



House of Representatives

General Assembly

File No. 332

February Session, 2004

Substitute House Bill No. 5529

House of Representatives, March 30, 2004

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO CERTAIN WASTE MANAGEMENT PROGRAMS.

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

1 Section 1. Subdivision (3) of section 22a-134 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (3) "Establishment" means any real property at which or any
5 business operation from which (A) on or after November 19, 1980,
6 there was generated, except as the result of remediation of polluted
7 soil, groundwater or sediment, more than one hundred kilograms of
8 hazardous waste in any one month, (B) hazardous waste generated at a
9 different location was recycled, reclaimed, reused, stored, handled,
10 treated, transported or disposed of, (C) the process of dry cleaning was
11 conducted on or after May 1, 1967, (D) furniture stripping was
12 conducted on or after May 1, 1967, or (E) a vehicle body repair facility
13 was located on or after May 1, 1967, except that any real property or

14 business operation that would qualify as an establishment pursuant to
15 this subdivision solely as a result of the activities of a universal waste
16 handler or activities undertaken at a universal waste transfer facility
17 regarding universal waste shall not be deemed an establishment,
18 provided such activities have not resulted in the discharge, spillage,
19 uncontrolled loss, seepage or filtration of a universal waste.

20 Sec. 2. Section 22a-134 of the general statutes is amended by adding
21 subdivisions (26) to (28), inclusive, as follows (*Effective October 1, 2004*):

22 (NEW) (26) "Universal waste" means the following hazardous
23 wastes: (A) Batteries, as described in 40 CFR 273.2; (B) pesticides, as
24 described in 40 CFR 273.3; (C) thermostats, as described in 40 CFR
25 273.4; (D) lamps, as described in 40 CFR 273.5; and (E) used electronics,
26 as described in the regulations adopted under section 22a-449, as
27 amended;

28 (NEW) (27) "Universal waste handler" means any person whose act
29 or process produces a universal waste or whose act first causes a
30 universal waste to become subject to regulation, or the owner or
31 operator of a facility, including all contiguous property, that receives
32 universal waste from another universal waste handler, accumulates
33 universal waste, or sends universal waste to another universal waste
34 handler, to a destination facility, or to a foreign destination, but does
35 not mean a person who treats universal waste, except pursuant to the
36 provisions of 40 CFR 273.13 (a) or (c), or 40 CFR 273.33 (a) or (c), or
37 disposes of or recycles universal waste, or a person engaged in the off-
38 site transportation of universal waste, including a universal waste
39 transfer facility;

40 (NEW) (28) "Universal waste transfer facility" means any
41 transportation-related facility, including, but not limited to, loading
42 docks, parking areas, storage areas and other similar areas where
43 shipments of universal waste are held for not more than ten days
44 during the normal course of transportation.

45 Sec. 3. Subsections (e) and (f) of section 22a-133v of the general

46 statutes, as amended by section 117 of public act 03-6 of the June 30
47 special session, are repealed and the following is substituted in lieu
48 thereof (*Effective October 1, 2004*):

49 (e) The board shall authorize the commissioner to issue a license
50 under subsection (d) of section 22a-133m, as amended, sections 22a-184
51 to 22a-184e, inclusive, this section and section 22a-133w to any person
52 who demonstrates to the satisfaction of the board that such person: (1)
53 (A) Has for a minimum of eight years engaged in the investigation and
54 remediation of releases of hazardous waste or petroleum products into
55 soil or groundwater, including a minimum of four years in responsible
56 charge of investigation and remediation of the release of hazardous
57 waste or petroleum products into soil or groundwater, and holds a
58 bachelor's or advanced degree from an accredited college or university
59 in a related science or related engineering field or is a professional
60 engineer licensed in accordance with chapter 391, or (B) has for a
61 minimum of fourteen years engaged in the investigation and
62 remediation of releases of hazardous waste or petroleum products into
63 soil or groundwater, including a minimum of seven years in
64 responsible charge of investigation and remediation of hazardous
65 waste or petroleum products into soil or groundwater; (2) has
66 successfully passed a written examination, or a written and oral
67 examination, prescribed by the board and approved by the
68 commissioner, which shall test the applicant's knowledge of the
69 physical and environmental sciences applicable to an investigation of a
70 polluted site and remediation conducted in accordance with
71 regulations adopted by the commissioner under section 22a-133k and
72 any other applicable guidelines or regulations as may be adopted by
73 the commissioner; and (3) has paid an examination fee of one hundred
74 eighty-eight dollars to the commissioner. In considering whether a
75 degree held by an applicant for such license qualifies for the
76 educational requirements under this section, the board may consider
77 all undergraduate, graduate, postgraduate and other courses
78 completed by the applicant.

