



General Assembly

January Session, 2007

Bill No. 7092

LCO No. 4009

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Referred to Committee on Public Safety and Security

Introduced by:

REP. CAFERO, 142nd Dist.

SEN. DELUCA, 32nd Dist.

AN ACT ESTABLISHING A COMMISSION ON SOLID WASTE HAULING.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) As used in sections 1 to 9,
2 inclusive, of this act, unless the context indicates another meaning or
3 intent:

4 (1) "Commission" means the Commission on Solid Waste Hauling
5 established under section 2 of this act;

6 (2) "Solid waste hauling" means the removal, collection, hauling or
7 transfer of solid waste from either residential or commercial customers
8 for a fee;

9 (3) "Brokering solid waste transfer" means arranging for an entity or
10 person to remove, collect, haul or transfer solid waste from either
11 residential or commercial customers for the purpose of further transfer
12 processing or disposal of such waste for a fee;

13 (4) "Solid waste" means unwanted or discarded solid, liquid,
14 semisolid or contained gaseous material, including, but not limited to,
15 demolition debris, and all materials intended to be disposed of or
16 processed at any solid waste facility, volume reduction plant, solid
17 waste disposal area, recycling facility or recycling center or transfer
18 station.

19 Sec. 2. (NEW) (*Effective October 1, 2007*) There is established a
20 Commission on Solid Waste Hauling within the Department of Public
21 Safety, which shall consist of the Commissioners of Public Safety,
22 Consumer Protection and Environmental Protection and the Chief
23 State's Attorney. The commission shall investigate fraudulent,
24 predatory, anticompetitive and other illegal business practices of any
25 licensed solid waste hauler.

26 Sec. 3. (NEW) (*Effective October 1, 2007*) A director shall be
27 appointed by the Governor to manage the daily activities of the
28 Commission on Solid Waste Hauling. Within available appropriations,
29 the director shall:

30 (1) Appoint, employ and remove such assistants, employees and
31 personnel as deemed necessary for the efficient and effective
32 administration of the activities of the commission;

33 (2) Prepare and submit annually to the Governor and the
34 commission a written report concerning the work and activities of the
35 commission including, but not limited to, statistical information
36 regarding the disposition of closed investigations, audits and other
37 reviews;

38 (3) Investigate any matter within his or her jurisdiction, with the
39 authority to compel the attendance and testimony of witnesses by
40 subpoena, to require the production of any necessary books, accounts,
41 papers or other relevant evidence, and to administer oaths to
42 witnesses. If any person fails to respond to a subpoena, the director,
43 with the approval of the commission, may apply to the superior court

44 for the judicial district of Hartford setting forth the disobedience to the
45 subpoena or refusal to answer or produce, and the court or judge shall
46 cite the person to appear before the court or judge to show cause why
47 the records, physical evidence, papers and documents should not be
48 produced or why a question put to the witness should not be
49 answered;

50 (4) Perform audits of the books and records of all licensed solid
51 waste haulers and brokers, licensed pursuant to section 5 of this act,
52 and inspect all contracts for solid waste hauling and brokering solid
53 waste transfer;

54 (5) Notify the appropriate law enforcement agency or agencies after
55 detecting any violation of state law on the part of any licensed solid
56 waste hauler or broker, licensed pursuant to section 5 of this act, and to
57 assist the law enforcement agency in concluding such investigation;
58 and

59 (6) Make referrals to the Attorney General and to the State Ethics
60 Commission where appropriate.

61 Sec. 4. (NEW) (*Effective October 1, 2007*) The Commissioner of Public
62 Safety may adopt regulations, in accordance with the provisions of
63 chapter 54 of the general statutes, necessary for the Commission on
64 Solid Waste Hauling to carry out its duties under section 3 of this act.

65 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) Except as provided in
66 subsection (b) of this section, no person shall engage in the business of
67 solid waste hauling or brokering solid waste transfer without first
68 obtaining a license from the Department of Environmental Protection.
69 Any person who knowingly and wilfully violates this section shall be
70 fined not more than five thousand dollars or imprisoned not more than
71 one year, or both.

