

Legislative History for Connecticut Act

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2000

VOL. 43
PART 3
651-1007

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Senate

Wednesday, April 5, 2000

THE CHAIR:

Thank you, Sir. Will you remark further? Will you remark further? If not, would the Clerk please announce a roll call vote. The machine will be opened.

THE CHAIR:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CHAIR:

Motion is on passage of SB376, as amended.

Total number voting, 36. Those voting "yea", 34; those voting "nay", 2. Those absent and not voting, 0.

THE CHAIR:

The bill is passed.

THE CLERK:

Calendar 214, File 255, Substitute for SB384 An Act Concerning The Disposal Of Construction And Demolition Wood Generated By Residences. Favorable Report of the Committee on Environment. The Clerk is in possession of an amendment.

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Senate

Wednesday, April 5, 2000

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. I would move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

The question is on passage. Will you remark?

SEN. DAILY:

Thank you very much. This codifies, clarifies and codifies current practice of accepting as household waste, residential construction and demolition wood.

THE CHAIR:

Thank you, Senator Daily. Will you remark further on the bill?

SEN. DAILY:

Yes, Madam President. I would like to ask the Clerk to call LCO3100.

THE CLERK:

LCO3100 which will be designated Senate Amendment
Schedule "A". It is offered by Senator Daily of the
33rd District et al.

THE CHAIR:

Senator Daily.

SEN. DAILY:

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Thank you very much, Madam President. I would like to move acceptance of the amendment.

THE CHAIR:

The question is on adoption of Senate Amendment "A". Will you remark further?

SEN. DAILY:

Thank you very much, Madam President. The amendment only provides additional clarification and that's that the bill is effective upon passage.

THE CHAIR:

Thank you, Madam. Will you remark further on the amendment? Will you remark further? If not, I will try your minds. All those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. Senate "A" is adopted. Will you remark further on the bill as amended?

Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. Without objection, I would move this to the Consent Calendar.

THE CHAIR:

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Without objection, so ordered.

SEN. DAILY:

Thank you.

THE CLERK:

Calendar Page 18, Calendar 259, File 313,

Substitute for SB539 An Act Concerning Linguistic Access
In Acute Care Hospitals. Favorable Report of the
Committee on Public Health.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. I move acceptance of
the Joint Committee's Favorable Report and passage of
the bill.

THE CHAIR:

The question is on passage. Will you remark?

SEN. HARP:

Thank you, Madam President. This bill requires
acute care hospitals to undertake a number of activities
concerned with linguistic access to their facilities.

For example, each hospital must develop an annual
review, a policy on providing interpreter services to
nonEnglish speaking patients and each hospital must
insure to the extent possible, availability of
interpreter services to those patients whose primary

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Calendar 116, Substitute for HB5015.

Calendar 118, Substitute for HB5572.

Calendar Page 5, Calendar 126, SB378.

Calendar Page 9, Calendar 204, Substitute for
SB369.

Calendar Page 10, Calendar 214, Substitute for
SB3843. SB 384

Calendar Page 15, Calendar 239, Substitute for
SB489.

Calendar 241, Substitute for SB510.

Calendar Page 17, Calendar 254, Substitute for
SB88.

Calendar Page 18, Calendar 259, Substitute for
SB539.

Calendar 271, Substitute for HB5275.

Calendar 272, Substitute for HB5047.

Calendar 273, Substitute for HB5584.

Calendar 274, HB5125.

Calendar Page 19, Calendar 277, HB5809.

Calendar Page 20, Calendar 280, Substitute for
HB5060.

Calendar 281, HB5138.

Calendar 282, HB5140.

Calendar 283, Substitute for HB5702.

Calendar 284, HB5715.

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Senate

Wednesday, April 5, 2000

Calendar Page 26, Calendar 80, SB89.

Calendar Page 28, Calendar 128, SB444.

Calendar Page 29, Calendar 153, SB55, correction,
Page 29, Calendar 153, SB553.

And Calendar Page 30, Calendar 244, SR12.

Madam President, I believe that completes the first
Consent Calendar.

Correction. Also on Calendar Page 28, Calendar SB445
136, Madam President. I believe that completes the
first Consent Calendar.

THE CHAIR:

Thank you, Sir. Would you once again announce a
roll call vote on the Consent Calendar. The machine
will be opened.

THE CLERK:

The Senate is now voting by roll call. Will all
Senators please return to the Chamber.

An immediate roll call has been ordered in the
Senate on the Consent Calendar. Will all Senators
please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted,
the machine will be locked. The Clerk please announce
the tally.

THE CLERK:

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Senate

Wednesday, April 5, 2000

Motion is on adoption of Consent Calendar No. 1.

Total number voting, 36. Those voting "yea", 36;
those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted.

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. The Clerk is in
possession of a second Senate Agenda.

THE CLERK:

Madam President, the Clerk is in possession of
Senate Agenda No. 2 for Wednesday, April 5, 2000, copies
of which have been distributed.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I move all items on
Senate Agenda No. 2 dated Wednesday, April 5, 2000 be
acted upon as indicated and that the Agenda be
incorporated by reference into the Senate Journal and
the Senate Transcript.

THE CHAIR:

Without objection, so ordered.