79 (f) The board shall authorize the commissioner to issue a license to

80 any applicant who, in the opinion of the board, has satisfactorily met
81 the requirements of this section. The issuance of a license by the
82 commissioner shall be evidence that the person named therein is
83 entitled to all the rights and privileges of a licensed environmental
84 professional while such license remains unrevoked or unexpired. A
85 licensed environmental professional shall pay to the commissioner an
86 annual fee of three hundred thirty-eight dollars, due and payable on
87 July first of every year beginning with July first of the calendar year
88 immediately following the year of license issuance. The commissioner,
89 with the advice and assistance of the board, may adopt regulations in
90 accordance with the provisions of chapter 54, pertaining to the design
91 and use of seals by licensees under this section and governing the
92 license issuance and renewal process, including, but not limited to,
93 procedures for allowing the renewal of licenses when an application is
94 submitted not later than six months after the expiration of the license
95 without the applicant having to take the examination required under
96 subsection (e) of this section.

97 Sec. 4. Section 22a-463 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2004*):

99 As used in sections 22a-463 to 22a-469, inclusive:

100 [(a)] (1) "Commissioner" means the Commissioner of Environmental
101 Protection.

102 [(b)] (2) "PCB" means the class of organic compounds known as
103 polychlorinated biphenyls or terphenyls and includes any of several
104 compounds produced by replacing two or more hydrogen atoms on
105 the biphenyl or terphenyl molecule with chlorine.

106 [(c)] (3) "Incidental amounts of PCB" means amounts of the
107 compound PCB in an item, product or material which are beyond the
108 control of the person manufacturing, selling for use, or using such
109 item, product or material.

110 (4) "Dispose" means to intentionally or unintentionally discard,

111 throw away or otherwise complete or terminate the useful life of PCBs
112 and items containing PCBs. "Dispose" includes spills, leaks and other
113 uncontrolled discharges of PCBs, as well as actions relating to
114 containing, transporting, destroying, degrading, decontaminating or
115 confining PCBs and items containing PCBs.

116 Sec. 5. Section 22a-467 of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective October 1, 2004*):

118 No person shall dispose of the compound PCB or any item, product
119 or material containing the compound PCB except in accordance with a
120 permit issued pursuant to section 22a-208a, 22a-430 or 22a-454.
121 Notwithstanding the provisions of this section, a person or
122 municipality may dispose of the compound PCB, or the item, product
123 or material containing the compound PCB, in accordance with a
124 written approval by the commissioner if such disposal (1) results in
125 destruction of the compound PCB; or (2) is not inconsistent with the
126 provisions of Part 761 of Title 40 of the Code of Federal Regulations.
127 The commissioner may include in any such approval such conditions
128 as he deems appropriate to protect the environment and human
129 health. For purposes of this section, person includes any responsible
130 corporate officer or municipal official. [and "dispose" means to
131 incinerate or treat the compound PCB or any item, product or material
132 containing the compound PCB, or to discharge, deposit, inject, dump
133 or place the compound PCB or any item, product or material
134 containing the compound PCB into or on land or water so that such
135 compound, item, product or material enters the environment, is
136 emitted into the air, or is discharged into any waters, including
137 groundwaters.]

