



House of Representatives

General Assembly

File No. 465

February Session, 2008

Substitute House Bill No. 5138

House of Representatives, April 4, 2008

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PRIVATE, MUNICIPAL AND STATE RECYCLING.

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

1 Section 1. (NEW) (*Effective October 1, 2008*) Each state agency, as
2 defined in section 1-79 of the 2008 supplement to the general statutes,
3 that occupies or manages a state building, facility or park shall, in
4 consultation with the Department of Administrative Services, develop
5 and execute a sustainability plan for such state building, facility or
6 park. Such plan shall include, but not be limited to, methods to
7 increase energy efficiency, provision of a sufficient number of
8 recycling receptacles, a preference for the use of biodegradable
9 products when feasible and appropriate disposal of recyclable
10 materials. For the purposes of this section, "state building" means
11 buildings and real property owned or leased by the state.

12 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,
13 2008, the Commissioner of Environmental Protection shall, within
14 available appropriations, establish a single-stream or enhanced dual-

15 stream recycling pilot program to provide grants to not more than six
16 municipalities chosen by the commissioner, (1) two of which shall be
17 rural, (2) two of which shall be suburban, and (3) two of which shall be
18 urban. A trash hauler serving a municipality that does not offer trash
19 collection services as a municipal service may apply for such a grant.
20 The commissioner may give preference to municipalities that do not
21 have existing curbside recycling programs, but not more than one-half
22 of the grants for each of the three categories of municipalities listed in
23 this subsection shall be provided to such preferred municipalities. For
24 the purposes of this subsection, "rural" means a municipality with a
25 population of ten thousand or less, "suburban" means a municipality
26 with a population of more than ten thousand and less than seventy
27 thousand, "urban" means a municipality with a population of seventy
28 thousand or more and "population" means the number of people
29 residing in a municipality according to the most recent version of the
30 Connecticut Register and Manual.

31 (b) Not later than October 15, 2008, a municipality or an eligible
32 trash hauler may apply for a grant for said program by submitting an
33 application to the commissioner on forms prescribed by the
34 commissioner. The commissioner may reject any grant application that
35 the commissioner determines to be incomplete. If the commissioner
36 rejects an application, the commissioner shall promptly notify the
37 applicant of the reasons for the rejection and, not later than fifteen days
38 after the date of such notice, such applicant may resubmit the
39 application in the same manner as the original application.

40 (c) Each municipality or trash hauler selected by the commissioner
41 to receive a grant for said pilot program shall submit a single-stream or
42 enhanced dual-stream recycling plan for the commissioner's approval.
43 Such plan shall include: (1) An estimate of the operational and capital
44 expenses and income required to implement the plan over a two-year
45 period, (2) goals for recycling, (3) an estimate of savings in tipping fees,
46 if applicable, (4) a method for tracking the actual cost of the program,
47 (5) a method for calculating the actual savings of the program, and (6)
48 any additional information required by the commissioner.

49 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than October 1,
50 2008, the Commissioner of Environmental Protection shall establish an
51 accessible recycling pilot program to provide grants to six
52 municipalities chosen by the commissioner, (1) two of which shall be
53 rural, (2) two of which shall be suburban, and (3) two of which shall be
54 urban. Such grants shall be used for placing recycling receptacles in
55 public areas owned or leased by such municipalities, including, but
56 not limited to, parks and municipal buildings, and for recycling the
57 contents of such receptacles. For the purposes of this section, "rural"
58 means a municipality with a population of ten thousand or less,
59 "suburban" means a municipality with a population of more than ten
60 thousand and less than seventy thousand, "urban" means a
61 municipality with a population of seventy thousand or more and
62 "population" means the number of people residing in a municipality
63 according to the most recent version of the Connecticut Register and
64 Manual.

65 (b) Not later than October 15, 2008, a municipality may apply for a
66 grant for said program by submitting an application to the
67 commissioner on forms prescribed by the commissioner. The
68 commissioner may reject any grant application that the commissioner
69 determines to be incomplete. If the commissioner rejects an
70 application, the commissioner shall promptly notify the municipality
71 of the reasons for the rejection and, not later than fifteen days after the
72 date of such notice, such municipality may resubmit the application in
73 the same manner as the original application.

