



General Assembly

Amendment

February Session, 2026

LCO No. 6250



Offered by:
SEN. LOPES, 6th Dist.

To: Subst. House Bill No. 5521

File No. 435

Cal. No. 555

(As Amended)

"AN ACT CONCERNING STERILE CULTIVARS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) On or before January 15,
4 2027, the Connecticut Agricultural Experiment Station shall submit a
5 report, in accordance with the provisions of section 11-4a of the general
6 statutes, to the joint standing committee of the General Assembly
7 having cognizance of matters relating to the environment on the safety
8 of the use and planting, import, transport, sale and purchase of sterile
9 cultivars and the distribution of Japanese barberry in this state. In
10 undertaking the considerations required by this section, the Connecticut
11 Agricultural Experiment Station shall provide for a public comment
12 period. Such report may include, but shall not be limited to, any
13 recommendations concerning such cultivars and Japanese barberry,
14 including any legislative recommendations.

15 Sec. 2. Subsection (c) of section 22a-209f of the general statutes is
16 repealed and the following is substituted in lieu thereof (*Effective from*
17 *passage*):

18 (c) (1) For purposes of this subsection: (A) "Beneficially reclaimed
19 materials" means any of the following materials that may contain de
20 minimis amounts of solid waste that is present incidentally in such
21 materials, including any mixture of the following materials:

22 (i) Soil or dewatered sediment that does not exceed the criteria
23 established by regulations adopted pursuant to section 22a-133k,
24 including, but not limited to, criteria for any additional polluting
25 substances for which criteria are not specified in such regulations;

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

29 (iii) Casting sand;

30 (iv) Crushed recycled glass; or

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

32 "Beneficially reclaimed materials" does not include materials that
33 contain any asbestos, polychlorinated biphenyls, persistent
34 bioaccumulative toxins, hazardous waste or, unless approved by the
35 commissioner in writing, pyrrhotite-containing concrete;

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

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

39 (D) "Casting sand" means waste sand from the casting of metals,
40 provided such sand is not hazardous waste;

41 (E) "Crushed recycled glass" has the same meaning as provided in

42 section 22a-208z;

43 (F) "Hazardous waste" has the same meaning as provided in section
44 22a-448;

45 (G) "Persistent bioaccumulative toxins" means long-lived chemicals
46 that accumulate in the tissues of humans and that are toxic; and

47 (H) "Aquifer protection area" has the same meaning as provided in
48 section 22a-354h.

49 (2) (A) The Commissioner of Energy and Environmental Protection
50 may establish a pilot program for the beneficial use of beneficially
51 reclaimed materials. The primary purpose of such program shall be to
52 allow beneficially reclaimed materials to be used as fill when there is an
53 engineering need for fill materials and to facilitate the reclamation or
54 redevelopment of environmentally impaired or underutilized land.

55 (B) To implement the pilot program established pursuant to this
56 subsection, the commissioner may issue no more than four
57 authorizations, provided: (i) Such authorization does not allow an
58 activity for which an individual or general permit has been issued; (ii)
59 such authorization is not inconsistent with the requirements of the
60 federal Resource Conservation and Recovery Act, 42 USC 6901 et seq.;
61 (iii) such authorization is for single locations only and provides for not
62 less than one hundred thousand cubic yards of beneficially reclaimed
63 materials to be used as fill at such location; [(iv) that prior to the
64 submission of an application for authorization in accordance with this
65 subsection, each municipality in which beneficially reclaimed materials
66 will be used as fill has issued all the necessary approvals specified in
67 subdivision (4) of this subsection;] and [(v)] (iv) the commissioner finds
68 that the beneficial use of beneficially reclaimed materials does not harm
69 or present a threat to human health, safety or the environment.

70 (3) The commissioner may establish guidelines protective of public
71 health, safety and the environment for such authorizations and for a
72 letter of credit provided in accordance with this subsection and shall

73 give public notice on the Department of Energy and Environmental
74 Protection's Internet web site of such guidelines, or any subsequent
75 revision of such guidelines, with an opportunity for submission of
76 written comments by interested persons for a period of thirty days
77 following the publication of such notice. The commissioner shall post a
78 response to any comments received on the Department of Energy and
79 Environmental Protection's Internet web site. At a minimum, any such
80 guidelines shall contain a preference for use of environmentally
81 impaired or underutilized locations, provided that any location for
82 which an authorization is issued under this subsection shall:

83 (A) Be in an area (i) where the quality of the groundwaters of the
84 state, as classified in regulations adopted pursuant to section 22a-426,
85 and the classification maps adopted pursuant to said section, is either
86 "GB" or "GC", and (ii) that is served by a public drinking water supply;

87 (B) Not be in an aquifer protection area; and

88 (C) Be operated in compliance with sections 22a-426-1 to 22a-426-9,
89 inclusive, of the regulations of Connecticut state agencies and not
90 adversely affect sensitive receptors or resources, including, but not
91 limited to, public or private water supply wells, wetlands, floodplains,
92 or threatened or endangered species.