138 Sec. 6. Subdivisions (1) to (4), inclusive, of section 22a-255h of the
139 general statutes are repealed and the following is substituted in lieu
140 thereof (*Effective October 1, 2004*):

141 As used in sections 22a-255g to 22a-255m, inclusive:

142 (1) "Package" means any container, produced either domestically or

143 in a foreign country, used for the marketing, protecting or handling of
144 a product and includes a unit package, an intermediate package and a
145 shipping container. "Package" also means any unsealed receptacle such
146 as a carrying case, crate, cup, pail, rigid foil or other tray, wrapper or
147 wrapping film, bag or tub. [but shall not include any glass, ceramic or
148 metal receptacle which is intended to be reusable or refillable.]

149 (2) "Distributor" means any person who takes title or delivery from
150 the manufacturer of a package, packaging component or product,
151 produced either domestically or in a foreign country, to use for
152 promotional purposes or to sell.

153 (3) "Packaging component" means any part of a package, produced
154 either domestically or in a foreign country, including, but not limited
155 to, any interior or exterior blocking, bracing, cushioning,
156 weatherproofing, exterior strapping, coating, closure, ink, label, dye,
157 pigment, adhesive, stabilizer or other additive. Tin-plated steel that
158 meets specification A623 of the American Society of Testing and
159 Materials shall be considered as a single packaging component.
160 [Electrolytic galvanized steel that meets specification A879 of the
161 American Society of Testing and Materials and hot-dipped coated
162 galvanized steel that meets specification A525 of the American Society
163 of Testing and Materials shall be treated in the same manner as tin-
164 plated steel] Electro-galvanized coated steel and hot dipped coated
165 galvanized steel that meets the American Society of Testing and
166 Materials specifications A653, A924, A879 and A591 shall be treated in
167 the same manner as tin-plated steel.

168 (4) "Commissioner" means the Commissioner of Environmental
169 Protection or an authorized agent or designee of the commissioner.

170 Sec. 7. Subdivision (12) of section 22a-255h of the general statutes is
171 repealed and the following is substituted in lieu thereof (*Effective*
172 *October 1, 2004*):

173 (12) "Manufacturer" means any person [, firm, association,
174 partnership or corporation] producing a package or packaging

175 component as defined in subdivision (3) of this section, as amended by
176 this act.

177 Sec. 8. Subdivision (14) of section 22a-255h of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective*
179 *October 1, 2004*):

180 (14) "Supplier" means any person, firm, association, partnership or
181 corporation which sells, offers for sale or offers for promotional
182 purposes packages or packaging components which will be used by
183 any other person [, firm, association, partnership or corporation] to
184 package a product.

185 Sec. 9. Subsection (a) of section 22a-255i of the general statutes is
186 repealed and the following is substituted in lieu thereof (*Effective*
187 *October 1, 2004*):

188 (a) As soon as feasible, but not later than October 1, 1992, no
189 package or packaging component shall be offered for sale or
190 promotional purposes in this state, by its manufacturer or distributor,
191 if it is composed of any lead, cadmium, mercury or hexavalent
192 chromium which has been intentionally introduced during
193 manufacturing or distribution, as opposed to the incidental presence of
194 any of these substances.

195 Sec. 10. Section 22a-255j of the general statutes is repealed and the
196 following is substituted in lieu thereof (*Effective October 1, 2004*):

197 All packages and packaging components shall be subject to sections
198 22a-255g to 22a-255m, inclusive, except the following:

199 (1) A package or packaging component which was manufactured
200 prior to October 1, 1990, and displays a code indicating the date it was
201 manufactured;

202 (2) A package or packaging component that would not exceed any
203 maximum concentration set forth in subsection (c) of section 22a-255i
204 but for the addition or use of recycled materials; provided the

205 provisions of sections 22a-255g to 22a-255m, inclusive, shall apply to
206 such packages on and after January 1, [2000] 2010;

207 (3) A package or packaging component to which lead, cadmium,
208 mercury or hexavalent chromium have been added in the
209 manufacturing or distribution process in order to comply with health
210 or safety requirements of federal law, provided the manufacturer of
211 such a package or packaging component has demonstrated to the
212 commissioner that such package or packaging component is entitled to
213 an exemption under this subdivision and the commissioner grants
214 such exemption. The exemption shall be effective for up to two years
215 and may be extended if circumstances warrant an extension. An
216 extension may be granted for up to two years;