74 (c) Each municipality selected by the commissioner to receive a
75 grant for said pilot program shall submit a plan for providing
76 recycling receptacles in public areas owned or leased by the
77 municipality for the commissioner's approval. Such plan shall include
78 an estimate of the operational and capital expenses and income
79 required to implement the plan over a two-year period, a method for
80 tracking the actual cost of the program and any additional information
81 required by the commissioner.

82 Sec. 4. (NEW) (*Effective from passage*) (a) Not later than October 1,
83 2008, the Commissioner of Environmental Protection shall, within
84 available appropriations, establish a recycling incentive pilot program
85 to provide grants to not more than six municipalities chosen by the
86 commissioner, (1) two of which shall be rural, (2) two of which shall be
87 suburban, and (3) two of which shall be urban. A trash hauler serving
88 a municipality that does not offer trash collection services as a
89 municipal service may apply for such a grant. Such grants shall be
90 used by the municipalities or trash haulers to establish a system for
91 households and businesses within a municipality to pay no fee for
92 recycling and to pay for trash removal based upon the volume or
93 weight of solid waste that such households or businesses generate, or
94 establish other incentives, such as retail coupons given as awards for
95 meeting volume benchmarks of recycling quantity per household. The
96 commissioner may give preference to municipalities that do not have
97 existing curbside recycling programs, but not more than one-half of the
98 grants for each of the three categories of municipalities listed in this
99 subsection shall be provided to such preferred municipalities. For the
100 purposes of this section, "rural" means a municipality with a
101 population of ten thousand or less, "suburban" means a municipality
102 with a population of more than ten thousand and less than seventy
103 thousand, "urban" means a municipality with a population of seventy
104 thousand or more and "population" means the number of people
105 residing in a municipality according to the most recent version of the
106 Connecticut Register and Manual.

107 (b) In order to be considered for such a grant, not later than October
108 15, 2008, a municipality or an eligible trash hauler may apply for a
109 grant for said program by submitting an application to the
110 commissioner on forms prescribed by the commissioner. The
111 commissioner may reject any grant application that the commissioner
112 determines to be incomplete. If the commissioner rejects an
113 application, the commissioner shall promptly notify the applicant of
114 the reasons for the rejection and, not later than fifteen days after the
115 date of such notice, such applicant may resubmit the application in the
116 same manner as the original application.

117 (c) Each municipality or trash hauler selected by the commissioner
118 to receive a grant for said pilot program shall submit a plan for
119 establishing a recycling incentive program for the commissioner's
120 approval. Such plan shall include (1) an estimate of the operational and
121 capital expenses and income required to implement the plan over a
122 two-year period, (2) goals for recycling, (3) an estimate of savings in
123 tipping fees, if applicable, (4) a method for tracking the actual cost of
124 the program, (5) a method for calculating the actual savings of the
125 program, and (6) any additional information required by the
126 commissioner.

127 Sec. 5. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of
128 Environmental Protection shall establish a commission to (1) develop a
129 methodology for evaluating the pilot programs established by sections
130 2, 3 and 4 of this act, and (2) make recommendations for
131 implementation of such programs and for future recycling initiatives.

132 (b) The commission shall consist of the following members selected
133 from among environmental advocates, grocers, bottlers, trash haulers,
134 end users of recycled material, municipal leaders or other
135 representative interests deemed appropriate by the appointing
136 authority: (1) One member from an environmental advocacy group,
137 appointed by the Connecticut Recyclers Coalition; (2) one member
138 from an environmental advocacy group, appointed by the Sierra Club;
139 (3) one member appointed by the Connecticut Conference of
140 Municipalities; (4) one member, appointed by the Connecticut Food
141 Association; (5) one member appointed by the American Beverage
142 Association; (6) one member, appointed by the Connecticut Resources
143 Recovery Authority; (7) one member, appointed by the Connecticut
144 chapter of the National Solid Waste Management Association; (8) one
145 member representing end users of recycled materials, appointed by the
146 Commissioner of Environmental Protection; and (9) one member
147 appointed by the Governor.

