



## Senate

General Assembly

**File No. 288**

February Session, 2000

Substitute Senate Bill No. 383

*Senate, March 29, 2000*

The Committee on Environment reported through SEN. DAILY of the 33<sup>rd</sup> Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***An Act Concerning Solid Waste Management.***

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

1 Section 1. Section 22a-228 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) (1) The Commissioner of Environmental Protection shall adopt  
4 regulations in accordance with the provisions of chapter 54  
5 establishing procedures for adopting and amending a state-wide solid  
6 waste management plan and for granting temporary variances from  
7 the provisions of the plan. Such regulations shall require notice to each  
8 affected municipality by certified mail, return receipt requested, and  
9 an opportunity for public comment, including regional hearings, and  
10 shall assure full consideration of and response to any comments  
11 received by the commissioner. The state-wide solid waste management  
12 plan shall be adopted and amended in accordance with such  
13 regulations, but shall not be deemed to be a regulation for purposes of  
14 chapter 54.

15       (2) Notwithstanding subdivision (1) of this subsection, the  
16 commissioner may adopt any portion of such plan by regulation in  
17 accordance with the provisions of chapter 54.

18       (b) On or after January 1, 1987, the Commissioner of Environmental  
19 Protection shall adopt a state-wide solid waste management plan  
20 which shall incorporate each municipal solid waste management plan  
21 approved pursuant to section 22a-227. The plan shall establish specific  
22 goals for source reduction, bulky waste recycling and composting. The  
23 plan shall establish the following order of priority for managing solid  
24 waste: Source reduction; recycling; composting of yard waste or  
25 vegetable matter; bulky waste recycling; resource recovery or waste-to-  
26 energy plants; incineration and landfilling.

27       (c) The commissioner shall amend said plan to include an  
28 assessment of the amount of landfill capacity needed in the state for  
29 landfills for residue from resources recovery facilities, ash from  
30 municipal incinerators and for bulky waste. Such assessment shall  
31 include (1) a projection of the annual capacity needed for the twenty-  
32 year period commencing on July 1, 1989, and (2) a minimum and  
33 maximum number of landfills in simultaneous operation required to  
34 dispose of such residue, ash or waste. Such amendment shall be  
35 available to the public on or before January 1, 1989.

36       (d) On or before January 1, 1990, the Commissioner of  
37 Environmental Protection shall revise the state-wide solid waste  
38 management plan to include a source reduction component that  
39 outlines specific strategies to reduce the solid waste generated in this  
40 state by an amount not less than the amount required to maintain until  
41 the year 2010 the annual per capita solid waste generation rate at the  
42 rate estimated by the commissioner in 1988. Such strategies shall  
43 include measures to reduce waste from packaging materials and  
44 disposable products.

45       (e) The state-wide solid waste management plan shall be revised

46 every five years.

47 Sec. 2. Section 22a-209 of the general statutes is repealed and the  
48 following is substituted in lieu thereof:

49 The commissioner shall promulgate regulations governing solid  
50 waste management, and permits, as provided for in section 22a-208a,  
51 shall be conditioned upon conformance with such regulations as well  
52 as applicable laws. Any regulation promulgated pursuant to this  
53 section that requires consistency with the state-wide solid waste  
54 management plan pursuant to section 22a-228, as amended by this act,  
55 shall only require consistency with that portion of the plan that is  
56 adopted by regulation pursuant to subdivision (2) of subsection (a) of  
57 said section 22a-228.

58 Sec. 3. Subsection (a) of section 22a-229 of the general statutes is  
59 repealed and the following is substituted in lieu thereof:

60 (a) After the adoption of [a] any portion of the state-wide solid  
61 waste management plan by regulation pursuant to subdivision (2) of  
62 subsection (a) of section 22a-228, as amended by this act, any action  
63 taken by a person, municipality or regional authority that is governed  
64 by this chapter shall be consistent with [such plan] such regulations.