217 (4) Any alcoholic liquor bottled prior to October 1, 1992;

218 (5) A package or packaging component to which lead, cadmium,
219 mercury or hexavalent chromium have been added in the
220 manufacturing, forming, printing or distribution process for which
221 there is no feasible alternative to the use of lead, cadmium, mercury or
222 hexavalent chromium provided the manufacturer of such a package or
223 packaging component has demonstrated to the commissioner that such
224 package or packaging component is entitled to an exemption under
225 this subdivision and the commissioner grants such exemption. The
226 exemption shall be effective for two years and may be extended if
227 circumstances warrant an extension. An extension may be granted for
228 up to two years. For purposes of this subdivision, a use for which there
229 is no feasible alternative is one which is essential to the protection, safe
230 handling or function of the package's contents and for which [there is
231 no substitute] technical constraints preclude the substitution of other
232 materials. For purposes of this subdivision, a use for which there is no
233 feasible alternative shall not include the use of any lead, cadmium,
234 mercury or hexavalent chromium for the purpose of marketing;

235 (6) A package or packaging component that is reused but exceeds
236 contaminant levels set forth in subsection (c) of section 22a-255i,
237 provided (A) the product being conveyed by such [package or

238 packaging component] packaged product is regulated under federal or
239 state health or safety requirements; (B) the transportation of such
240 package or packaging component is regulated under federal or state
241 transportation requirements; (C) the disposal of the package or
242 packaging component is performed according to federal or state
243 radioactive or hazardous waste disposal requirements; and (D) the
244 manufacturer of such package or packaging component has
245 demonstrated to the commissioner that such package or packaging
246 component is entitled to an exemption under this subdivision and the
247 commissioner grants such exemption. Any exemption granted under
248 this subdivision shall expire on January 1, [2000] 2010;

249 (7) A package or packaging component which is reusable and has a
250 controlled distribution and reuse but which exceeds the contaminant
251 levels set forth in subsection (c) of section 22a-255i, provided the
252 manufacturer or distributor of such package or packaging component
253 petitions the commissioner for an exemption and the commissioner
254 grants such exemption. A manufacturer or distributor petitioning the
255 commissioner for such an exemption shall (A) satisfactorily
256 demonstrate that the environmental benefit of the reusable packaging
257 or packaging component is significantly greater as compared to the
258 same package or packaging component manufactured in compliance
259 with the contaminant levels set forth in subsection (c) of section 22a-
260 255i, and (B) submit a written plan including, at a minimum, the
261 following elements: (i) A means of identifying in a permanent and
262 visible manner those reusable packages or packaging components
263 containing regulated metals for which the exemption is sought; (ii) a
264 method of regulatory and financial accountability such that a specified
265 percentage of such reusable packaging or packaging components
266 manufactured and distributed to other persons are not discarded by
267 those persons after use, but are returned to the manufacturer or his
268 designee; (iii) a system of inventory and record maintenance to
269 account for the reusable packaging or packaging components placed in
270 and removed from service; (iv) a means of transforming returned
271 packaging or packaging components that are no longer reusable into
272 recycled materials for manufacturing or into manufacturing wastes

273 which are subject to existing federal or state laws or regulations to
274 ensure that these wastes do not enter the commercial or municipal
275 waste stream; and (v) a system for annually reporting to the
276 commissioner any changes to the system or changes regarding the
277 manufacturer's designee. Any exemption granted under this
278 subdivision shall expire on January 1, [2000] 2010;

279 (8) A glass or ceramic package or packaging component that has a
280 vitriified label which, when tested in accordance with the Toxicity
281 Characteristic Leaching Procedures of the United States Environmental
282 Protection Agency Test Method and Publication SW 846, third edition,
283 "Test Methods for Evaluating Solid Waste", does not exceed one part
284 per million for cadmium, five parts per million for hexavalent
285 chromium and five parts per million for lead. This exemption shall
286 expire on January 1, 2005.

