



General Assembly

**Amendment**

January Session, 2023

LCO No. 10090



Offered by:

REP. BROWN, 56<sup>th</sup> Dist.  
REP. FOSTER, 57<sup>th</sup> Dist.  
REP. DELNICKI, 14<sup>th</sup> Dist.  
REP. LUXENBERG, 12<sup>th</sup> Dist.  
REP. VAIL, 52<sup>nd</sup> Dist.

To: Subst. House Bill No. 6798

File No. 537

Cal. No. 332

**"AN ACT CONCERNING CONCRETE MIXTURES INTENDED FOR USE IN RESIDENTIAL BUILDING FOUNDATIONS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

8 (b) Except as provided in subsection (c) of this section, not later than  
9 July 1, 2024, and not less than annually thereafter, any producer of  
10 aggregate in possession of coarse aggregate that is (1) intended for use  
11 in a residential or commercial concrete foundation, and (2) from a source

12 other than a quarry required to prepare and provide a geological source  
13 report pursuant to section 22a-349c of the general statutes, shall, prior  
14 to selling or providing such coarse aggregate for such use, submit a  
15 written report to the Commissioner of Energy and Environmental  
16 Protection and the State Geologist, containing the results of a third-party  
17 test of such coarse aggregate described in subsections (a) and (b) of  
18 section 22a-349d of the general statutes.

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

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

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

41 (f) The Commissioner of Energy and Environmental Protection, in  
42 consultation with the State Geologist, may, if the results of the test  
43 performed pursuant to this section reveal that the total sulfur content of

44 the sample in per cent by mass is less than one per cent and equal to or  
45 greater than one-tenth per cent and pyrrhotite is present, (1) require  
46 such producer to conduct additional petrographic and materials testing,  
47 and (2) implement restrictions on such producer's sale or provision of  
48 coarse aggregate.

49 (g) The Commissioner of Energy and Environmental Protection may  
50 adopt regulations, in accordance with chapter 54 of the general statutes,  
51 to implement the provisions of this section.

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

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

77 (2) Any person who, on or before July 1, 2024, was not in possession  
78 of coarse aggregate (A) intended for use in a residential or commercial  
79 concrete foundation, and (B) from a source other than a quarry required  
80 to prepare and provide a geological source report pursuant to section  
81 22a-349c of the general statutes, but possesses such coarse aggregate  
82 after July 1, 2024, shall prepare a petrographic analysis or geological  
83 source report, described in subdivision (1) of this subsection, and  
84 provide such analysis or report to the State Geologist and commissioner  
85 prior to selling or providing such coarse aggregate for such use. Such  
86 person shall update such analysis or report every four years thereafter  
87 and provide such updated analysis or report to the State Geologist and  
88 commissioner.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section