



General Assembly

**Substitute Bill No. 6503**

January Session, 2021



**AN ACT CONCERNING THE SITING OF ANAEROBIC DIGESTION FACILITIES ON FARMS.**

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

1 Section 1. Section 22a-208cc of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purposes of this section:

4 (1) "Farm-generated organic waste" means waste associated with  
5 animal feeding operations including, but not limited to, animal bedding,  
6 manure, urine, silage, leachate, wastewaters associated with egg or  
7 dairy production, animal feed waste and barnyard runoff; and

8 (2) "Animal feeding operation" means a lot or facility on a farm, other  
9 than an aquatic animal production facility, where animals have been,  
10 are currently, or will be stabled or confined and fed or maintained for a  
11 total of forty-five days or more in any twelve-month period and where  
12 crops, vegetation, forage growth or post-harvest residues are not  
13 sustained in the normal growing season over any portion of such lot or  
14 facility.

15 (b) An anaerobic digestion facility shall not be required to obtain a  
16 permit to construct and operate pursuant to section 22a-208a if such

17 facility is collocated with an animal feeding operation conducted on  
18 land used for the purpose of farming, as defined in section 1-1, and such  
19 animal feeding operation maintains a comprehensive nutrient  
20 management plan, as developed by the Natural Resources Conservation  
21 Service of the United States Department of Agriculture:

22 (1) The feed stock for such anaerobic digestion facility is at least fifty  
23 per cent by volume farm-generated organic waste from an animal  
24 feeding operation and not more than [five] forty per cent by volume  
25 food scraps, food processing residuals and soiled or unrecyclable paper;

26 (2) The discharge of such anaerobic digestion facility that is not  
27 energy end products shall be beneficially used in accordance with the  
28 following: (A) The solid material end products are used for (i) animal  
29 bedding, (ii) soil or soil amendment, (iii) fertilizer, or (iv) other value-  
30 added products; and (B) the liquid material end products are used as  
31 fertilizer. Any land application in the state of any such discharge,  
32 including, but not limited to, phosphorus, shall be applied at an  
33 agronomic rate that is consistent with the nutrient management plan of  
34 the farm on which such anaerobic digestion facility is located; and

35 (3) Annually, on or before July thirty-first of each year, each animal  
36 feeding operation, that is collocated with an anaerobic digestion facility  
37 that is operating pursuant to this section without the permit that would  
38 otherwise be required pursuant to section 22a-208a, shall submit to the  
39 Commissioner of Energy and Environmental Protection, in a form  
40 prescribed by the commissioner, the amount of farm-generated organic  
41 waste that is processed by such anaerobic digestion facility and shall  
42 indicate the amount of waste processed from such animal feeding  
43 operation and from other sources.

44 (c) The Commissioner of Agriculture may inspect anaerobic digestion  
45 facilities that are operating pursuant to this section without the permit  
46 that would otherwise be required pursuant to section 22a-208a to ensure  
47 that such anaerobic digestion facilities are in compliance with  
48 subdivision (1) of subsection (b) of this section. If, in the course of

49 conducting such inspection, the commissioner finds that any such  
50 facilities are not in compliance with such subdivision, the commissioner  
51 shall report such findings to the Commissioner of Energy and  
52 Environmental Protection.

53 (d) If the Commissioner of Energy and Environmental Protection  
54 determines that (1) an anaerobic digestion facility that is operating  
55 pursuant to this section without the permit that would otherwise be  
56 required pursuant to section 22a-208a is not collocated with the  
57 operation of an animal feeding operation conducted on land used for  
58 the purpose of farming, or (2) such anaerobic digestion facility is  
59 [processing more than five per cent by volume food scraps, food  
60 processing residuals and soiled or unrecyclable paper] not in  
61 compliance with the requirements of subdivision (1) of subsection (b) of  
62 this section, the operator of such anaerobic digestion facility shall apply  
63 for a permit from the commissioner pursuant to section 22a-208a not  
64 later than five days after receiving notice of the commissioner's  
65 determination pursuant to this subsection. Any such permit application  
66 submitted pursuant to this subsection shall be approved or denied by  
67 the commissioner not later than ninety days after receipt of such  
68 application. If such application for a permit pursuant to section 22a-208a  
69 is denied, such anaerobic digestion facility shall close not later than five  
70 days after receiving notice of such denial.

71 (e) The commissioner may adopt regulations, in accordance with the  
72 provisions of chapter 54, to carry out the purposes of this section.

73 (f) Notwithstanding any provision of the general statutes, any permit  
74 application submitted pursuant to section 22a-208a for such an  
75 anaerobic digestion facility that is not collocated with such an animal  
76 feeding operation but that is located on land used for the purpose of  
77 farming, as defined in section 1-1, shall be preapproved or predenied by  
78 the commissioner not later than ninety days after receipt by the  
79 commissioner concerning all matters that are entirely within the  
80 discretion or determination of the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-208cc

**ENV**      *Joint Favorable Subst.*