287 Sec. 11. Subsection (a) of section 22a-255m of the general statutes is
288 repealed and the following is substituted in lieu thereof (*Effective*
289 *October 1, 2004*):

290 (a) The [department] commissioner may, in consultation with the
291 [Source Reduction Council of the Council of Northeastern Governors]
292 other member states of the Toxics in Packaging Clearing House,
293 review the effectiveness of sections 22a-255g to 22a-255m, inclusive,
294 and provide a report based on such review to the Governor and the
295 General Assembly. The report may describe substitutes which
296 manufacturers and distributors of packages and packaging
297 components have used in place of lead, mercury, cadmium and
298 hexavalent chromium, and may contain recommendations concerning
299 (1) other toxic substances contained in packaging that should be added
300 to those regulated under the provisions of sections 22a-255g to 22a-
301 255m, inclusive, in order to further reduce the toxicity of packaging
302 waste and (2) the advisability of retaining the exemption provided in
303 subdivision (2) of section 22a-255j.

304 Sec. 12. Subsection (d) of section 22a-220a of the general statutes is
305 repealed and the following is substituted in lieu thereof (*Effective July*

306 1, 2004):

307 (d) Any collector [hauling solid waste generated by residential,
308 business, commercial or other establishments in a municipality] shall
309 register in such municipality and disclose the name of any other
310 municipality in which such collector hauls such solid waste. On or
311 before December 31, 2004, any collector shall report to the municipality
312 the name of the disposal facility or facilities to which such solid waste
313 will be delivered, which report shall be submitted quarterly with
314 respect to the calendar quarter beginning on October 1, 2004, and each
315 calendar quarter thereafter, on or before the last day of the month
316 immediately following the end of each quarter. Such report shall be on
317 a form prescribed by the commissioner and shall provide information
318 the commissioner deems necessary, including, but not limited to, the
319 amount of solid waste and recyclables, by weight or other method
320 acceptable to the commissioner, collected within the boundaries of
321 such municipality and delivered to an out-of-state solid waste facility.
322 Such report shall also include for each municipality the total amount of
323 solid waste and recyclables originating from such municipality.

324 Sec. 13. Section 22a-220a of the general statutes is amended by
325 adding subsections (j) and (k) as follows (*Effective July 1, 2004*):

326 (NEW) (j) If a municipality or collector delivers solid waste
327 generated in the state to an out-of-state solid waste facility, such
328 municipality shall submit a report to the Commissioner of
329 Environmental Protection, quarterly, with respect to the calendar
330 quarter beginning on October 1, 2004, and each calendar quarter
331 thereafter, on or before the last day of the month immediately
332 following the end of each quarter. Such report shall be on a form
333 prescribed by the commissioner and shall provide such information
334 the commissioner deems necessary, including, but not limited to, the
335 municipality of origin of such solid waste, the amount of solid waste
336 delivered to such out-of-state facility, by weight or other method
337 acceptable to the commissioner and the name and address of the
338 facility receiving such solid waste.

339 (NEW) (k) Each municipality shall provide the Commissioner of
340 Environmental Protection and specified solid waste facilities with the
341 names and addresses of collectors registered with such municipality
342 beginning on July 1, 2004, and annually thereafter, on a form
343 prescribed by the commissioner and shall provide such information
344 the commissioner deems necessary.

345 Sec. 14. Section 22a-611 of the general statutes is repealed and the
346 following is substituted in lieu thereof (*Effective October 1, 2004*):

347 The owner or operator of a facility required to complete a toxic
348 release form under Section 313 of the Emergency Planning and
349 Community Right-to-Know Act of 1986 shall annually submit such
350 form to the commission on or before the first of July [1, 1990, and
351 annually thereafter] or a date established by the United States
352 Environmental Protection Agency, whichever comes later.