148 (c) All appointments of commission members shall be made not
149 later than August 1, 2008. Any vacancy shall be filled by the

150 appointing authority.

151 (d) The speaker of the House of Representatives and the president
152 pro tempore of the Senate shall select the chairperson of the
153 commission from among the members of the commission. Not later
154 than September 1, 2008, such chairpersons shall schedule the first
155 meeting of the commission.

156 (e) The members of the commission shall serve without
157 compensation but shall be reimbursed for actual expenses incurred
158 while engaged in the duties of the commission.

159 (f) Not later than February 1, 2010, the commission shall submit a
160 report on its findings and recommendations to the joint standing
161 committee of the General Assembly having cognizance of matters
162 relating to the environment, in accordance with the provisions of
163 section 11-4a of the general statutes.

164 Sec. 6. (NEW) (*Effective October 1, 2008*) The Commissioner of
165 Environmental Protection shall develop a public education program to
166 encourage state residents to use biodegradable products and
167 environmentally safe alternatives to plastic bags or packaging and to
168 recycle.

169 Sec. 7. (NEW) (*Effective October 1, 2008*) (a) Each municipality shall
170 offer curbside recycling to all residents and businesses for which such
171 municipality provides municipal curbside collection of solid waste.

172 (b) Each trash hauler that offers curbside collection of solid waste
173 generated by residential, business, commercial or other establishments
174 in a municipality shall offer curbside recycling to each of such trash
175 hauler's customers at no additional charge above the trash hauler's
176 charge for solid waste collection. The provisions of this subsection
177 shall not be construed to prohibit any trash hauler from determining
178 and adjusting its fees for combined curbside collection services.

179 (c) For the purposes of this section, "curbside recycling" means the
180 collection, by either municipal or private recycling vehicles, of

181 presorted recyclable materials left for such collection by residents and
182 businesses in the front of the property of such residents and
183 businesses, "recyclable materials" means glass, plastic, paper, cans,
184 newspapers, magazines and cardboard, and excludes bulk items such
185 as furniture, demolition waste or trees, and "collector" shall have the
186 same meaning as in subsection (g) of section 22a-220a of the general
187 statutes.

188 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) Each public place shall
189 provide recycling receptacles at the same location as trash receptacles
190 that are accessible to the public. For the purpose of this section, "public
191 place" means any privately owned area or building, or portion thereof,
192 that is open to the public during normal business hours, including, but
193 not limited to, any (1) building that provides facilities or shelter for
194 public assembly, (2) inn, hotel, motel, sports arena, supermarket,
195 transportation terminal, retail store, restaurant or other commercial
196 establishment that provides services or retails merchandise, and (3)
197 museum, hospital, auditorium, movie theater and university building.
198 "Public place" does not include any building owned or leased by the
199 state or any political subdivision thereof.

200 (b) The Commissioner of Environmental Protection shall adopt
201 regulations, in accordance with the provisions of chapter 54 of the
202 general statutes, to implement the provisions of this section.

203 (c) Any person who violates this section may be subject to a civil
204 penalty of not more than one thousand dollars for each offense. Each
205 violation of this section shall be a separate and distinct offense, and, in
206 case of a continuing violation, each day's continuance thereof shall be
207 deemed to be a separate and distinct offense. The Attorney General,
208 upon the request of the Commissioner of Environmental Protection,
209 shall bring an action in superior court for the judicial district of
210 Hartford to recover such penalty.

211 Sec. 9. Section 26-6 of the general statutes is repealed and the
212 following is substituted in lieu thereof (*Effective October 1, 2008*):

213 (a) Conservation officers, special conservation officers and
214 patrolmen appointed by the commissioner under authority of section
215 26-5, shall enforce the provisions of title 23 and this title and chapters
216 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
217 titles and chapters and sections 15-180, 22a-250, sections 1, 7, 8 and 10
218 of this act, 6-192c to 26-192h, inclusive, 29-28 of the 2008 supplement
219 to the general statutes, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-
220 203, 53-204, 53-205, 53a-59 to 53a-64, inclusive, 53a-100 to 53a-117a,
221 inclusive, subsection (b) of section 53a-119b, 53a-122 to 53a-125,
222 inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149,
223 inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to
224 53a-183a, inclusive, 54-33d and 54-33e.