SENATE AGENDA #2

H-824

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2000

VOL. 43
PART 6
1650-1961

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House of Representatives

Wednesday, April 12, 2000

SPEAKER LYONS:

The resolution passes.

Will the Clerk please call Calendar 382?

CLERK:

On page 13, Calendar 382, Substitute for Senate
Bill Number 384, AN ACT CONCERNING THE DISPOSAL OF
CONSTRUCTION AND DEMOLITION WOOD GENERATED BY
RESIDENCES. Favorable Report of the Committee on
Environment.

SPEAKER LYONS:

Representative Jessie Stratton. Representative
Jessie Stratton, you have the floor, Madam.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. I move for acceptance of
the Joint Committee's Favorable Report and passage of
the bill.

SPEAKER LYONS:

The question before the Chamber is on acceptance
and passage. Will you remark?

REP. STRATTON: (17TH)

Thank you, Madam Speaker. Madam Speaker, I would
like to yield to Representative McGrattan. Madam
Speaker. I would like to yield to Representative
McGrattan who has done the primary work on this bill.

SPEAKER LYONS:

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House of Representatives

Wednesday, April 12, 2000

Representative McGrattan, will you accept the yield, Madam?

REP. MCGRATTAN: (42ND)

Yes.

SPEAKER LYONS:

Please proceed.

REP. MCGRATTAN: (42ND)

I move for acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER LYONS:

Once again, the question before the Chamber is on acceptance and passage. Will you remark?

REP. MCGRATTAN: (42ND)

The Clerk has LCO Number 3100, previously designated Senate "A". May he call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 3100, previously designated Senate "A". Would the Clerk please call and the lady has asked leave to summarize?

CLERK:

LCO 3100, Senate "A" offered by Senator Jepsen, et al.

SPEAKER LYONS:

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Representative McGrattan.

REP. MCGRATTAN: (42ND)

What this bill does is allow residentially generated construction and demolition debris to be taken to a resource recovery facility and burned along with other municipal solid waste or what we refer to as "kitchen garbage". It does not allow pressure treated nor wood that contains arsenic to be burned there.

And also, the bill is effective upon passage. I move adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption of the amendment. Will you remark? Will you remark further on the adoption of the amendment?

If not, let me try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment is adopted.

Will you remark further on the bill, as amended?

Representative McGrattan.

REP. MCGRATTAN: (42ND)

I just move adoption of the amendment. Or adoption

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of the bill, as amended.

SPEAKER LYONS:

Thank you, Madam. The question is on --
Representative Belden.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. Through you, if I might,
a question to the proponent of the bill, as amended.

SPEAKER LYONS:

Please frame your question, sir.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. Would this particular
legislation override any regulations or policies that
the DEP currently has in effect?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative McGrattan.

REP. MCGRATTAN: (42ND)

Through you, Madam Speaker. It would just clarify
what is and is not household waste.

SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. I was trying to clarify,
for the record, that the General Assembly has the right
and the ability to override DEP policies whenever it

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cares to and that's alright with me. I think the policy that we set here are, in fact, those that our agencies should be carrying out. I don't have a problem with the bill, as amended. I just wanted to kind of get on the record that perhaps we are overriding some existing problems that may avail themselves in the DEP and perhaps in the future these situations will come up again and it's nice that we're setting this precedent today.

Thank you.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

If not, would staff and guests come to the Well?

Members, take your seat. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER LYONS:

Have all the members voted? Have all the members voted? Would the members please check the board to make sure that your vote is accurately recorded? If all the members have voted, the machine will be locked and the

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Clerk will take a tally.

Would the Clerk please announce the tally?

CLERK:

Senate Bill Number 384, as amended by Senate
Amendment Schedule "A" in concurrence with the Senate

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not Voting	5

SPEAKER LYONS:

The bill passes.

Would the Clerk please call Calendar 319?

CLERK:

On page 28, Calendar 319, Substitute for House Bill
Number 5822, AN ACT CONCERNING THE OFFICE OF LABOR
RELATIONS. Favorable Report of the Committee on Labor
and Public Employees.

SPEAKER LYONS:

Representative Alex Knopp, you have the floor, sir.

REP. KNOPP: (137TH)

Thank you, Madam Speaker. I move for acceptance of
the Joint Committee's Favorable Report and passage of
the bill.

SPEAKER LYONS:

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT
PART 1
1-261

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number of polluting industries in urban areas where minorities primarily live, it's considered environmental racism. And with all the incinerators cited in our cities and with more on the way, unless this bill is passed, I think it's fair to say you're going to see a lot of citizens standing up and saying no more. And raising the issue of Title VI.

REP. STRATTON: Thank you very much Kathleen, are there questions? Thank you for your testimony. Jerry Tyminski followed by John Phettplace.

JERRY TYMINSKI: Good afternoon, my name is Jerry Tyminski and I am the executive director of SCRRRA, the Southeastern Connecticut Regional Resources Recovery Authority. I would like to thank you for this opportunity to comment on SB384.

SCRRRA member towns process and dispose of as much residential bulky waste as they can at the resource recovery facility in Preston. The present state statutes allow for the disposal of bulky waste items such as furniture, rugs, mattress, at resource recovery facilities.

