



General Assembly

February Session, 2002

Raised Bill No. 593

LCO No. 2448

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING LICENSING OF SOLID WASTE HAULERS.

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

- 1 Section 1. (NEW) (*Effective October 1, 2002*) As used in this act:
- 2 (1) "Engaged in the collection of solid waste" means in the business
3 of pickup and transportation of solid waste from its location to a solid
4 waste facility.
- 5 (2) "Solid waste" has the same meaning as set forth in section 22a-
6 207 of the general statutes, as amended.
- 7 (3) "Business entity" means any corporation, association, firm,
8 partnership, trust or other form of commercial organization.
- 9 (4) "Equity" means a financial interest or ownership right in
10 property.
- 11 (5) "Solid waste facility" has the same meaning as set forth in section
12 22a-207 of the general statutes, as amended.
- 13 Sec. 2. (NEW) (*Effective October 1, 2002*) (a) No person shall engage

14 in the collection of solid waste without (1) a license issued by the
15 Department of Environmental Protection under section 3 of this act,
16 and (2) the filing of a surety bond or other security deemed sufficient
17 by the Commissioner of Environmental Protection with the
18 commissioner of ten thousand dollars for each vehicle used in the
19 collection of solid waste.

20 (b) The license application filed pursuant to this section shall
21 include, but not be limited to, the following:

22 (1) If the applicant is an individual, the full name and business
23 address of the applicant, or if the applicant is a business entity, its full
24 name, including any other name by which the business entity has been
25 known in the five years preceding the filing of the application, its
26 business address, its state of incorporation and the name and address
27 of each officer, director, partner and the name of any person or
28 business entity which directly, or indirectly through another business
29 entity, holds five per cent or more of equity or debt liability in the
30 applicant;

31 (2) If the applicant is an individual, the full name and address of any
32 business entity engaged in the collection of solid waste of which the
33 applicant has been an officer, director, partner, or in which the
34 applicant has held directly, or indirectly through another business
35 entity, holds five per cent or more of equity or debt liability in the
36 applicant, during the five years preceding the filing of the application;

37 (3) If the applicant is an individual, a description of experience and
38 credentials possessed by the applicant, or if the applicant is a business
39 entity, the experience and credentials possessed by its officers,
40 directors or partners, in the collection of solid waste. Such description
41 shall include past and present licenses, permits and approvals for the
42 collection of solid waste;

43 (4) Information regarding any notices of violations of administrative
44 orders, civil proceedings or license revocations by any municipal, state

45 or federal authority that occurred not more than ten years preceding
46 the filing of the application, concerning a violation of any
47 environmental protection law, rule or regulation by the applicant, or if
48 the applicant is a business entity, such violations by an officer, director,
49 partner thereof, or any person or business entity, which directly, or
50 indirectly through another business entity, holds five per cent or more
51 of equity or debt liability in the applicant;

52 (5) Information regarding any civil judgments of liability or criminal
53 convictions of municipal, state or federal law against the applicant, or
54 if the applicant is a business entity, such judgments or convictions
55 against any officer, director, or partner or any person or business
56 entity, which directly, or indirectly through another business entity,
57 holds five per cent or more of equity or debt liability in the applicant;

58 (6) A certification that all federal, state and local taxes have been
59 paid for the five years preceding the date of the application;

60 (7) The name and address of any solid waste facility operated by the
61 applicant; and

62 (8) Any other information the commissioner deems relevant.

63 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) The Commissioner of
64 Environmental Protection may issue, deny, modify, renew, suspend,
65 revoke or transfer a license, under such conditions as the commissioner
66 may prescribe and upon submission of such information as the
67 commissioner may require, for the collection of solid waste, in
68 accordance with this section and the regulations adopted pursuant to
69 section 4 of this act.

70 (b) The commissioner may deny an application, renewal of a license
71 or license transfer or revoke a license issued pursuant to this act, if (1)
72 the commissioner determines that the applicant has not exhibited
73 expertise or competence in the area of collection of solid waste; (2) any
74 person listed in the license application has been convicted by a court of

75 competent jurisdiction of the following: Murder; robbery; bribery;
76 extortion; criminal usury; arson; burglary; tax evasion; tax fraud;
77 felonious acts of larceny; forgery; fraud in the offering; alteration of
78 motor vehicle identification numbers; violation of any provision of
79 chapter 420b of the general statutes; racketeering or any violation of a
80 criminal or civil provision of the federal or state environmental
81 protection law or regulation pending charges in any state against any
82 person listed in the license. Refusal by an applicant to submit any
83 information required in the permit application pursuant to this section
84 shall be grounds for denial or revocation of a license.

85 (c) If the commissioner denies, suspends, revokes or refuses to grant
86 an application to modify, renew, or transfer a license, the
87 commissioner shall notify the applicant of such decision and of the
88 applicant's right to request a hearing within ten days from the receipt
89 of the notice of the commissioner's decision. If the applicant or licensee
90 requests a hearing within ten days, the commissioner shall give notice
91 of the grounds for such decision and shall conduct a hearing
92 concerning such refusal, in accordance with the provisions of chapter
93 54 of the general statutes, concerning contested matters.

94 Sec. 4. (NEW) (*Effective October 1, 2002*) The Commissioner of
95 Environmental Protection may adopt regulations, in accordance with
96 the provisions of chapter 54 of the general statutes, to implement the
97 provisions of this act, including, but not limited to, establishment of an
98 application fee sufficient to cover the costs of implementation of this
99 act.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>

Statement of Purpose:

To establish a licensing scheme for the collection and transportation of solid waste and to authorize the Commissioner of Environmental Protection to consider the qualifications and past activities of an applicant in issuing such license.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]