225 (b) Conservation officers, special conservation officers and
226 patrolmen may, without warrant, arrest any person for any violation of
227 any of the provisions set forth in subsection (a) of this section, and any
228 full-time conservation officer shall, in the performance of his duties in
229 any part of the state, have the same powers to enforce such laws as do
230 policemen or constables in their respective jurisdictions. Any full-time
231 conservation officer shall, incident to a lawful arrest while enforcing
232 such laws in the performance of his duties in any part of the state, have
233 the same powers with respect to criminal matters and the enforcement
234 of the law relating thereto as policemen or constables have in their
235 respective jurisdictions.

236 (c) Any conservation officer, special conservation officer or
237 patrolman may, anywhere within the boundaries of the state, examine
238 the contents of any boat, ship, automobile or other vehicle, box, locker,
239 basket, creel, crate, game bag or game coat or other package in which
240 he has probable cause to believe that any fish, crustacean, bird or
241 quadruped is being kept, in violation of any said statutory provisions
242 or any regulation issued by the commissioner, or any regulation issued
243 by the United States Fish and Wildlife Service as provided by section
244 26-91, and to ascertain whether any provision of any law or any
245 regulation for the protection of any fish, crustacean, bird or quadruped
246 has been or is being violated, and, shall have the same authority as

247 police officers to obtain and execute search warrants as provided for in
248 sections 54-33a, 54-33b and 54-33c.

249 (d) Any conservation officer, special conservation officer or
250 patrolman [.] may be appointed a special policeman under the
251 provisions of section 29-18.

252 (e) The Commissioner of Environmental Protection is authorized to
253 assign one or more conservation officers to patrol and inspect the
254 buildings, lands and waters owned by The White Memorial
255 Foundation, Incorporated, located in the towns of Litchfield and
256 Morris and, in addition to their powers as conservation officers, such
257 officers may be appointed special policemen under the provisions of
258 section 29-18.

259 (f) Each conservation officer, special conservation officer or
260 patrolman shall be sworn to the faithful performance of his duties.

261 Sec. 10. (NEW) (*Effective October 1, 2008*) (a) No cleaning or janitorial
262 service employer shall combine segregated items required to be
263 recycled pursuant to subsection (a) of section 22a-241b of the general
264 statutes with nonrecyclable solid waste.

265 (b) Any employer that violates subsection (a) of this section shall be
266 subject to a civil penalty of five hundred dollars for each offense. Each
267 violation of said subsection shall be a separate and distinct offense,
268 and, in case of a continuing violation, each day's continuance thereof
269 shall be deemed to be a separate and distinct offense. The Attorney
270 General, upon the request of the Commissioner of Environmental
271 Protection, shall bring an action in superior court for the judicial
272 district of Hartford to recover such penalty. For the purposes of this
273 section, "employer" means one or more individuals, partnerships,
274 associations or corporations or other entity which employs persons.

275 Sec. 11. Section 22a-255b of the general statutes is repealed and the
276 following is substituted in lieu thereof (*Effective October 1, 2008*):

277 (a) On or after January 1, 1990, any plastic bottle sold or offered for

278 sale in this state shall bear an identification code indicating the plastic
279 material that is in the structure of the bottle. On and after October 1,
280 2008, said identification code shall be not less than three-quarters of an
281 inch in height and five letters per inch in width.

282 (b) The Commissioner of Environmental Protection shall establish
283 by regulations adopted in accordance with chapter 54, standards for
284 the identification code and provisions for providing consumers with
285 an explanation of the code. In adopting such regulations and to
286 promote uniformity of coding and separation of plastic bottles by
287 material for recycling, the commissioner shall consult with
288 manufacturers of plastic bottles, officials with regulatory authority
289 over plastics in other states and representatives of recyclers.