When it comes to clean woodwaste generated by residences, the Department of Environmental Protection defines the material as construction and demolition debris, and, as such cannot be taken to a resource recovery facility for disposal.

The towns that receive this material at the transfer stations must dispose of this material at bulky waste landfills. Landfill disposal uses up the limited amount of bulky waste space remaining in the state.

The towns in Southeastern Connecticut are facing a critical shortage in bulky waste landfill space. We're asking that the regulations be changed to allow the burning of clean wood generated by residences at the resource recovery facilities.

We would define clean wood as not having drywall or shingles attached and we would not accept pressure treated lumber. By restricting the

woodwaste to residences, we would not accept the disposal of commercially generated woodwaste at the resource recovery facility. In discussing this issue with the DEP, the DEP stated that we could submit for special waste permit for the disposal for clean woodwaste.

The concept of a special waste permit for burning at a resource recovery facility is to limit the disposal of commercially and industrially industrial generated non-hazardous waste at resource recovery facilities.

Special waste permits usually limit the amount of material and additional requirements could be added at additional cost to the administrative responsibilities to both the resources recovery facility and the towns. We do not feel that clean woodwaste generated by residences fall under the category of a special waste.

The normal deliveries over the years to the facility has contained a certain amount of woodwaste and that woodwaste is processed and burned with the municipal solid waste. We have not had any problems with air quality over the years.

With the addition of clean woodwaste from residences we do not anticipate a large increase in the amount of wood being burned at the facility nor do we anticipate any problems with air quality. We ask that you support SB384, AN ACT CONCERNING THE DISPOSAL OF CONSTRUCTION AND DEMOLITION WOOD GENERATED BY RESIDENCES. Thank you.

REP. STRATTON: Thank you very much for your testimony. Just from an operational standpoint, given how waste comes in and things, how would you anticipate being able to really assure that pressure lumber in small quantities didn't end up being burned.

JERRY TYMINSKI: We couldn't eliminate the small quantities, but as it comes into the transfer stations and when it's put into the dumpsters to be brought into the facility, normally there's an attendant at the landfill that would separate the woodwaste out. And we could control the pressure

treated at that particular point to be taken into the landfill space and not brought into the incinerator to be burnt.

REP. STRATTON: It is true that currently your air permit and your air monitoring would not pick up arsenic if were in it, is that true?

JERRY TYMINSKI: That's probably true, yes. We wouldn't want to bring it in. It does not burn well, nor would we want to process that material through the facility. We can handle small quantities but we do not intend to burn large quantities.

REP. STRATTON: And I know that's not your intent and that's not where this comes from. I guess the concern is, given the difficulty of monitoring and if one doesn't have a mechanism in place to actually see if your getting the end result of having burned those kinds of things, how does one fill in that gap and provide the assurance that we're not emitting arsenic in the air because you have no mechanism for determining whether you were.

JERRY TYMINSKI: But the process as I described, that at the transfer stations, when the material is brought in at the transfer stations it would be sorted out so that we wouldn't get pressure treated.

That's not to say we don't see small quantities of pressure treated wood coming in. The facility does handle some wood, and we do see some pressure treated and you're not going to eliminate all of it out of processing.

We have not had any problem with the small quantity coming in.

REP. STRATTON: I have no idea what the answer to this is, but what would be involved in order to actually be able to monitor your emissions for arsenic? What would that require you to do?

JERRY TYMINSKI: I couldn't answer that question.

REP. STRATTON: Alright, thank you. Other questions? Representative Davis. Representative Mikutel.

REP. MIKUTEL: Would you just clarify the history on this for me? Were towns burning the so called wood in years past in the incinerator and if so when did that stop and why did it stop?

JERRY TYMINSKI: Let me describe exactly where it came from. If you're going to deal with a residency, the present DEP permits would allow us to burn the rug that's on the floor, the furniture, the chairs and the desks, but if we tore the wainscoting off the wall and put it in a dumpster and brought it into a transfer station you could not bring that to the incinerator to be burned.

We had some towns that were bringing it in, they were bringing the bulky waste in with furniture from residences and some woodwaste that was coming in mixed to the facility. When the DEP inspector saw that coming into our facility mixed, they classified it all as construction and demolition material and said you can't bring any of it into the facility.

At that particular point the towns that were separating this, then had to separate the furniture out and the rugs out and they could bring that into the facility to be burned but the clean woodwaste would have to go off to a landfill to be disposed.

It was a little bit of inconsistency in the regulations and how those regulations were interpreted. We're asking just to clarify that for the process.

REP. DAVIS: I understand that we have both a short and a long term problem with the disposal of bulky waste. Let me ask just a couple of quick questions though. First, at your facility and I have been to different kinds of burn facilities, how do you move the waste from when it's deposited at SCRRRA into the burner?

Is it done with a claw? How do you do that, so how do you have, do you have a process that would allow you to have easy inspection of the material that's going into the burner?

JERRY TYMINSKI: No, it's a mass burn facility as the material is dumped onto the tipping floor it's pushed into a pit. A large grapple then mixes it and puts it into the boiler train and burns it, so that's it.

REP. DAVIS: So how are you going to be able to tell whether this is?

