



General Assembly

Amendment

January Session, 2023

LCO No. 10060



Offered by:

REP. BROWN, 56th Dist.
REP. FOSTER, 57th Dist.
REP. DELNICKI, 14th Dist.
REP. LUXENBERG, 12th 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