



General Assembly

January Session, 2007

**Raised Bill No. 1288**

LCO No. 4517

\*04517\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT REQUIRING THE LICENSING OF PRIVATE SOLID WASTE HAULERS.**

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

1 Section 1. (NEW) (*Effective January 1, 2008*) As used in sections 1 to 4,  
2 inclusive, of this act and section 7 of this act:

3 (1) "Engaged in the collection of solid waste" means in the business  
4 of collection and transportation of solid waste from its location to a  
5 solid waste facility.

6 (2) "Solid waste" has the same meaning as set forth in section 22a-  
7 207 of the general statutes.

8 (3) "Business entity" means any corporation, association, firm,  
9 partnership, trust or other form of commercial organization.

10 (4) "Equity" means a financial interest or ownership right in  
11 property.

12 (5) "Solid waste facility" has the same meaning as set forth in section  
13 22a-207 of the general statutes.

14       Sec. 2. (NEW) (*Effective January 1, 2008*) (a) No person shall engage  
15 in the collection of solid waste without (1) a license issued by the  
16 Department of Environmental Protection under section 3 of this act,  
17 and (2) the filing of a surety bond or other security deemed sufficient  
18 by the Commissioner of Environmental Protection worth ten thousand  
19 dollars for each vehicle used in the collection of solid waste. Such  
20 surety bond or security shall be conditioned upon the proper  
21 collection, transportation and disposal of solid waste and shall be  
22 payable to the Commissioner of Environmental Protection for the costs  
23 of remediating any pollution caused by the licensee's violation of any  
24 federal or state environmental law or regulation. The license shall be  
25 valid for a period of five years and renewable. As used in this  
26 subsection, "vehicle" means any motor vehicle designed, used or  
27 maintained primarily for the transportation of solid waste. The  
28 provisions of this section shall not apply to any state, municipal or  
29 quasi-public agency.

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

32       (1) The full name and business address of the applicant, or if the  
33 applicant is a business entity, its full name, including any other name  
34 by which the business entity has been known in the ten years  
35 preceding the filing of the application, its business address, its state of  
36 incorporation and the name and address of each officer, director,  
37 manager or partner and the name of any person or business entity  
38 which directly, or indirectly through another business entity, holds  
39 five per cent or more of equity or debt liability in the applicant;

40       (2) The full name and address of any business entity engaged in the  
41 collection of solid waste of which the applicant has been an officer,  
42 director, manager or partner, or in which the applicant has held  
43 directly, or indirectly through another business entity, five per cent or  
44 more of equity or debt liability in the applicant, during the five years  
45 preceding the filing of the application;

46 (3) A description of the experience and credentials possessed by the  
47 applicant, or if the applicant is a business entity, the experience and  
48 credentials possessed by its officers, directors, managers or partners in  
49 the collection of solid waste. Such description shall include past and  
50 present licenses, permits and approvals for the collection of solid  
51 waste;

52 (4) Information regarding any notices of violations of administrative  
53 orders, civil proceedings or license revocations by any municipal, state  
54 or federal authority that occurred not more than ten years preceding  
55 the filing of the application, concerning a violation of any  
56 environmental protection law, rule or regulation by the applicant, or if  
57 the applicant is a business entity, concerning such a violation by an  
58 officer, director, partner thereof, or any person or business entity,  
59 which directly, or indirectly through another business entity, holds  
60 five per cent or more of equity or debt liability in the applicant;

61 (5) Information regarding any pending charges in any state  
62 involving violations of, or civil judgments of liability or criminal  
63 convictions of, any municipal, state or federal law against the  
64 applicant, or if the applicant is a business entity, such judgments or  
65 convictions against any officer, director or partner or any person or  
66 business entity, which directly, or indirectly through another business  
67 entity, holds five per cent or more of equity or debt liability in the  
68 applicant;

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

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

73 (8) Any other information the commissioner may require in  
74 regulations adopted pursuant to section 4 of this act.

75 (c) The Commissioner of Environmental Protection shall require the

76 applicant or, if the applicant is a business entity, any director, officer,  
77 partner or owner of more than five percent of the total outstanding  
78 stock of any class of the applicant's business to submit to state and  
79 national criminal history records checks in accordance with section 29-  
80 17a of the general statutes.

81       Sec. 3. (NEW) (*Effective January 1, 2008*) (a) The Commissioner of  
82 Environmental Protection may issue, deny, modify, renew, suspend,  
83 revoke or transfer a solid waste hauling license, under such conditions  
84 as the commissioner may prescribe and upon submission of such  
85 information as the commissioner may require, in accordance with this  
86 section and the regulations adopted pursuant to section 4 of this act.

87       (b) The commissioner may deny an application for a new license for  
88 solid waste hauling, the renewal or transfer of such license or revoke a  
89 license for solid waste hauling issued pursuant to this section, if (1) the  
90 commissioner determines that the applicant has not exhibited expertise  
91 or competence in the area of collection of solid waste; (2) any person  
92 listed in the license application has been convicted by a court of  
93 competent jurisdiction of the following: Murder; robbery; bribery;  
94 extortion; criminal usury; arson; burglary; tax evasion; tax fraud;  
95 felonious acts of larceny; forgery; fraud in the offering; alteration of  
96 motor vehicle identification numbers; violation of any provision of  
97 chapter 420b of the general statutes; racketeering or any violation of a  
98 criminal or civil provision of the federal or state environmental  
99 protection or antitrust law, rule or regulation; or (3) the applicant fails  
100 to submit any of the information required in the permit application  
101 pursuant to section 2 of this act.