JERRY TYMINSKI: It would have to be done at the transfer stations from the town when that material is delivered to the town transfer stations, the material would have to be sorted at that particular point and brought.

REP. DAVIS: And are you running at full capacity?

JERRY TYMINSKI: We are.

REP. DAVIS: Do you need to have waste? Absent the problem with bulky waste, do you need additional sources of waste?

JERRY TYMINSKI: Not right now, now.

REP. DAVIS: And how long have you not had a need for, you say not right now.

JERRY TYMINSKI: The facility is operating at full capacity, it's about a 690 ton per day facility and we're operating at full capacity.

REP. DAVIS: Okay, thank you.

REP. STRATTON: Other questions? Yes. Representative Jarmoc.

REP. JARMOC: One question. No more smells questions. At other facilities, with bulky waste, do they allow demolition materials presently? And it's a question that's sort of round about, do you know like CRRA?

JERRY TYMINSKI: No, I would say I'm talking about the DEP regulations and if they're enforced uniformly none of the rest of the state incinerators could burn bulky waste.

RREP. JARMOC: Thank you.

REP. STRATTON: Any more questions? Thank you very much for your testimony. John Phettplace followed by Lisa Santacroce.

JOHN PHETTPLACE: Good afternoon, I'm John Phettplace, I'm reading testimony for Don Maranell, first selectman for the town of Stonington. In support of SB384, AN ACT CONCERNING THE DISPOSAL OF CONSTRUCTION AND DEMOLITION WOOD GENERATED BY RESIDENCES.

SB384 is the result of regulatory inconsistencies of the Connecticut Department of Environmental Protection. Offices from within the agency disagree on what should be done with construction and demolition wood generated by residents of towns and cities.

Now that disagreement has seen the light of day, an act to solve the disagreement is necessary. Before this intra agency argument, towns and cities have been disposing of this waste stream in the way proposed by this bill. This is nothing new, it is just formalizing what has been done and allows for the efficient reuse of materials (as energy) versus burying it.

Stonington strongly endorses your favorable consideration of SB384, an act that is good for cities and towns and is a bill that forwards the concept that as public servants we must act to better the common good of our residents.

REP. STRATTON: I apologize for mispronouncing your name.

JOHN PHETTPLACE: That's okay.

REP. STRATTON: Any other questions? Thank you. Lisa Santacroce followed by Christian Stumpf.

LISA SANTACROCE: Good afternoon Senator Daily, Representative Stratton and members of the Environment Committee. My name is Lisa Santacroce

HB 5582

and I'm here representing the Connecticut Audubon Society. We are here today to support HB5582, AN ACT REQUIRING ANNUAL EMISSIONS TESTING OF SEWAGE SLUDGE INCINERATORS. The Governor of Connecticut has signed on to the 1998 Mercury Action plan, which was a document developed by the Environment Committee of the Conference of New England Governors and Eastern Canadian Premiers.

This document recognized the environmental and health hazards of mercury and that mercury deposition is generally higher in the Northeast than in any other part of the country. It also recognized that combustion sources account for more than 80% of the total mercury emissions within the Northeast states.

As one of many recommendations the Mercury Action Plan recommended mercury reductions in all incinerators including sewage sludge incinerators.

It specifically recommends at a minimum annual emissions monitoring and stack testing of sewage sludge incinerators to meet the overall goal of reducing mercury emissions to the maximum extent feasible.

We strongly support this legislation which would implement one recommendation of the Mercury Action Plan and we encourage the adoption of the entire plan to reduce the deposition of mercury into our air and water. Thank you.

HB 5582

REP. STRATTON: Thank you very much Lisa. Are there questions? Thank you for your testimony. Christian Stumpf followed by Mark Mitchell.

CHRISTIAN STUMPF: Good afternoon Senator Daily, Representative Stratton and members of the Environmental Committee. I would like to testify about two separate bills, SB384 followed by SB379. For the first, SB384 written testimony has also been submitted.

My name is Christian Stumpf, I'm the plant manager of the Southeastern Connecticut Resources Recovery Facility. The American Ref-Fuel Company of Southeastern Connecticut operates the facility in

Preston. This facility is a nominal 690 ton per day facility that serves the disposal needs of our local communities. American Ref-Fuel has two comments regarding the suggested, and suggestions regarding SB384, AN ACT CONCERNING DISPOSAL OF CONSTRUCTION DEMOLITION WOOD GENERATED BY RESIDENCES.

First we wish to support our support for a bill which would allow the processing of residentially generated woodwaste at resources recovery facilities and municipal solid waste landfills. We believe that towns should have the ability to send to us for disposal woodwastes that have been generated by private residences in the same way they can send us other MSW and oversized MSW items, such as couches and furniture that have been crushed or otherwise reduced in size.

SB384

Since this material is generated at private residences, it is MSW and should be accepted at our facilities. However, the acceptance of residentially generated woodwaste at our facility currently seems to be a vague area in the DEP regulations.

With unclear and sometimes conflicting interpretations made by enforcement officials. This bill could eliminate that confusion and allow us to easily process the relatively small amounts of household woodwaste.

In line with this, our first comment speaks the applicability of this statute. We believe it should be made clear that the term residentially generated construction or demolition wood refers to wood generated by private homeowner and delivered in private vehicles to a designated MSW transfer disposal area.