93 (4) [Prior to the] The submission of an application for authorization
94 in accordance with this subsection, [an applicant] shall [:(A) Obtain a]
95 require the applicant to either (A) submit, or (B) indicate when such
96 applicant reasonably estimates that it will have: (i) A valid certificate of
97 zoning approval, special permit, special exception or variance, or other
98 documentation, from each municipality in which beneficially reclaimed
99 materials will be used as fill; [(B) obtain a copy of] and (ii) a wetlands,
100 aquifer protection, coastal site plan and any other required approval
101 from each municipality. [; and (C) comply] Any such application shall
102 additionally include proof of compliance with the process specified in
103 subsection (b) of section 22a-20a, regardless of whether the location
104 where beneficially reclaimed materials will be used as fill is located in

105 an environmental justice community;

106 (5) An application for authorization pursuant to this subsection shall
107 be submitted on forms prescribed by the commissioner and shall
108 include, at a minimum, the following information: (A) A plan for
109 ensuring that only beneficially reclaimed materials that satisfy the
110 requirements of this subsection are used as fill and a description of
111 acceptability criteria for the beneficially reclaimed materials proposed
112 for beneficial use at the subject location; (B) a plan describing the process
113 for placing and recording the placement of beneficially reclaimed
114 materials; (C) a plan for monitoring the waters of the state during the
115 filling process and for a period of not less than thirty years after filling
116 is complete; (D) a proposed letter of credit that conforms to the
117 guidelines established by the commissioner pursuant to subdivision (3)
118 of this subsection and the basis for the cost estimate used in such
119 proposed letter of credit; (E) the qualifications of the environmental
120 professionals intended to exercise oversight of all aspects of the
121 proposed activities; (F) a redevelopment plan for the location where
122 beneficially reclaimed materials will be placed, including engineering
123 plans and drawings in support of such redevelopment; (G) a list of each
124 municipal approval required for the proposed placement of beneficially
125 reclaimed materials and a written copy of each such approval or a
126 reasonable estimate of when such approval will be obtained, as
127 applicable; and (H) any additional information required by the
128 commissioner. Any such application shall be accompanied by a
129 nonrefundable application fee of twenty-five thousand dollars.

130 (6) Notwithstanding section 22a-208a or any regulations adopted
131 pursuant to section 22a-209, the issuance of an authorization under this
132 subsection, or a modification of an authorization under this subsection
133 when such modification is sought by the holder of an authorization,
134 shall conform to the following procedures: (A) The Commissioner of
135 Energy and Environmental Protection shall publish a notice of intent to
136 issue an authorization on the Department of Energy and Environmental
137 Protection's Internet web site. Such notice shall, at a minimum, include:

138 (i) The name and mailing address of the applicant and the address of the
139 location of the proposed activity; (ii) the application number; (iii) the
140 tentative decision regarding the application; (iv) the type of
141 authorization sought, including a reference to the applicable provision
142 of the general statutes or regulations of Connecticut state agencies; (v) a
143 description of the location of the proposed activity and any natural
144 resources that will be affected by such activity; (vi) the name, address
145 and telephone number of any agent of the applicant from whom
146 interested persons may obtain copies of the application; (vii) the length
147 of time available for submission of public comments to the
148 commissioner; and (viii) any other additional information the
149 commissioner deems necessary. There shall be a comment period of
150 thirty days following the publication of such notice by the commissioner
151 during which interested persons may submit written comments to the
152 commissioner; (B) the commissioner shall post a response to any
153 comments received on the Department of Energy and Environmental
154 Protection's Internet web site; and (C) the commissioner may approve
155 or deny such authorization based upon a review of the submitted
156 information. Any authorization issued pursuant to this subsection shall
157 define clearly the activity covered by such authorization and may
158 include such conditions or requirements as the commissioner deems
159 appropriate, including, but not limited to, investigation or remediation
160 of a location prior to placement of beneficially reclaimed materials,
161 operation and maintenance requirements, best management practices,
162 qualifications and requirements for environmental professional
163 exercising oversight, groundwater monitoring, compliance with fill
164 management, closure, redevelopment or other plans, reporting and
165 recordkeeping requirements, auditing by an independent party and a
166 specified term. The commissioner shall require the posting of a letter of
167 credit to assure compliance with any authorization issued under this
168 subsection, including, but not limited to, implementation of a closure
169 plan and post-closure maintenance and monitoring.

170 (7) The commissioner may suspend or revoke any such authorization
171 and may modify an authorization if such modification is not sought by

172 the holder of an authorization, in accordance with the provisions of
173 section 4-182 and the applicable rules of practice adopted by the
174 department.

175 (8) Unless required by the federal Clean Water Act, a discharge
176 permit under section 22a-430 shall not be required for a discharge
177 authorized under this subsection. In addition, the soil reuse provisions
178 of the state remediation standards, adopted pursuant to section 22a-
179 133k, shall not apply to an activity authorized under this subsection."

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>	22a-209f(c)