



General Assembly

February Session, 2004

Raised Bill No. 5529

LCO No. 1927

01927_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**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2 repealed and the following is substituted in lieu thereof (*Effective*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 vitrified 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 the name of the
312 disposal facility or facilities where such solid waste will be delivered to
313 the municipality quarterly with respect to the calendar quarter
314 beginning on October 1, 2004, and each calendar quarter thereafter, on
315 or before the last day of the month immediately following the end of
316 each quarter. Such report shall be on a form prescribed by the
317 commissioner and shall provide information the commissioner deems
318 necessary, including, but not limited to, the amount of solid waste and
319 recyclables, by weight or other method acceptable to the
320 commissioner, collected within the boundaries of such municipality
321 and delivered to an out-of-state solid waste facility. Such report shall
322 also include for each municipality the total amount of solid waste and
323 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 facility with the names
341 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>

Statement of Purpose:

To exclude from the definition of "establishment" in the Transfer Act those facilities that generate hazardous waste solely because of the generation of "universal waste" such as florescent light bulbs; to allow the Commissioner of Environmental Protection to consider all undergraduate, graduate and postgraduate courses in determining if a degree is fundamentally equivalent to degrees allowed as education requirements for becoming a Licensed Environmental Professional; to allow a renewal of a license for a Licensed Environmental Professional without the applicant having to take the full exam if the applicant seeks renewal within six months after the license expires; to change the definition of the term "dispose" as it relates to PCB handling and disposal; to refine certain definitions to conform with model toxic packaging legislation and to promote consistency among other member states of the Toxics in Packaging Clearing House; to reinstate exemptions that have expired in the Toxics in Packaging legislation; to obtain more accurate information on solid waste generation and recycling rates to allow for better planning for solid waste recycling and disposal; to revise the date for the annual submission of a toxic release form pursuant to the Emergency Planning and Community Right-to-Know Act; and to change the duration of the license for terminals in the state for loading or unloading of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes from three years to ten years.

[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.]