It does not refer to C & D wood generated by commercial entities during construction and demolition projects or by private residents using a commercial dumpster for home projects. We believe the goal should be to provide private homeowners with the means to easily dispose of relatively small quantities of woodwaste that may be generated

in small home projects.

But that large quantities of C & D wood should be managed under the regulations appropriate for that type of material. This would be consistent with the policy that refuse generated by private residents is MSW while large quantities of C & D waste generated by commercial enterprise are to be regulated as bulky waste.

Our second comment refers to the last sentence, which states that such material may be accepted "providing the processing of such waste is no impact on existing air permits." We believe that this first sentence is unnecessarily and perhaps may be mis-worded.

First the permits are many pages long and cover a wide range of definitions and limitations. If the desire is to be in line with the permits then frankly this bill causes more confusion than already exists within them, especially within the definition of MSW and the bill should be scrapped. If the intention is to insure that air emissions from the facility do not violate those in the permits, that's air emissions, then the wording is actually redundant and unnecessary. Resources recovery facilities are subject to strict permit limits on emissions and operating conditions.

We are required to continuously monitor and comply with both of these, regardless of the waste being burned at any particular time. From a technical standpoint, the combustion of residentially generated C & D wood would not noticeably impact our emissions.

This material, essentially the same that is easily burned in wood stoves throughout the state, will be easily combusted with all the other MSW. The intention of this bill is to allow us to handle the relatively small amounts of wood delivered to municipal transfer stations by homeowners as municipal solid waste.

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We're talking about the materials found garages and basements and waste from weekend projects. The

statute already allows us to bring in the processed furniture, mattresses and rugs without the cavitate of the last sentence, and we'd like you to keep the bill simple and delete that. Are there any questions on this particular part.

REP. STRATTON: Thank you, and I appreciate your comments on the language of the bill, you are absolutely right.

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CHRISTIAN STUMPF: There, as the operator if I might answer a couple of questions asked to Mr. Tyminski. As far as the arsenic is concerned. We have a limit for arsenic in our air permits. It can be tested by the DEP. The DEP does the annual stack testing for all the waste energy plants in the state and they could test for arsenic if they so chose to do that annually.

As far as inspecting the material that comes in, we inspect virtually every load of material that comes in by the operators on the tipping floor. Now, you're not going to find a couple of scraps of any particular material. But if there was a load of pressure treated wood for example, that would be discovered and that load would be rejected.

We do that now and we would continue to follow that type of practice. So in addition, the best place to do that inspection is at the transfer station, the municipal transfer station, but we also do second checking on that.

REP. STRATTON: Are there questions? Representative Davis.

REP. DAVIS: Does the DEP have continuous monitoring at your facility? I can't remember.

CHRISTIAN STUMPF: Yes.

REP. DAVIS: It is continuous monitoring?

CHRISTIAN STUMPF: Yes, absolutely right. But not for arsenic, they don't exist. You can't monitor continuously for arsenic, you can do that through an annual stack test if desired.

REP. DAVIS: And so what would you be measuring? Residue in the cleaners or how would you be able to make that determination?

CHRISTIAN STUMPF: Well we're required to monitor for things like opacity, which is the measure of a particulate that goes out the stack for example. We continuously monitor that and we would continuously continue to monitor that.

REP. DAVIS: I guess I don't understand how they could do an annual monitoring for arsenic.

CHRISTIAN STUMPF: It's a stack test method that...

REP. DAVIS: And by a stack test you mean that you're taking a measure of what's coming up the stack at a specific point in time?

CHRISTIAN STUMPF: Right, it involves a whole crew of people who set up on the site with very high cost and highly effective equipment that pulls a small sample of the gas out and they do that over a few day period so they get representative samples statistically and then they're able to send those out and analyze that.

That's how we analyze dioxin emissions, and other mercury and other components.

REP. DAVIS: And does the DEP notify you when that's going to happen ahead of time?

CHRISTIAN STUMPF: Yes, they have to schedule that, it's quite a long complicated procedure, right.

REP. STRATTON: Thank you. Thank you very much for your testimony.

CHRISTIAN STUMPF: If I might discuss SB379, please.

REP. STRATTON: Actually I think there's one more question from Representative Nystrom.

REP. NYSTROM: Good afternoon. Your monitoring process is it similar to AE Thames, the co-generation

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facility?

CHRISTIAN STUMPF: I'm not sure what they're monitored for. I would guess that we probably monitor for more than they do.

REP. NYSTROM: They're on a system that's computerized. As I understand it if there's a variation beyond the range they shut down. Are you under the same constraints?

CHRISTIAN STUMPF: We have, all our monitoring is very highly technical and computerized. And we get feedback instantaneous feedback, we have limitations for the different components that we monitor for that discuss our operations.

It could be a simple correction to a system, a pump that's failed or something along those lines if there's a rise in that emission parameter and we go about corrective actions. It depends on what component on what type of reactions we take.

REP. NYSTROM: Thank you.

REP. STRATTON: Go ahead with the other bill now.

CHRISTIAN STUMPF: Thank you. This concerns SB379, AN ACT PLACING AN A MORATORIUM ON THE CONSTRUCTION OF NEW INCINERATORS. And I will submit written comment at a later time. We are strongly opposed to SB379. The language of this bill is not precise.