290 (c) On or after January 1, 1990, and to the extent feasible, each
291 manufacturer of plastic bottles with a capacity of sixteen ounces or
292 more sold or offered for sale in this state shall affix to each plastic
293 bottle an identification code indicating the plastic material that is in the
294 structure of the bottle.

295 Sec. 12. (*Effective July 1, 2008*) The sum of ____ dollars is
296 appropriated to the Department of Environmental Protection, from the
297 General Fund, for the fiscal year ending June 30, 2009, for the hiring of
298 eight additional conservation officers to carry out the purposes of
299 section 8 of this act and section 26-6 of the general statutes, as
300 amended by this act.

301 Sec. 13. (*Effective July 1, 2008*) The sum of two million dollars is
302 appropriated to the Department of Environmental Protection, from the
303 General Fund, for the fiscal year ending June 30, 2009, for the public
304 education program established in accordance with section 6 of this act.

305 Sec. 14. (*Effective July 1, 2008*) The sum of ten million dollars is
306 appropriated to the Department of Environmental Protection, from the
307 General Fund, for the fiscal year ending June 30, 2009, for the pilot
308 grant programs created pursuant to sections 2, 3 and 4 of this act.

309 Sec. 15. (*Effective July 1, 2008*) The sum of ____ dollars is
 310 appropriated to the Department of Administrative Services, from the
 311 General Fund, for the fiscal year ending June 30, 2009, for the
 312 implementation of sustainability plans in accordance with section 1 of
 313 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	New section
Sec. 7	<i>October 1, 2008</i>	New section
Sec. 8	<i>October 1, 2008</i>	New section
Sec. 9	<i>October 1, 2008</i>	26-6
Sec. 10	<i>October 1, 2008</i>	New section
Sec. 11	<i>October 1, 2008</i>	22a-255b
Sec. 12	<i>July 1, 2008</i>	New section
Sec. 13	<i>July 1, 2008</i>	New section
Sec. 14	<i>July 1, 2008</i>	New section
Sec. 15	<i>July 1, 2008</i>	New section

Statement of Legislative Commissioners:

In subsection (b) of section 2, the first sentence was reworded for clarity and in subsection (c) of section 2 "participate in" was replaced with "receive a grant for" for clarity. The same changes were made to subsections (b) and (c) of section 3 and subsections (b) and (c) of section 4.

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Environmental Protection	GF - Potential Revenue Gain	Minimal	Minimal
Department of Environmental Protection	GF - Cost	12,720,203	742,769
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	195,957	476,526
Various State Agencies	GF - Potential Cost	See Below	See Below
Department of Transportation	TF - Potential Cost	See Below	See Below
Dept. of Administrative Services	GF - Cost	52,500	70,000

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	STATE MANDATE - Cost	Significant	Significant
Various Municipalities	Revenue Gain	\$12.0 million	\$12.0 million

State Impact

The bill defines "state building" to include leased as well as state-owned buildings and real property, which subjects landlords leasing space to state agencies to the recycling provisions. To the degree that meeting these provisions results in higher costs to the landlords of

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

state-leased space, it is anticipated that these costs will be passed on to the state in the form of higher costs when the leases are renewed.

The bill requires each state agency that occupies or manages a state building, facility or park to develop and carry out, in consultation with the Department of Administrative Services (DAS), a sustainability plan for each building, facility, or park. DAS does not currently have the expertise in developing and implementing sustainability plans. The agency will need to hire one position (with an annualized salary of approximately \$70,000, plus fringe benefits) to handle this new responsibility. The FY 09 cost is estimated to be \$52,500 based on nine months of funding, which reflects the provision's October 1, 2008 effective date.

There would also be a cost of \$48,000 in FY 09 and \$50,400 in FY 10 to the Department of Environmental Protection (DEP). The agency would require one additional Environmental Analyst II position to develop and execute a sustainability plan for all buildings, facilities, and parks under its purview.

The bill appropriates an unspecified amount to DEP in FY 09 to hire eight additional Environmental Conservation (EnCON) officers to enforce provisions of Section 8 of the bill². Although the amount appropriated is unspecified, it would cost DEP \$672,203 in FY 09 and \$692,369 in FY 10 for this purpose. Specific costs for these additional officers are presented in the table below:

Item:	\$ FY 09	\$ FY 10
Personal Services	438,368	451,519
Other Expenses ³	82,287	84,755
Equipment ⁴	151,548	156,094
Total	672,203	692,369

² There are currently 55 funded EnCON positions.