72 (b) Businesses having fewer than three hauling vehicles or that
73 remove only incidental debris and materials resulting from building

74 demolition, construction, alteration or excavation, landscaping and
75 residential clean up may apply to the Department of Environmental
76 Protection for exemption from licensure.

77 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) Application for a license
78 to engage in the business of solid waste hauling or brokering solid
79 waste transfer shall be made, in writing, under oath, on a form
80 furnished by the Commissioner of Environmental Protection. The
81 application shall state the applicant's full name, age, date and place of
82 birth, residences and employment for the five-year period prior to the
83 date of application and the applicant's occupation at the time of
84 application with the names and addresses of employers, the date and
85 place of conviction of any crime and such additional information as the
86 commissioner requires to investigate the qualification, character,
87 competency and integrity of the applicant. The application shall
88 contain such additional information and documentation as the
89 commissioner may require in regulations adopted pursuant to section
90 9 of this act.

91 (b) The Commissioner of Environmental Protection shall require
92 any applicant for a license under this section, and in the case of an
93 association, corporation or partnership, each director, officer, partner,
94 principal or owner, to submit to state and national criminal history
95 records checks in accordance with section 29-17a of the general
96 statutes, and an environmental compliance history review by the
97 Department of Environmental Protection prior to the issuance of such
98 license. Each applicant and, in the case of an association, corporation
99 or partnership, each director, officer, partner, principal or owner of
100 more than five per cent of the equity of the business shall submit with
101 the application two complete sets of fingerprints on forms specified
102 and furnished by the commissioner and two photographs, two inches
103 wide by three inches high, taken no earlier than six months prior to the
104 date of application. The licensee shall bear the cost of the criminal
105 history records checks and environmental compliance history review.

106 Sec. 7. (NEW) (*Effective October 1, 2007*) Upon being satisfied, after
107 investigation, of the good character, competency and integrity of an
108 applicant, or, if the applicant is an association or partnership, of the
109 individual members thereof, or if a corporation, of all officers and
110 directors thereof, the Commissioner of Environmental Protection may
111 grant a license to haul solid waste or broker solid waste transfer. Such
112 license shall be for a term of two years and application for renewal
113 shall be on a form furnished by the commissioner. Each licensee shall
114 permit the Department of Environmental Protection to inspect, review
115 or copy those documents, business records or training records in the
116 licensee's possession that are required to be maintained by regulations
117 adopted pursuant to section 9 of this act or sections 1 to 9, inclusive, of
118 this act to be maintained.

119 Sec. 8. (NEW) (*Effective October 1, 2007*) Upon the recommendation
120 of the Commission on Solid Waste Hauling, any license to haul solid
121 waste or broker solid waste transfer may be suspended, revoked or
122 modified by the Commissioner of Environmental Protection, provided
123 the commissioner has given notice to the licensee to appear before the
124 commissioner to show cause why the license should not be suspended,
125 revoked or modified, upon a finding by the commissioner that: (1) The
126 licensee has violated any of the terms or provisions of environmental
127 protection laws of this state, including sections 1 to 9, inclusive, of this
128 act, or of the federal government or regulations adopted pursuant to
129 section 4 or 9 of this act; (2) the licensee has practiced fraud on, deceit
130 of or misrepresentation to the clients of the licensee; (3) the licensee has
131 made a material misstatement in the application for issuance or
132 renewal of the license; (4) the licensee has demonstrated incompetence
133 or untrustworthiness in the conduct of the business; or (5) the licensee
134 has been convicted of a felony or other crime affecting the licensee's
135 honesty, integrity or moral fitness. Any party aggrieved by an order of
136 the commissioner may appeal such order in accordance with the
137 provisions of section 4-183 of the general statutes, except venue for
138 such appeal shall be in the judicial district of New Britain.

139 Sec. 9. (NEW) (*Effective October 1, 2007*) The Commissioner of
140 Environmental Protection may adopt regulations, in accordance with
141 the provisions of chapter 54 of the general statutes, to implement the
142 provisions of sections 5 to 8, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]