

Energy and Technology Committee JOINT FAVORABLE REPORT

Bill No.: HB-5118

AN ACT CONCERNING WASTE MANAGEMENT AND ANAEROBIC

Title: DIGESTION.

Vote Date: 3/22/2022

Vote Action: Joint Favorable

PH Date: 2/24/2022

File No.:

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SPONSORS OF BILL:

[Rep. Joseph P. Gresko, 121st Dist.](#)

[Rep. Maria P. Horn, 64th Dist.](#)

[Sen. Saud Anwar, 3rd Dist.](#)

[Rep. Gary A. Turco, 27th Dist.](#)

[Rep. Mary M. Mushinsky, 85th Dist.](#)

REASONS FOR BILL:

This bill intends to promote affordable, sustainable, and self-sufficient management of waste within the state consistent with the state-wide solid waste management plan by requiring the Department of Energy and Environmental Protection to establish and administer a sustainable materials management program to support solid waste reduction in the state through the provision of funding from the sustainable materials management.

RESPONSE FROM ADMINISTRATION/AGENCY:

Commissioner Katie S. Dykes, CT Dept. of Energy & Environmental Protection-Supports the bill because it will stabilize revenues for Class II-eligible resources; diversify the types of waste management resources that can benefit from support through Class II of the State's Renewable Portfolio Standard (RPS) to include funding for sustainable materials management programs and measures, implemented by municipalities or businesses, that reduce the amount of municipal solid waste (MSW) generated in the State; and because it will facilitate investment in anaerobic digestion (AD) facilities that generate biogas or renewable natural gas (RNG) through the purchase of RNG as a byproduct

NATURE AND SOURCES OF SUPPORT:

Dr. Indrajeet Chaubey, Dean of UConn's College of Agriculture, Health and Natural Resources-Support

Danielle Chesebrough First Selectman, Town of Stonington-Support

Connecticut Green Bank-Supports the bill for the following reasons:

- **Class II Requirement** – starting January 1, 2023, create a specific supplier requirement for Class II renewable energy sources, by removing Class I renewable energy sources from meeting the four percent Class II requirement under the renewable portfolio standard.
- **Redirect Payments** – starting January 1, 2023, redirect any alternative compliance payments from the failure of competitive electric suppliers or standard offer providers to meet the requirement for Class II renewable energy sources, from the Clean Energy Fund to be deposited in the Sustainable Materials Management Account.
- **Establishes Account** – effective October 1, 2022, a Sustainable Materials Management Account is established within the General Fund to receive alternative compliance payments from the failure of competitive electric suppliers and standard offer providers to meet the requirement form Class II renewable energy sources for the Commissioner of the Department of Energy and Environmental Protection (“DEEP”) to expend for the purposes of the a Sustainable Materials Management Program established by it.
- **Renewable Natural Gas Procurement** – allows Commissioner of DEEP, in consultation with the Office of Consumer Counsel (“OCC”) and the Attorney General (“AG”), to solicit proposals for the supply of biogas for the injection into the natural gas distribution system, including anaerobic digestion facilities that produce biogas from source-separated organic material or farm generated organic waste.

Deanell Fraser, clerk for Meriden's Public Works Department-Supports the bill because it would provide us with the opportunity to continue our efforts to sort through food waste and compost and properly dispose of them at the designated facility.

Betsy Gara, Executive Director Connecticut Council of Small Towns-Supports the bill because it would build on the efforts of our municipalities to launch programs to promote greater recycling, reuse and waste reduction, including pay-as-you throw programs, glass only recycling, organic waste collection, product stewardship programs, hazardous waste collection and other programs.

Kim O'Rourke, Recycling Coordinator for the City of Middletown-Supports the bill, particularly Section 5 of this bill which creates a sustainable materials management account within the General Fund, that shall be used to support municipal programs for waste reduction and diversion

Brian Paganini, VP and Managing Director Quantum Biopower, LLC-Support

Jason Polayes Simsbury, CT-Support

Pamela Roach, SCRCOG Solid Waste and Recycling/Food Waste Diversion Consultant-Support

Jennifer Weymouth Simsbury, CT-Support

The Connecticut Conference of Municipalities-Supports the bill because it would create an account known as the sustainable materials management account which will be funded using excess alternative compliance payments that are made when electric suppliers are unable to meet the Class II renewable portfolio standard

Daniel Canavan, Vice President of Regulatory Affairs for UIL Holdings-Support/w clarification regarding Section 6 of the bill, including rate recovery mechanisms

Mark H. Bobman Executive Director, Bristol Facility Policy Board-Support w/changes regarding Sections 3(k) and 5(b), suggesting that language regarding a grant program for municipalities to reduce solid waste be revised to offer an opportunity for municipalities to address any new requirements for testing and characterization of emerging contaminants

Frazier Blaylock, Covanta Energy-Support

Carl Amento, Executive Director, South Central Regional Council of Governments-Support

William J. Akley, President and Chief Operating Officer-Eversource Natural Gas Companies-Support w/changes:

- Include any additional details that are necessary or appropriate to ensure that the quality of the biogas would be comparable in its energy content to natural gas, and that the cleanliness is sufficient to avoid any issues with our customers' use of the products
- Empower PURA to determine the specific manner in which program costs are recovered in rates; and
- The Bill currently directs DEEP to consult with the Office of Consumer Counsel and the Office of the Attorney General in connection with the development and implementation of solicitations for Renewable Natural Gas. Eversource proposes that DEEP also consult with the State's three local natural gas distribution companies ("LDCs") who can serve as an additional source of information and expertise during the solicitation process run by DEEP.

NATURE AND SOURCES OF OPPOSITION:

Samantha Dynowski, State Director Sierra Club of Connecticut-Opposes the adoption of any law that would permit the injection of biogas, "renewable" gas or hydrogen into the gas distribution system in the state

Susan Eastwood, Ashford, CT-Oppose

Shannon Laun, Staff Attorney Conservation Law Foundation-Opposes the bill because it would Incentivize Dirty Waste Incinerators at the Expense of Class I Renewables and Prolong the State's Reliance on Climate-Damaging Methane Gas by Authorizing the Injection of Biogas into the Pipeline System

Cary Lynch, Climate and Policy Manager, The Nature Conservancy-Opposes the bill because in Section 6, there is language that would allow DEEP to solicit proposals for biogas injection into the natural gas pipeline from anaerobic digester facilities.

Mike Paine, President, Paine's Recycling and Rubbish Removal Inc-Oppose

Chris Phelps, State Director, Environment Connecticut-Opposes the bill for the following reasons:

- Section 1 effectively reduces Connecticut's commitment to increased renewable energy generation and increases its requirement that ratepayers subsidize solid waste disposal via polluting trash incineration
- Sections 2 - 5 of the bill would divert some RPS alternative compliance payments away from investments in new clean renewable energy sources, instead using those payments to fund solid waste management programs
- Section 6 of the bill would permit the injection of so-called "biogas" into the gas distribution system. Such a measure would potentially prop up and extend the fossil fuel infrastructure supporting continued growth in use of polluting gas for energy in Connecticut

Tom Swan, Executive Director, Connecticut Citizen Action group-Opposes the bill because it permits the injection of biogas (or other items like hydrogen) into the gas distribution system

Reported by: Jason Snukis

Date: March 28, 2022