Is the intent to summarily and permanently withdraw the DEP's authority to permit new incinerators in the state? If so, we believe this to be unnecessary in light of the existing statutory and regulatory requirements for permitting solid waste disposal facilities in Connecticut.

It also makes no provision for any future need for increased disposal capacity, and uncertainty reflected in the solid waste generation and recycling projections in the proposed solid waste management plan.

We oppose the bill which would require operators of sewage sludge incinerators, in our instance a publicly owned treatment work to conduct stack tests for the presence of mercury metals, hydrocarbons and emissions on or before January 1, 2001 on a regular basis annually thereafter. There would be costs associated with this as estimated by the Office of Fiscal Analysis. Last year when a similar proposal was discussed those costs would be \$40,000 to \$50,000.

AB5582

We'd also point out that last year again, a similar proposal the department had discussed that most of these types of tests have already been done or are in the process and that a bench mark might not necessarily be needed.

It was also suggested at that time that there might be modification to the legislation to allow for DEP to do the just those that needed to be done and that costs wouldn't have to be passed on to the municipalities or the municipal entities.

This raises another concern that we have and that's basically the costs of this program and these tests would be passed on directly to local residents. Lastly, just a comment and concern and a willingness to discuss both bills. But specifically a concern with SB379, A MORATORIUM ON THE CONSTRUCTION OF NEW INCINERATORS, as it would affect our current and planned changes in operations.

REP. STRATTON: Thank you, Armando by that do you mean the replacement of a facility?

ARMANDO PAOLINO: Right.

REP. STRATTON: Any other questions? Thank you very much for your testimony. Derek Grasso.

DEREK GRASSO: Good afternoon. My name is Derek Grasso, I'm manager of regulatory affairs for American Ref-Fuel. I was not planning on speaking today but I felt that it was important for me to state for the record some corrections to some statements that were made with regard to waste energy emissions

(SB 384)

earlier.

As a way of background -- I will be brief -- as a way of background. For those of you who do not know, waste energy facilities nationwide by the end of this year will have to comply with the new federal Clean Air Act standard which has already been adopted in Connecticut and actually made more stringent.

The actual affect on waste energy plants in Connecticut is not that significant because to the credit of the DEP and the operators, these facilities were already designed and built to strict specifications.

But essentially what the federal rule does is it requires all existing waste energy facilities in the country to come up to the standards of the best performing facilities or else shut down. And what you're seeing is a lot of the older waste to energy plants in the country are in fact shutting down if they haven't already the will be by the end of this year.

Just quickly a quick overview as a result of this rule, by EPA's own estimates, they now state that waste to energy facilities are an insignificant source of dioxin. They estimate that waste to energy facilities comprise less than one percent of all man made sources of mercury.

And overall the reductions in dioxin are in excess of 99% and reductions in mercury emissions are in excess of 90% from where they were prior to the adoption of this rule in 1995. Also with regard to our ash. It is often said that our ash is a hazardous material, yet no municipal waste, combust ash in the country has yet to fail EPA's test for determination of whether it's hazardous.

And it is in fact being used in some controlled environments in ash reduce projects. I did not want to turn this into a debate, I just felt it important to state for the record, to correct for the record some numbers that I had heard this afternoon. I would be happy to take any questions.

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ENVIRONMENT COMMITTEE

February 23, 2000 000233

REP. STRATTON: Thank you very much Derek. Are there any questions? We appreciate your testimony. At this point, those are all the individuals that we had signed up to give testimony. So if there is no one else eager to do that we will adjourn the public hearing.

(Whereupon the public hearing was adjourned.)

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CONNECTICUT CONFERENCE OF MUNICIPALITIES

900 Chapel St., 9th Floor, New Haven, CT 06510-2807 • Phone (203) 498-3000 • FAX (203) 562-6314

Testimony
of the
Connecticut Conference of Municipalities
to the
Environment Committee
February 23, 2000

The Connecticut Conference of Municipalities appreciates the opportunity to testify on the following bills of interest: HB 5582

S.B. 383, "An Act Concerning Solid Waste Management"

This bill would require that DEP's State-Wide Solid Waste Management Plan ("the Plan") be adopted as a regulation (upon passage of the act).

At present, DEP drafts the document which becomes the proposed Plan. The Plan is distributed to municipal officials and other interested parties. Public briefings and hearings are held and written comments accepted. Following that, the Commissioner reviews and adopts (or rejects) the provisions of the Plan. Provisions of the Plan are used to make important determinations on permit applications.

Although the current proposed Plan's drafting did include various public groups (CCM being one), inclusion is not required by statute. The formal process is a closed circle. Input from participants need not necessarily be included in the final draft of the Plan.

CCM urges you to consider some type of formal third party review prior to adoption of the Plan.

CCM urges you to amend S.B. 383 to address these concerns.

S.B. 384, "An Act Concerning the Disposal of Construction and Demolition Woods Generated by Residences"

CCM supports S.B. 384.