³ Other Expenses include items such as uniforms, vehicle gasoline and oil, and cellular phone service.

⁴ Equipment includes guns, ammunition, binoculars, radios, and emergency survival equipment, for example.

There could be a minimal revenue gain to the General Fund, through the Department of Environmental Protection (DEP), since the bill creates civil penalties for certain violations.

The bill appropriates \$2.0 million to DEP in FY 09 for the public education program established under Section 6, and appropriates \$10.0 million to DEP in FY 09 for the various pilot grant programs established under Sections 2, 3, and 4 of the bill.

sHB 5021, the revised FY 09 budget, as favorably reported by the Appropriations Committee, includes \$1.0 million in FY 09 to DEP for single stream recycling.

Municipal Impact

Since the bill appropriates \$12.0 million in FY 09 to various municipalities to establish three recycling pilot programs, there would be an indeterminate revenue gain to the municipalities selected for participation.

There would also be a significant cost to various municipalities who do not currently offer curbside recycling, but do offer curbside collection of solid waste, since Section 7 of the bill requires those municipalities to now offer curbside recycling.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and subject to the amount of grants disbursed to various municipalities and subject to the number of municipalities required to offer curbside recycling.

OLR Bill Analysis**sHB 5138*****AN ACT CONCERNING PRIVATE, MUNICIPAL AND STATE RECYCLING.***

This bill requires (1) municipalities and private trash haulers that offer customers curbside trash collection to also offer these customers curbside recycling, and (2) the Department of Environmental Protection (DEP) to (a) establish, fund, and create a commission to evaluate, three pilot recycling programs and (b) encourage residents to use biodegradable products.

It requires public places, such as hotels, supermarkets, sports arenas, restaurants, and movie theaters, to provide accessible recycling receptacles. It prohibits cleaning and janitorial service employers from combining trash with recyclable items that should be kept separate, and implements a penalty for violators. It also (1) requires state agencies to develop sustainability plans to increase energy efficiency and encourage recycling; (2) sets minimum size requirements for recycling codes on plastic bottles; (3) authorizes conservation officers to enforce the provisions dealing with agency sustainability plans, curbside recycling, public recycling receptacles, and the commingling of trash and recyclable items; and (4) appropriates \$12 million to fund DEP's public education and pilot grant programs. It also appropriates unspecified amounts to hire eight additional conservation officers and implement the sustainability plans.

EFFECTIVE DATE: Various. See Below.

§ 7 — CURBSIDE RECYCLING

The bill requires municipalities that provide curbside trash collection to residents and businesses to offer curbside recycling to

these customers. Each trash hauler that offers curbside solid waste collection for residential, business, commercial, or other establishments in a municipality must offer curbside recycling to each of its customers at no additional charge. But the trash hauler may determine and adjust its fees for combined curbside collection services.

Under the bill, curbside recycling means the collection, by either municipal or private recycling vehicles, of presorted glass, plastic, paper, cans, newspapers, magazines, and cardboard left for collection by residents and businesses in front of their homes or businesses, respectively. It does not include bulk items such as furniture, demolition waste, or trees.

EFFECTIVE DATE: October 1, 2008.

§§ 2-5 — PILOT RECYCLING PROGRAMS

The bill requires DEP to create, fund, and evaluate three pilot recycling programs: (1) single stream or enhanced dual stream recycling; (2) a pay-as-you-throw program; and (3) a program to encourage recycling by placing recycling receptacles in municipally owned or leased public areas. The commissioner must provide grants to up to six municipalities for each program, two rural (fewer than 10,000 people), two suburban (between 10,000 and 70,000 people), and two urban (70,000 or more people). Populations must be determined according to the most recent edition of the *Connecticut Register and Manual*. The bill appropriates \$10 million from the General Fund for FY 09 for the three programs.

