



General Assembly

**Amendment**

January Session, 2023

LCO No. 9605



Offered by:  
REP. LUXENBERG, 12<sup>th</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, "producer of concrete" means a person who mixes aggregate  
5 with other component ingredients to create concrete.

6 (b) Except as provided in subsection (d) of this section, not later than  
7 July 1, 2024, and not less than annually thereafter, any producer of  
8 concrete who (1) is in possession of aggregate intended for use in a  
9 residential or commercial concrete foundation, and (2) does not operate  
10 a quarry from which such aggregate was sourced, shall, prior to selling  
11 or providing such concrete for such use, submit a written report to the  
12 Commissioner of Energy and Environmental Protection and the State  
13 Geologist, containing the results of a third-party test of such aggregate  
14 described in subsections (a) and (b) of section 22a-349d of the general  
15 statutes.

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

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

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

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

46 (g) The Commissioner of Energy and Environmental Protection may  
47 adopt regulations, in accordance with chapter 54 of the general statutes,

48 to implement the provisions of this section.

49 Sec. 2. (NEW) (*Effective from passage*) (a) For the purposes of this  
50 section, "producer of concrete" means a person who mixes aggregate  
51 with other component ingredients to create concrete and "qualified  
52 geologist" has the same meaning as provided in section 22a-349c of the  
53 general statutes.

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

72 (2) Any person who, on or before July 1, 2024, is not (A) in possession  
73 of aggregate intended for use in a residential or commercial concrete  
74 foundation, and (B) the operator of a quarry from which such aggregate  
75 was sourced, but produces concrete and possesses such aggregate after  
76 July 1, 2024, shall prepare a geological source report, described in  
77 subdivision (1) of this subsection, and provide such report to the State  
78 Geologist and commissioner prior to selling or providing such concrete  
79 for such use. Such person shall update such report every four years  
80 thereafter and provide such updated report to the State Geologist and

81 commissioner.

82 (3) Not later than July 1, 2024, and annually thereafter, any producer  
83 of concrete who (A) is in possession of aggregate intended for use in a  
84 residential or commercial concrete foundation, and (B) does not operate  
85 a quarry from which such aggregate was sourced, shall provide such  
86 producer's operating plan to the State Geologist and commissioner.  
87 Such plan shall be provided in a form and manner jointly prescribed by  
88 the State Geologist and commissioner, and contain any information  
89 required by the State Geologist and commissioner.

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

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