This bill would clarify that residentially generated construction and demolition wood may be disposed of at any permitted solid waste disposal area, a resources recovery facility, or a municipal solid waste landfill. In some parts of the state there is concern over the long term ability of

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Connecticut to dispose of bulky waste generated within its borders. There has been confusion at various facilities as to whether or not such wastes are acceptable. This bill would help address and clarify these situations.

H.B. 5582, "An Act Requiring Annual Emissions Testing of Sewage Sludge"

CCM has concerns with H.B. 5582.

This bill would require sewage sludge operators to conduct stack tests for the presence of mercury. CCM is concerned that there may be costs passed onto municipalities as a result of such testing. We urge you to offset such costs through state reimbursement for such a mandate.

For more information, please contact Suellen Kozey McCuin at (203) 498-3000. *Thank you.*

**Southeastern
Connecticut
Regional
Resources
Recovery
Authority**

132 Military Highway
Preston, Connecticut 06365
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**COMMENTS ON RAISED BILL NO. 384 BY JERRY TYMINSKI, EXECUTIVE DIRECTOR
OF THE SOUTHEASTERN CONNECTICUT REGIONAL RESOURCES RECOVERY AUTHORITY
(SCRRA)**

Good Afternoon. My name is Jerry Tyminski and I am the Executive Director of SCRRA. I would like to thank you for the opportunity to comment on Raised Bill No. 384.

SCRRA member towns process and dispose of as much residential bulky waste as they can at the Resource Recovery Facility in Preston. The present State Statutes allow for the disposal of bulky waste items such as furniture, rugs, and mattresses at resource recovery facilities. When it comes to clean woodwaste generated by residences, the Department of Environmental Protection (DEP) defines the material as construction and demolition debris, and, as such, cannot be taken to a resource recovery facility for disposal. The towns that receive this material at their transfer stations must dispose of the material at bulky waste landfills. Landfill disposal uses up the limited amount of bulky waste space remaining in the state.

The towns in Southeastern Connecticut are facing a critical shortage in bulky waste landfill space. We are asking that the regulations be changed to allow the burning of clean wood generated by residences at resource recovery facilities. We would define clean woodwaste as not having drywall or shingles attached and we would not accept pressure treated lumber. By restricting the woodwaste to residences, we would not accept the disposal of commercially generated woodwaste at the resource recovery facility.

In discussing this issue with the DEP, the DEP stated that we could submit for a Special Waste Permit for disposal of clean woodwaste. The concept of a Special Waste Permit for burning at resource recovery facilities is to limit the disposal of commercially and industrially generated non-hazardous waste at resource recovery facilities. Special Waste Permits usually limit the amount of material and additional requirements could add additional cost and administrative responsibility to both the resources recovery facility and the towns. We do not feel that clean woodwaste generated by residences should fall into this category of a special waste.

The normal deliveries over the years to the facility have contained a certain amount of woodwaste and that woodwaste is processed and burned with the municipal solid waste. We have not had any problems with air quality over the years. With the addition of clean woodwaste from residences, we do not anticipate a large increase in the amount of wood being burned at the facility, nor do we anticipate any problems with air quality.

We ask that you support Raised Bill No. 384 "An Act Concerning The Disposal of Construction and Demolition Wood Generated by Residences".

Thank you.



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TOWN OF STONINGTON

Selectman's Office (860) 535-5050 FAX (860) 535-1046
Administrative Services (860) 535-5000
152 Elm Street P.O. Box 352 Stonington, Connecticut 06378 - 0352

February 23, 2000

Testimony of Donald R. Maranell, First Selectman

To: Co-chairs: Senator Eileen Daly, Representative Jessie Stratton
Members of the Environment Committee

**SUBJ: SUPPORT OF RAISED BILL No. 384, AN ACT
CONCERNING THE DISPOSAL OF CONSTRUCTION AND
DEMOLITION WOOD GENERATED BY RESIDENTS.**

Raised Bill 384 is the result of regulatory inconsistencies of the Connecticut Department of Environmental Protection. Offices from within the Agency disagree on what should be done with construction and demolition wood generated by residents of towns and cities. Now that this disagreement has seen the light of day, an act to solve the disagreement is necessary. Before this intra-agency argument, towns and cities have been disposing of this waste steam in the way proposed by this bill. This is nothing new, it is just formalizing what has been done and allows for the efficient reuse of materials (as energy) vice burying it.

Stonington strongly endorses your favorable consideration of Raised Bill No. 384, an act that is good for cities and towns and is a bill that forwards the concept that as public servants we must act to better the common good of our residents. Thank You.

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 23, 2000
Environment Committee

Testimony Submitted by Commissioner Arthur J. Rocque, Jr.
Department of Environmental Protection

Senate Bill # 384

An Act Concerning the Disposal of Construction and Demolition Wood Generated by Residences

The Department of Environmental Protection supports the concept of this proposal, which is to avoid landfilling materials that could otherwise be burned at a permitted resources recovery facility.

The Department does have concerns about the specific language of the proposed bill. The bill appears to rely on existing air permits to control any negative environmental impacts from the burning of residentially generated construction and demolition waste. The air permits issued to these sources did not anticipate this type of material being burned, and may need to be revisited if a substantial amount of this material was to be incinerated. For example, residential C & D waste would be expected to contain some amount of pressure treated lumber, which may contain arsenic and potentially other toxics. If a facility were to begin accepting this material, a review of the existing air permit may be required to ensure proper emissions control are in place for these new contaminants.