353 Sec. 15. Subsection (b) of section 22a-449 of the general statutes is
354 repealed and the following is substituted in lieu thereof (*Effective*
355 *October 1, 2004*):

356 (b) The commissioner may: (1) License terminals in the state for the
357 loading or unloading of oil or petroleum or chemical liquids or solid,
358 liquid or gaseous products or hazardous wastes and shall adopt, in
359 accordance with chapter 54, reasonable regulations in connection
360 therewith for the purposes of identifying terminals subject to licensure
361 and protecting the public health and safety and for preventing the
362 discharge, spillage, uncontrolled loss, seepage or filtration of oil or
363 petroleum or chemical liquids or solid, liquid or gaseous products or
364 hazardous wastes. Each license issued under this section shall be valid
365 for a period of not more than [three years commencing July first] ten
366 years, unless sooner revoked by the commissioner, and there shall be
367 charged for each such license or renewal thereof fees established by
368 regulation sufficient to cover the reasonable cost to the state of
369 inspecting and licensing such terminals; (2) provide by regulations for
370 the establishment and maintenance in operating condition and
371 position of suitable equipment to contain as far as possible the

372 discharge, spillage, uncontrolled loss, seepage or filtration of any oil or
 373 petroleum or chemical liquids or solid, liquid or gaseous products or
 374 hazardous wastes; (3) inspect periodically all hoses, gaskets, tanks,
 375 pipelines and other equipment used in connection with the transfer,
 376 transportation or storage of oil or petroleum or chemical liquids or
 377 solid, liquid or gaseous products or hazardous wastes to make certain
 378 that they are in good operating condition, and order the renewal of
 379 any such equipment found unfit for further use. No person shall
 380 commence operation of any such terminal in this state on or after July
 381 1, 1993, without a license issued by the commissioner. Any person who
 382 operates any such terminal without a license issued by the
 383 commissioner shall be fined not more than five thousand dollars per
 384 day during any period of unlicensed operation.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>
Sec. 11	<i>October 1, 2004</i>
Sec. 12	<i>July 1, 2004</i>
Sec. 13	<i>July 1, 2004</i>
Sec. 14	<i>October 1, 2004</i>
Sec. 15	<i>October 1, 2004</i>

ENV *Joint Favorable Subst.*

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:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Environmental Protection	Environmental Quality/GF - Cost	Minimal	Minimal

Municipal Impact:

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	Cost	Potential	Potential

Explanation

Exempting from the Transfer Act requirements any real property or business that deals with universal waste as long as their activities have not caused any discharge, spill, uncollected loss, seepage or filtration of universal waste, will have no fiscal impact. No change in the current workload or Transfer Act from current practice is anticipated.

The bill makes minor changes to the application, licensing and renewal process for licensed environmental professionals, which are not anticipated to have a fiscal impact.

The changes made in the definitions relating to PCB's by more broadly defining disposal will enable the DEP to take action before an actual leak, spill, or uncontrolled discharge occurs. This could potentially reduce future costs, since action would be taken before an expensive cleanup would be needed.

The change made in the submittal of the toxic release form by the owner or operator of a facility will streamline the submittal and has no fiscal impact.

Changes made in the toxics in packaging law are mostly technical and have no fiscal impact.

Any workload increase to DEP due to the submittal of waste reports is anticipated to be minimal and within normal duties.

Extending the license period from 3 to 10 years of terminals for loading or unloading of petroleum, chemicals and hazardous wastes allows for the DEP to issue a general permit. When a general permit is issued, it will offset any revenue decrease to the Environmental Quality (EQ) fund due to the three year license going to ten years.

Municipal Impact

The quarterly reporting required by municipalities in the bill concerning solid waste, could increase costs to certain towns not currently budgeted for. The exact impact would vary from town to town. To the extent that the town has the information from the haulers required for the reports, the impact would be minimal.

OLR Bill Analysis

sHB 5529

AN ACT CONCERNING REVISIONS TO CERTAIN WASTE MANAGEMENT PROGRAMS**SUMMARY:**

This bill:

1. exempts from the requirements of the Transfer Act property or businesses that deal solely with universal waste, as long as their activities have not caused any uncontrolled discharge or spill of such a waste;
2. specifies what constitutes PCB disposal;
3. requires towns to report to the Department of Environmental Protection (DEP) commissioner, and solid waste haulers to towns, on the delivery of solid waste to out-of-state facilities;
4. reestablishes certain exemptions to the toxic-in-packaging law and makes other changes to it;
5. makes minor changes to the application and license renewal process for licensed environmental professionals (LEPs); and
6. requires owners and operators of facilities required to complete a toxic release form under federal law to report annually to the state Emergency Response Commission by July 1, or a date set by the U.S. Environmental Protection Agency (EPA) , whichever is later.