The commissioner must fund the single/dual stream and pay-as-you-throw programs from available appropriations. For these two programs, she may give preference to municipalities without curbside recycling programs, but may not award grants to more than one such town in each population category per program. Trash haulers serving a municipality that does not offer municipal collection service may apply for grants to take part in both the single/dual stream and pay-as-you-throw programs.

The commissioner must establish the pilot programs by October 1, 2008. Interested municipalities and trash haulers, as appropriate, must apply to the DEP by October 15, 2008 on a DEP form. The commissioner may reject a grant application she finds is incomplete. If she rejects an application, the commissioner must promptly notify the applicant to explain why she did so. The applicant may resubmit its application no later than 15 days after receiving this notice.

§ 2 — Single Stream/Enhanced Dual Stream Recycling Pilot Program

Each municipality or trash hauler the commissioner selects to receive a grant for this program must submit, for the commissioner's approval, a single stream or dual stream recycling plan for her approval. The plan must include:

1. an estimate of the operational and capital expenses and income required to implement the plan for two years;
2. recycling goals;
3. an estimate of the savings in tipping fees, if applicable;
4. a method to track the program's actual cost;
5. a method to track its actual savings; and
6. any additional information the commissioner requires.

§ 4 — Pay As You Throw Pilot Program

Municipalities must use grants from this program to establish a system in which households and businesses pay (1) nothing for material they recycle and (2) for trash removal based on the volume or weight of the solid waste they generate. The program also may establish other incentives, such as offering retail coupons to those that meet certain trash reduction or recycling goals.

Each municipality or trash hauler the commissioner selects to receive a grant for this program must submit a plan for her approval

for establishing a recycling incentive program. The plan must include the same information as the single/dual stream program, above.

§ 3 — Accessible Recycling Pilot Program

Municipalities must use grants for this program to (1) place recycling receptacles in public areas the municipality owns or leases, including parks and municipal buildings, and (2) recycle the contents of the receptacles.

Each municipality the commissioner selects to receive a grant for this program must submit, for her approval, a plan to provide recycling receptacles in public areas it owns or leases. The plan must include an estimate of the operational and capital expenses and income required to implement the plan for two years, a method to track the program's actual cost, and any additional information the commissioner requires.

§ 5 — Commission to Evaluate Pilot Programs

DEP must establish a commission to (1) develop a way to evaluate the three pilot programs, (2) recommend ways to implement them, and (3) recommend future recycling initiatives.

There must be nine commission members, appointed as follows:

1. one member of an environmental advocacy group, appointed by the Connecticut Recyclers Coalition;
2. one member from an environmental advocacy group, appointed by the Sierra Club;
3. one member appointed by the Connecticut Conference of Municipalities;
4. one member appointed by the Connecticut Food Association;
5. one member appointed by the American Beverage Association;
6. one member appointed by the Connecticut Resources Recovery

Authority;

7. one member appointed by the state chapter of the National Solid Waste Management Association;
8. one member representing recycled material end users, appointed by the commissioner; and
9. one member appointed by the governor.

Commission members must be selected from environmental advocates, grocers, bottlers, trash haulers, recycled material end users, and municipal leaders or other representative interests the appointing authority deems appropriate. Commission members must be appointed by August 1, 2008. Vacancies must be filled by the appointing authority. The House speaker and Senate president pro tempore must select the chairperson from the commission members. The chairperson must schedule the first meeting by September 1, 2008. Members serve without compensation, but are reimbursed for actual expenses incurred while doing the commission's business.

The commission must report to the Environment Committee on its findings and recommendations by February 1, 2010.

EFFECTIVE DATE: Upon passage, except for the provision establishing a commission to evaluate the program, which takes effect July 1, 2008.

§ 8 — PUBLIC RECYCLING RECEPTACLES

Each public place must provide recycling receptacles wherever they have publicly accessible trash receptacles. Under the bill, public places include any privately owned area or building, or portion of an area or building, open to the public during normal business hours. These include (1) a building that provides facilities or shelter for public assembly; (2) an inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment that provides services or retail merchandise; and (3)

museums, hospitals, auditoriums, movie theaters, and university buildings. But it does not include a building owned or leased by the state or its political subdivisions.