The Department would suggest that proposed substitute language be offered to allow the combustion of this material pursuant to a special waste plan authorization in accordance with Section 22a-208y of the General Statutes. This process would allow for the necessary review of existing permits given the proposed new material. Resource recovery facilities in Preston and Wallingford have applied for and received this authorization.

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Raised Bill No. 384
An Act Concerning the Disposal of Construction and Demolition
Wood Generated by Residences

Testimony of the American Ref-Fuel Company
February 23, 2000

My name is Christian Stumpf and I am the plant manager of the Southeastern Connecticut Resource Recovery Facility.

The American Ref-Fuel Company of Southeastern Connecticut operates the Southeastern Connecticut Resource Recovery Facility in Preston. This facility is a nominal 690 ton-per-day waste-to-energy facility that serves the waste disposal needs of Southeastern Connecticut. American Ref-Fuel has two comments and suggestions regarding Raised Bill No. 384 – An Act Concerning the Disposal of Construction and Demolition Wood Generated by Residences.

First, we wish to express our support for a bill that would allow the processing of residentially generated wood wastes at resource recovery facilities and municipal solid waste landfills. We believe that towns should have the ability to send to us for disposal wood wastes that have been generated by private residences in the same way that they can send us other MSW and oversized MSW items such as couches and furniture that have been crushed or otherwise reduced in size. Since this material is generated at private residences, it is MSW and it should be acceptable at our facilities. However, the acceptance of residentially generated wood wastes at our facility currently seems to be in a vague area of DEP regulations, with unclear and sometimes conflicting interpretations made by enforcement officials. This bill could eliminate that confusion and allow us to easily process the relatively small amounts of household wood waste.

In line with this, our first comment speaks to the applicability of this statute. We believe it should be made clear that the term “residentially-generated construction or demolition” wood” refers to wood generated by a private homeowner and delivered in private vehicles or by the homeowner’s normal waste hauler to a designated MSW transfer or disposal area. It does not refer to C&D wood that is generated at residences by commercial entities during major construction or demolition projects, or by private residents using commercial dumpsters for major home projects. We believe the goal should be to provide private homeowners with the means to easily dispose of relatively small quantities of wood waste that may be generated in small home projects, but that large quantities of C&D wood be managed under the regulations appropriate for that type of material. This would be consistent with the policy that refuse generated by a private residence is MSW, while large quantities of C&D wastes generated in a commercial enterprise, even at a home, are to be regulated as bulky waste.

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Our second comment refers to the last sentence, which states that such material may be accepted "...provided the processing of such waste has no impact on existing air permits.." We believe that this sentence is unnecessary and perhaps mis-worded. First, the PERMITS are many pages long and cover a wide range of definitions and limitations. If the desire is to be in line with PERMITS then this bill causes more confusion than already exists within them, especially in the definition of MSW, and the bill should be scrapped. If the intention is to ensure that AIR EMISSIONS from the facility do not violate those in the permits, then the wording is redundant and unnecessary. Resource Recovery Facilities are subject to strict permit limits on emissions and operating conditions, and we are required to continuously monitor and comply with both, regardless of the waste being burned at any particular time. From a technical standpoint, the combustion of residentially generated C&D wood will not noticeably impact our emissions. This material, essentially the same as that easily burned in wood stoves throughout the state, will be easily combusted with all the other MSW.

The intention of this bill is to allow us to handle the relatively small amounts of wood delivered to municipal transfer stations by homeowners as MSW. We're talking about the materials found in garages and basements, and waste from weekend projects. The statute already allows us to bring in "processed" furniture, mattresses and rugs without the caveat of the last sentence. Please keep the bill simple and delete it.

Thank you for your time and I will be happy to answer any questions. My phone number is (860) 889-4900 ext. 131.

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SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS
139 Boswell Avenue, Norwich, Connecticut 06360
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23 February 2000

Senator Eileen Daily, Co-Chair
Representative Jessie Stratton, Co-Chair
Environment Committee
Legislative Office Building
Room 3200
Hartford, CT 06106

Dear Senator Daily and Representative Stratton:

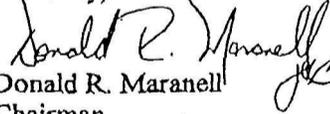
SUBJECT: Raised Bill No. 384

I am writing on behalf of the Southeastern Connecticut Council of Governments in support of Raised Bill No. 384, An Act Concerning the Disposal of Construction and Demolition Wood Generated by Residences. The Council of Governments, in its recently submitted comments on the state's Proposed Solid Waste Management Plan, identified the need for statutory amendments which would assist towns in disposing of this type of difficult to manage waste. The proposed bill is consistent with this recommendation.

We are hopeful that this bill, considered by our member towns to be part of a logical approach to the very difficult issue of solid waste disposal, can be enacted this legislative session.

Thank you for the opportunity to comment.

Sincerely,


Donald R. Maranell
Chairman

Member Municipalities: Bozrah * Colchester * East Lyme * Franklin * Griswold * City of Groton * Town of Groton * Ledyard * Lisbon *
Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington *
Stonington Borough * Voluntown * Waterford *