



General Assembly

February Session, 2020

**Raised Bill No. 5498**

LCO No. 2579



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING A PILOT PROGRAM FOR LARGE-SCALE  
BENEFICIAL REUSE OF CERTAIN SOIL PROJECTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-209f of the general statutes is amended by  
2 adding subsection (c) as follows (*Effective October 1, 2020*):

3 (NEW) (c) (1) For purposes of this subsection: (A) "Beneficially  
4 reclaimed materials" means any of the following materials that may  
5 contain de minimis amounts of solid waste that is present incidentally  
6 in such materials, including any mixture of the following materials:

7 (i) Soil or dewatered sediment that does not exceed the criteria  
8 established by regulations adopted pursuant to title 22a, including, but  
9 not limited to, criteria for any additional polluting substances for which  
10 criteria are not specified in such regulations;

11 (ii) Asphalt, brick, concrete or ceramic material, provided such  
12 material is virtually inert and poses no threat to pollute any  
13 groundwater or surface waters;

14 (iii) Casting sand;

15 (iv) Crushed recycled glass; or

16 (v) Street sweepings or catch basin clean-out materials.

17 "Beneficially reclaimed materials" does not include materials that  
18 contain any asbestos, polychlorinated biphenyls, persistent  
19 bioaccumulative toxins or, unless approved by the commissioner in  
20 writing, pyrrhotite-containing concrete;

21 (B) "Soil" means unconsolidated geologic material overlying bedrock;

22 (C) "Dewatered sediment" means unconsolidated material occurring  
23 in a surface water body, with water removed;

24 (D) "Casting sand" means waste sand from the casting of metals,  
25 provided the concentration of toxic materials in the sand is below the  
26 level of hazardous waste under the federal Resource Conservation and  
27 Recovery Act of 1976, as amended from time to time, and any  
28 regulations promulgated to carry out said act; and

29 (E) "Crushed recycled glass" has the same meaning as provided in  
30 section 22a-208z.

31 (2) The Commissioner of Energy and Environmental Protection may  
32 authorize a pilot program for the beneficial use of beneficially reclaimed  
33 materials at no more than four locations in the state. To be eligible for  
34 authorization in accordance with this subsection locations shall require  
35 no less than one hundred thousand cubic yards of beneficially reclaimed  
36 materials in order to be effectively redeveloped, and either be (A)  
37 located in an area where the quality of the groundwaters of the state, as  
38 classified in regulations adopted pursuant to section 22a-426, and the  
39 classification maps adopted pursuant to said section, is either "GB" or  
40 "GC", or (B) in an area served by a public drinking water supply.

41 (3) Authorization for the use of beneficially reclaimed materials  
42 pursuant to subdivision (2) of this subsection shall be issued by the

43 commissioner based on the proposed redevelopment plan for the  
44 location, which shall include engineering plans and drawings in  
45 support of such redevelopment. An application for authorization  
46 pursuant to this section shall be submitted on forms prescribed by the  
47 commissioner and, in addition to the plan for redevelopment, shall  
48 include, at a minimum, the following information: (A) A plan describing  
49 acceptability criteria for the beneficially reclaimed materials proposed  
50 for beneficial use at the subject location, (B) a plan describing the process  
51 for placing and recording the placement of beneficially reclaimed  
52 materials, (C) a plan for monitoring the waters of the state during the  
53 filling process and for a period of not less than thirty years after filling  
54 is complete, and (D) any additional information required by the  
55 commissioner. The commissioner shall direct the applicant to pay a fee  
56 at the time of application. Such fee shall be twenty-five thousand  
57 dollars.

58 (4) Notwithstanding section 22a-208a or any regulations adopted  
59 pursuant to section 22a-209, the issuance of an authorization under this  
60 subsection, or a modification of an authorization under this subsection  
61 when such modification is sought by the holder of an authorization,  
62 shall conform to the following procedures: (A) The commissioner shall  
63 publish a notice of intent to issue an authorization on the Department of  
64 Energy and Environmental Protection's Internet web site. Such notice  
65 shall, at a minimum, include: (i) The name and mailing address of the  
66 applicant and the address of the location of the proposed activity; (ii)  
67 the application number; (iii) the tentative decision regarding the  
68 application; (iv) the type of authorization sought, including a reference  
69 to the applicable statute or regulation; (v) a description of the location  
70 of the proposed activity and any natural resources that will be affected  
71 by such activity; (vi) the name, address and telephone number of any  
72 agent of the applicant from whom interested persons may obtain copies  
73 of the application; and (vii) the length of time available for submission  
74 of public comments to the commissioner. There shall be a comment  
75 period of thirty days following the publication of such notice by the  
76 commissioner during which interested persons may submit written

77 comments to the commissioner; (B) the commissioner shall post a  
78 response to any comments received on the Department of Energy and  
79 Environmental Protection's Internet web site; and (C) the commissioner  
80 may approve or deny such authorization based upon a review of the  
81 submitted information. Any authorization issued pursuant to this  
82 section shall define clearly the activity covered by such authorization  
83 and may include such conditions or requirements as the commissioner  
84 deems appropriate, including, but not limited to, operation and  
85 maintenance requirements, management practices, reporting  
86 requirements and a specified term. Any person who beneficially uses  
87 casting sand under this section shall provide certification, to the  
88 satisfaction of the commissioner, that such sand is not hazardous.

89 (5) The commissioner may suspend or revoke such an authorization  
90 and may modify an authorization if such modification is not sought by  
91 the holder of an authorization, in accordance with the provisions of  
92 section 4-182 and the applicable rules of practice adopted by the  
93 department. The commissioner shall require the posting of a sufficient  
94 performance bond or other security to assure compliance with any  
95 authorization issued under this section including a closure plan  
96 consistent with the process required pursuant to subsection (c) of  
97 section 22a-208a.

98 (6) Notwithstanding any other provision of this subsection, prior to  
99 the submission of an application for authorization in accordance with  
100 this subsection, an applicant shall (A) complete the process required  
101 pursuant to section 22a-20a, regardless of whether such location is  
102 subject to the provisions of said section, and (B) have the written  
103 approval of any another applicable regulatory board, commission or  
104 agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	22a-209f

**Statement of Purpose:**

To provide a pilot program for the beneficial reuse of certain soils and materials.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*