



General Assembly

Substitute Bill No. 7092

January Session, 2007

* HB07092PS_ENV030707 *

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 three or less hauling vehicles or that remove
73 only incidental debris and materials resulting from building
74 demolition, construction, alteration or excavation, landscaping and
75 residential clean-up shall be exempt from licensure.

76 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) Application for a license
77 to engage in the business of solid waste hauling or brokering solid
78 waste transfer shall be made, in writing, under oath, on a form

79 furnished by the Commissioner of Environmental Protection. The
80 application shall state the applicant's full name, age, date and place of
81 birth, residences and employment for the five-year period prior to the
82 date of application and the applicant's occupation at the time of
83 application with the names and addresses of employers, the date and
84 place of conviction of any crime and such additional information as the
85 commissioner requires to investigate the qualification, character,
86 competency and integrity of the applicant. The application shall
87 contain such additional information and documentation as the
88 commissioner may require in regulations adopted pursuant to section
89 9 of this act.

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

105 Sec. 7. (NEW) (*Effective October 1, 2007*) Upon being satisfied, after
106 investigation, of the good character, competency and integrity of an
107 applicant, or, if the applicant is an association or partnership, of the
108 individual members thereof, or if a corporation, of all officers and
109 directors thereof, the Commissioner of Environmental Protection may
110 grant a license to haul solid waste or broker solid waste transfer. Such
111 license shall be for a term of two years and application for renewal

112 shall be on a form furnished by the commissioner. Each licensee shall
113 permit the Department of Environmental Protection to inspect, review
114 or copy those documents, business records or training records in the
115 licensee's possession that are required to be maintained by regulations
116 adopted pursuant to section 9 of this act or sections 1 to 9, inclusive, of
117 this act to be maintained.

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

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

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Joint Favorable Subst. C/R

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