By law, the commissioner may license terminals for the loading or unloading of petroleum, chemicals, and hazardous wastes for up to three years. The bill extends the maximum license period to 10 years.

EFFECTIVE DATE: October 1, 2004, except for reporting by solid waste haulers and municipalities, which is effective July 1, 2004

EXEMPTION OF UNIVERSAL WASTE HANDLERS FROM THE TRANSFER ACT

The Transfer Act governs the sale or other conveyance of property where hazardous waste or hazardous substances may have been produced, stored, or otherwise handled. It requires that such property be investigated and properly remediated. The bill exempts from these requirements (1) real property or business operations that solely handle universal wastes and (2) universal waste transfer facilities, if there has not been a discharge, spill, or uncontrolled loss of such wastes. Under the bill, “universal waste” includes certain batteries, pesticides, thermostats, lamps, and used electronics.

The bill exempts as universal waste handlers anyone who produces a universal waste or who causes it to become subject to regulation, or the owner of a facility that receives universal waste from another universal waste handler, accumulates it, or sends it to another handler, facility, or a foreign destination. Small and large quantity handlers of batteries and thermostats, as defined by federal law, are exempt under the bill. However, anyone who otherwise treats, disposes of, recycles, or transports universal waste off-site is subject to the Transfer Act.

Under the bill, a universal waste facility is a transportation-related facility, including a loading dock, parking area, storage, or similar area where shipments of universal waste are usually held for up to 10 days.

PCB DISPOSAL

Under law, it is illegal to dispose of the compound PCB without a permit. The bill (1) makes the ban apply to unintentional and well as intentional discharges; (2) for enforcement purposes, eliminates the requirement that PCBs be found to have entered the environment; and (3) simplifies the definition of “disposal” in other ways. Specifically, it defines disposal as intentionally or unintentionally discarding, throwing away, or otherwise completing or terminating the useful life of PCBs and items containing PCBs. Disposal includes spills, leaks, and other uncontrolled PCB discharges, and actions relating to the containment, transportation, destruction, degradation, decontamination, or confinement of PCBs and items containing PCBs. The law currently defines it as incinerating or treating PCBs or items containing PCBs or discharging, depositing, injecting, dumping or placing PCBs or items containing PCBs into or on land or water so that it enters the environment; is emitted into the air; or is discharged into any waters, including groundwaters.

SOLID WASTE HAULING

The bill revises solid waste reporting requirements for solid waste haulers and municipalities.

By law, any collector hauling residential, business or commercial waste from a municipality must register in that town and disclose the name of other towns in which he collects solid waste. The bill requires a collector to register regardless of how the waste is generated, and, as under current law, to disclose the names of other towns in which he collects solid waste. It requires collectors to report to each town in which he collects solid waste the name of each disposal facility to which he delivers the waste. He apparently must include both Connecticut and out-of state facilities. He must report each quarter, starting with the quarter beginning October 1, 2004. The bill requires him to file the reports by the last day of the month immediately following the end of each quarter, so that reports for the quarter ending December 31, 2004 must be filed by January 31, 2005. However, the bill requires him to file the initial report by December 31, 2004. The report must be on a form the commissioner prescribes. It requires reporting of the amount of solid waste and recyclables collected within the municipality and delivered to out-of-state facilities. The amount of solid waste and recyclables must be stated by weight or other method acceptable to the commissioner. It must include the total amount of solid waste and recyclables originating in each town.

The bill requires towns and collectors that deliver solid waste generated in the state to out-of-state facilities to report quarterly to the commissioner, starting with the quarter beginning October 1, 2004 and quarterly thereafter. The reports must be filed by the last day of the month immediately following the end of each quarter, so that reports of the last quarter of 2004 must be filed by January 31, 2005. The report must be on a form the commissioner prescribes and must provide information he deems necessary, including the town in which the solid waste originated, the amount of solid waste delivered to the out-of state facility, and the name and address of the facility receiving the solid waste. The amount must be stated by weight or other method the commissioner finds acceptable.