102       (c) If the commissioner denies, suspends, revokes or refuses to grant  
103 an application to modify, renew or transfer a license for solid waste  
104 hauling, the commissioner shall notify the applicant of such decision,  
105 the reason for such decision and of the applicant's right to request a  
106 hearing not later than ten days after the receipt of the notice of the  
107 commissioner's decision. If the applicant or licensee requests a hearing

108 not later than ten days after the receipt of such notice, the  
109 commissioner shall conduct a hearing concerning such refusal, in  
110 accordance with the provisions of chapter 54 of the general statutes,  
111 concerning contested matters.

112 Sec. 4. (NEW) (*Effective January 1, 2008*) The Commissioner of  
113 Environmental Protection shall adopt regulations, in accordance with  
114 the provisions of chapter 54 of the general statutes, to implement the  
115 provisions of sections 1 to 4, inclusive, of this act, including, but not  
116 limited to, establishment of a reasonable application fee sufficient to  
117 cover the costs of implementation of sections 1 to 4, inclusive, of this  
118 act and a requirement that the licensee have an ongoing duty to notify  
119 the commissioner of civil judgments of liability or convictions that  
120 would be disclosed on the application pursuant to subdivision (5) of  
121 subsection (a) of section 3 of this act, not later than five business days  
122 after such judgment or conviction.

123 Sec. 5. Section 22a-226 of the general statutes is repealed and the  
124 following is substituted in lieu thereof (*Effective January 1, 2008*):

125 (a) Any person who violates section 2 of this act or any provision of  
126 this chapter or any regulation, permit or order adopted or issued  
127 under this chapter, or any owner of land who knowingly permits such  
128 violations to occur on his land, shall be assessed a civil penalty not to  
129 exceed twenty-five thousand dollars, to be fixed by the court, for each  
130 offense. Each violation shall be a separate and distinct offense and, in  
131 the case of a continuing violation, each day's continuance thereof shall  
132 be deemed to be a separate and distinct offense. The Attorney General,  
133 upon request of the commissioner, shall institute a civil action in the  
134 superior court for the judicial district of Hartford to recover such  
135 penalty.

136 (b) If any person violates section 2 of this act or any provision of this  
137 chapter or any regulation, permit or order adopted or issued under  
138 this chapter, the commissioner may request the Attorney General to  
139 bring an action in the superior court for the judicial district of Hartford

140 to enjoin such person from such violation and to order remedial  
141 measures to prevent, control or abate pollution. If two or more persons  
142 are responsible for a violation of any provision of this chapter or any  
143 regulation, permit or order adopted or issued under this chapter, such  
144 persons shall be jointly and severally liable under this subsection.

145 (c) Any action brought by the Attorney General pursuant to this  
146 section shall have precedence in the order of trial as provided in  
147 section 52-191.

148 Sec. 6. Section 22a-226a of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective January 1, 2008*):

150 Any person who knowingly violates any provision of section 22a-  
151 252, section 22a-208a, section 22a-208c, section 2 of this act, any permit  
152 issued under [said] section 22a-208a, subsection (c) or (d) of section  
153 22a-250, any regulation adopted under section 22a-209 or 22a-231, or  
154 any order issued pursuant to section 22a-225 shall be fined not more  
155 than twenty-five thousand dollars per day for each day of violation or  
156 imprisoned not more than two years, or both. A subsequent conviction  
157 for any such violation shall carry a fine of not more than fifty thousand  
158 dollars per day for each day of violation or imprisonment for not more  
159 than five years, or both.

160 Sec. 7. (NEW) (*Effective January 1, 2008*) A contract for the collection  
161 and transportation of solid waste from its location within Connecticut  
162 to a solid waste facility shall:

163 (1) Not exceed two years in duration;

164 (2) Authorize the consumer, upon thirty days written notice to the  
165 licensee, to terminate such contract during a renewal period when  
166 such contract was extended by an automatic renewal of such contract;

167 (3) Allow a consumer to terminate such contract upon notice to the  
168 licensee not more than thirty days prior to the extension of such  
169 contract;

170 (4) Not include any requirement that the consumer notify the  
171 licensee of competitive offers for the collection and transportation of  
172 solid waste of the consumer or otherwise limit the ability of the  
173 consumer to select a licensee of the consumer's choosing;

174 (5) Require the licensee to provide the consumer with written notice  
175 of any increase in the amount charged for such collection and  
176 transportation services not less than thirty days prior to the effective  
177 date of such increase and of any subcontract or assignment of  
178 contractual duties by the licensee not less than sixty days prior to the  
179 effective date of such subcontract or assignment. The contract shall  
180 also provide the consumer with not less than fourteen days notice of  
181 such increase, subcontract or assignment to terminate such contract;  
182 and

183 (6) Not require a consumer to pay liquidated damages in the event  
184 such contract is terminated prior to the end of the initial or extended  
185 contract term.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2008</i>	New section
Sec. 2	<i>January 1, 2008</i>	New section
Sec. 3	<i>January 1, 2008</i>	New section
Sec. 4	<i>January 1, 2008</i>	New section
Sec. 5	<i>January 1, 2008</i>	22a-226
Sec. 6	<i>January 1, 2008</i>	22a-226a
Sec. 7	<i>January 1, 2008</i>	New section

**Statement of Purpose:**

To require the licensing of private solid waste haulers by the Department of Environmental Protection, to create civil and criminal penalties for operating a solid waste hauling business without such license, and to impose certain requirements for solid waste contracts.

*[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.]*