregate amount of bonds secured by such special capital reserve fund authorized to be created and established by this section shall not exceed [two hundred fifty] five hundred million dollars.

Sec. 507. (Effective from passage) Not later than July 1, 2024, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Energy and Environmental Protection, shall submit recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and energy and technology, in accordance with section 11-4a of the general statutes, regarding the feasibility and advisability of creating a new quasi-public state agency, state waste authority or other entity for purposes that include, but are not limited to, the development of new solid waste infrastructure and the operation and maintenance of new or existing solid waste infrastructure. Such recommendations shall be made in consultation with any municipalities, municipal authorities, regional waste authorities or private sector operators of solid waste companies participating in a request for proposals pursuant to section 3 of this act."

This act shall take effect as follows and shall amend the following sections:

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<th>Section</th>
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<td>Sec. 2</td>
<td>October 1, 2023</td>
<td>New section</td>
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<tr>
<td>Sec. 7</td>
<td>from passage</td>
<td>22a-226e</td>
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<td>Sec. 501</td>
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<td>New section</td>
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<td>Sec. 502</td>
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<td>Sec. 503</td>
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<tr>
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