Anyone who violates this provision faces a civil penalty of up to \$1,000 for each offense. Each violation is a separate and distinct offense. In the case of a continuing violation, each day's continuance is a separate and distinct offense. The attorney general, on the commissioner's request, must sue in Hartford Superior Court to recover the penalty.

The commissioner must adopt regulations to implement these provisions.

EFFECTIVE DATE: October 1, 2008

§ 1 — STATE AGENCY SUSTAINABILITY PLANS

The bill requires each state agency that occupies or manages a state building, facility or park to develop and carry out, in consultation with the Department of Administrative Services (DAS), a sustainability plan for the building, facility, or park. The plan must include (1) methods to increase energy efficiency, (2) provision of a sufficient number of recycling receptacles, (3) a preference for the use of biodegradable products when feasible, and (4) appropriate disposal of recyclable materials. Under the bill, a state building includes buildings and real property the state owns or leases.

EFFECTIVE DATE: October 1, 2008

§ 10 — COMMINGLING OF TRASH AND RECYCLABLES

The law prohibits trash collectors from knowingly mixing solid waste with items designated for recycling (CGS § 22a-220a (f)). Violators are subject to a civil penalty of up to \$2,500 for each violation and up to \$10,000 for a subsequent violation. The bill prohibits cleaning and janitorial service employers from combining recyclable items with trash. Under the bill, an employer is one or more individuals, partnerships, associations, corporations, or other entity

that employs people.

It subjects violators to a civil penalty of \$500 for each offense. Each violation, of the bill is a separate and distinct offense. In the case of a continuing violation each day's continuance is a separate and distinct offense. The attorney general, on the commissioner's request, must sue in Hartford Superior Court to recover the penalty.

EFFECTIVE DATE: October 1, 2008

§ 11 — RECYCLING IDENTIFICATION CODE SIZE

The bill sets a minimum size for plastic bottle recycling identification codes. Starting October 1, 2008, each code must be at least three-quarters of an inch high and five letters per inch wide.

EFFECTIVE DATE: October 1, 2008

§§ 12-15 — APPROPRIATIONS

Besides the \$10 million it appropriates for the three pilot recycling programs, the bill appropriates (1) \$2 million from the General Fund for FY 09 for the public education program; (2) an unspecified amount from the General Fund in FY 09 to DAS to implement the sustainability plans, and (3) an unspecified amount from the General Fund for FY 09 to hire eight additional conservation officers to enforce the bill's provisions concerning agency sustainability plans, curbside recycling, public recycling receptacles, and the commingling of trash and recyclable items.

EFFECTIVE DATE: July 1, 2008

§ 6 — PUBLIC EDUCATION PROGRAM

The bill requires the commissioner to develop a public education program to encourage state residents to (1) use (a) biodegradable products and (b) environmentally safe alternatives to plastic bags or packaging, and (2) recycle.

EFFECTIVE DATE: October 1, 2008

§ 9 — EXPANDING CONSERVATION OFFICERS' POWERS

The bill authorizes conservation officers, special conservation officers, and patrolmen the DEP commissioner appoints to enforce the provisions of the bill concerning agency sustainability plans, curbside recycling, public recycling receptacles, and the commingling of trash and recyclable items.

EFFECTIVE DATE: October 1, 2008

BACKGROUND***Single Stream Recycling***

Single stream recycling is a system in which all containers and paper fibers are mixed together in a collection truck, instead of being sorted into separate commodities (newspaper, cardboard, plastic, glass, etc.) by the resident and handled separately throughout the collection process.

Dual Stream Recycling

In a dual stream system, the homeowner puts bottles and cans in one container and all newspaper, mixed paper, magazines, school papers and cardboard in another container.

Identification Codes

These codes help plastic recyclers to sort plastic bottles by resin type. The codes use a triangular-shaped symbol composed of three arrows with a specific number in the middle to indicate the material from which the container is made. The codes include 1 for PETE or PET (polyethylene terephthalate), 2 for HDPE (high density polyethylene), and so forth.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/14/2008)