65 Sec. 4. Subsections (c) and (d) of section 22a-250 of the general  
66 statutes are repealed and the following is substituted in lieu thereof:

67 (c) No person shall dump, as defined in subdivision (12) of section  
68 22a-248, any material upon any public property in the state or upon  
69 private property in this state [not owned by him] except when the  
70 property is a farm with gross annual sales greater than two thousand  
71 five hundred dollars and owned by such person or when such  
72 property is designated by the state or any political subdivision thereof  
73 for dumping and such person is authorized to use such property or  
74 such property is a licensed facility for such purpose. It shall not be a

75 defense under this subsection that the dumping occurred with the  
76 permission of the property owner. The commissioner or the  
77 municipality in which such dumping occurs may, upon complaint or  
78 on their own initiative, investigate any violation of this subsection.

79 (d) No person shall dump, as defined in this subsection, any  
80 material upon any public property in the state or upon private  
81 property in this state [not owned by him] except when the property is  
82 a farm with gross annual sales greater than two thousand five hundred  
83 dollars and owned by such person or when such property is  
84 designated by the state or any political subdivision thereof for  
85 dumping and such person is authorized to use such property or such  
86 property is a licensed facility for such purpose. The commissioner or  
87 the municipality in which such dumping occurs may, upon complaint  
88 or on their own initiative, investigate any violation of this subsection.  
89 It shall not be a defense under this subsection that the dumping  
90 occurred with the permission of the property owner. As used in this  
91 subsection "dump" means to discard automobiles or automobile parts,  
92 large appliances, tires, bulky waste, hazardous waste, as defined in  
93 section 22a-115, as amended, or any other similar material.

94 Sec. 5. This act shall take effect from its passage, except that section  
95 4 shall take effect October 1, 2000.

**ENV Committee Vote:** Yea 23 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Cost

**Affected Agencies:** Department of Environmental Protection

**Municipal Impact:** None

**Explanation**

**State Impact:**

Although the bill makes adoption of regulations concerning any portion of the statewide solid waste management plan discretionary, since the bill requires solid waste management activities to be consistent with only the part of the plan adopted by regulations, it is anticipated the Department of Environmental Protection will need to adopt regulations. The adoption of regulations is estimated to cost \$25,000 to \$50,000 or the diversion of staff away from current duties.

**OLR Bill Analysis**

sSB 383

***AN ACT CONCERNING SOLID WASTE MANAGEMENT.*****SUMMARY:**

This bill authorizes the Department of Environmental Protection (DEP) to adopt any portion of the statewide solid waste management plan in regulations and requires solid waste management activities to be consistent with only that portion of the plan adopted by regulation. By law, the DEP may adopt a plan and require consistence with it, but the plan is not deemed a regulation.

The bill requires the DEP to revise the solid waste management plan every five years.

The bill narrows the exception that allows private landowners to dump on their own land to farms. The farms must have gross annual sales greater than \$2,500 (the amount generally required to be categorized as a farm for other state purposes).

**EFFECTIVE DATE:** Upon passage, except the provisions regarding dumping are effective October 1, 2000

**STATEWIDE SOLID WASTE PLAN*****Solid Waste Plan Regulations***

By law, the DEP must adopt a statewide solid waste plan that incorporates approved, municipal solid waste plans. It must be adopted in accordance with a procedure that requires notification of all affected parties and allows public comment, but the plan is deemed not to be a regulation.

The bill authorizes the DEP to adopt any portion of the statewide solid waste management plan in regulations.

The bill requires solid waste management activities to be consistent with only that portion of the plan adopted by regulation, rather than the plan as a whole.

The bill limits the DEP's authority to adopt regulations requiring solid waste management practices and permits it to be consistent with the plan by specifying that it may only require consistency with that portion of the plan that is adopted by regulations.

By law, the DEP may require towns that do not have approved solid waste management plans to manage solid waste in accordance with the plan and may issue orders to implement the plan.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 23      Nay 0