Each town must provide the names and addresses of registered solid waste collectors to the commissioner and specified solid waste facilities

starting July 1, 2004 and annually thereafter. The towns must provide the information the commissioner deems necessary on a form he prescribes. It is not clear who will specify the solid waste facilities that must receive these forms.

TOXICS IN PACKAGING

The law bars manufacturers and distributors from selling or using for promotional purposes most packages that intentionally contain lead, cadmium, mercury, or hexavalent chromium. Packages and products containing more than specified levels of these metals are also banned even if the material was not introduced intentionally. The law exempts certain packages.

The bill reestablishes two exemptions for certain packages and packaging components that expired January 1, 2000. The new exemption, which expires on January 1, 2010, is for a package or packaging that:

1. exceeds maximum concentration levels of lead, cadmium, mercury, or hexavalent chromium only because of the addition or use of recycled materials and
2. is reusable and has a controlled distribution and reuse but which exceeds the incidental concentration levels of lead, cadmium, mercury, or hexavalent chromium, if the manufacturer or distributor petitions the commissioner for an exemption and the commissioner grants it.

It also reestablishes, but limits to reused packaging, the exemption for a package or packaging that exceeds incidental contaminant levels for lead, cadmium, mercury, or hexavalent chromium, if (1) the product, its transportation, or disposal is regulated by specific state or federal regulations or (2) the commissioner grants an exemption upon the packaging manufacturer shows it is warranted.

It exempts, until January 1, 2005, a glass or ceramic package or packaging component that has a vitrified label, that does not exceed one part per million (ppm) for cadmium, five ppm for hexavalent chromium, and five ppm for lead, when tested according to the EPA's Toxicity Characteristic Leaching Procedures Test Method and Publication SW 846, third edition, "Test Methods for Evaluating Solid Waste."

By law, packages or packaging components in which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing or distribution process are exempt if (1) there is no feasible alternative, (2) the manufacturer has demonstrated to the commissioner that an exemption is necessary, and (3) the commissioner grants an exemption. The exemption is good for two years and may be extended for another two years. The bill extends this exemption to the forming and printing process, and specifies that by feasible alternative it means in most cases, technical constraints preclude the substitution of other materials, rather than one for which no substitute exists. The bill does not exempt any lead, cadmium, mercury, or hexavalent chromium used for marketing purposes.

Minor Changes

The bill authorizes the commissioner, in consultation with other member states of the Toxics in Packaging Clearing House, to review the law's effectiveness and report to the governor and legislature. Under current law, he must consult with the Source Reduction Council of the Council of Northeastern Governors.

By law, electrolytic galvanized steel and hot-dipped coated galvanized steel meeting certain specifications are treated as tin-plated steel for the purposes of the toxics in packaging act. The bill (1) refers to electro-galvanized coated steel instead of electrolytic galvanized steel and (2) changes the specifications the type of steel must meet.

The bill also:

1. makes the law apply to reusable or refillable glass, and ceramic or metal receptacles;
2. specifies that it includes packages produced in a foreign country;
3. specifies that the laws affect packages as well as packaging materials; and
4. makes technical changes.

TOXICS RELEASE FORM

Under current law, the owner or operator of a facility required to complete a toxic release form under the Emergency Planning and

Community Right-to-Know Act must submit it to the state Emergency Response Commission before July 1, 1990 and annually thereafter. The bill requires him to submit the form annually before (1) July 1 or (2) a date established by the EPA, whichever comes later.

LICENSED ENVIRONMENTAL PROFESSIONALS

The bill authorizes the State Board of Examiners of Environmental Professionals, in evaluating whether the degree held by an applicant meets the position's educational requirements, to consider undergraduate, graduate, postgraduate, and other courses he completed. It authorizes the commissioner, with the advice and assistance of the board, to adopt regulations governing the LEP license issuance and renewal process, including procedures that allow for renewal of a license within six months after it expires without requiring the applicant to retake the required test.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0