



General Assembly

Amendment

January Session, 2023

LCO No. 9891



Offered by:

REP. LUXENBERG, 12th Dist.

REP. BROWN, 56th Dist.

REP. DELNICKI, 14th 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 prepare
61 a geological source report and provide such report to the State Geologist
62 and Commissioner of Energy and Environmental Protection. Such
63 report shall be prepared in a form and manner prescribed by the
64 commissioner, and shall include, but need not be limited to, (i) the
65 mining, processing, storage and quality control methods utilized with
66 respect to such coarse aggregate, (ii) a description of the characteristics
67 of such coarse aggregate, which shall be prepared by a qualified
68 geologist, (iii) a copy of the results of an inspection of face material and
69 geologic log analysis of the site from which such coarse aggregate was
70 excavated, which shall be prepared by a qualified geologist, and (iv) a
71 petrographic analysis of a representative sample of such coarse
72 aggregate, completed by a qualified geologist. Not later than July 1,
73 2028, and every four years thereafter, such producer shall update such
74 report and provide such updated report to the State Geologist and
75 commissioner.

76 (2) Any person who, on or before July 1, 2024, was not in possession
77 of coarse aggregate (A) intended for use in a residential or commercial

78 concrete foundation, and (B) from a source other than a quarry required
 79 to prepare and provide a geological source report pursuant to section
 80 22a-349c of the general statutes, but possesses such coarse aggregate
 81 after July 1, 2024, shall prepare a geological source report, described in
 82 subdivision (1) of this subsection, and provide such report to the State
 83 Geologist and commissioner prior to selling or providing such coarse
 84 aggregate for such use. Such person shall update such report every four
 85 years thereafter and provide such updated report to the State Geologist
 86 and commissioner.

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

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

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

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

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| Sec. 2 | <i>from passage</i> | New section |
| Sec. 3 | <i>from passage</i> | New section |