



House of Representatives

General Assembly

File No. 721

February Session, 2008

Substitute House Bill No. 5138

House of Representatives, April 24, 2008

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MUNICIPAL AND STATE RECYCLING.

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

1 Section 1. (NEW) (*Effective January 1, 2009*) 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, within
4 the existing resources of such state agency, develop and execute a
5 sustainability plan for such agency's state buildings, facilities or parks.
6 Such plan shall include, but not be limited to, methods to increase
7 energy efficiency, provision of a sufficient number of recycling
8 receptacles, a preference for the use of biodegradable products when
9 feasible and appropriate disposal of recyclable materials. Such plan
10 may be based on the model sustainability plan developed in
11 accordance with section 4 of this act, and shall be filed with the
12 Department of Environmental Protection no later than March 1, 2009.
13 For the purposes of this section, "state building" means buildings and
14 real property owned by the state.

15 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,

16 2008, the Commissioner of Environmental Protection shall, within
17 available appropriations, establish a single-stream or enhanced dual-
18 stream recycling pilot program to provide grants to municipalities
19 chosen by the commissioner, (1) one or more of which shall be rural,
20 (2) one or more of which shall be suburban, and (3) one or more of
21 which shall be urban. A trash hauler serving a municipality that does
22 not offer trash collection services as a municipal service may apply for
23 such a grant. Each grant shall be for no more than fifty per cent of the
24 estimated costs for the implementation of the pilot program. The
25 commissioner may give preference to municipalities that do not have
26 existing curbside recycling programs. If the trash hauler or
27 municipality selected to receive a grant already has an existing single-
28 stream or enhanced dual-stream recycling pilot program, grant
29 funding shall be limited to reimbursement for the costs related to
30 gathering data to evaluate such program and providing such data to
31 the commissioner. The pilot program shall terminate on November 1,
32 2009, or one year after the disbursement of the grant funds, whichever
33 is later. For the purposes of this subsection, "rural" means a
34 municipality with a population of ten thousand or less, "suburban"
35 means a municipality with a population of more than ten thousand
36 and less than seventy thousand, "urban" means a municipality with a
37 population of seventy thousand or more and "population" means the
38 number of people residing in a municipality according to the most
39 recent version of the Connecticut Register and Manual.

40 (b) Not later than October 15, 2008, a municipality or an eligible
41 trash hauler may apply for a grant for said program by submitting an
42 application to the commissioner on forms prescribed by the
43 commissioner. The commissioner may reject any grant application that
44 the commissioner determines to be incomplete. If the commissioner
45 rejects an application, the commissioner shall promptly notify the
46 applicant of the reasons for the rejection and, not later than fifteen days
47 after the date of such notice, such applicant may resubmit the
48 application in the same manner as the original application.

49 (c) Each municipality or trash hauler selected by the commissioner

50 to receive a grant for said pilot program shall submit a single-stream or
51 enhanced dual-stream recycling plan for the commissioner's approval.
52 Such plan shall include: (1) An estimate of the operational and capital
53 expenses and income required to implement the plan over a two-year
54 period, (2) goals for recycling, (3) an estimate of savings in tipping fees,
55 if applicable, (4) a method for tracking the actual cost of the program,
56 (5) a method for calculating the actual savings of the program, and (6)
57 any additional information required by the commissioner.

58 (d) The commissioner shall evaluate the results of the pilot program
59 using the methodology developed in accordance with section 4 of this
60 act, and, not later than January 1, 2010, or three months after the
61 termination of the pilot program, whichever is later, the commissioner
62 shall submit the evaluation to the commission established under
63 section 4 of this act.

64 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than October 1,
65 2008, the Commissioner of Environmental Protection shall, within
66 available appropriations, establish a recycling incentive pilot program
67 to provide grants to municipalities chosen by the commissioner, (1)
68 one or more of which shall be rural, (2) one or more of which shall be
69 suburban, and (3) one or more of which shall be urban. A trash hauler
70 serving a municipality that does not offer trash collection services as a
71 municipal service may apply for such a grant. Such grants shall be
72 used by the municipalities or trash haulers to establish a system for
73 households and businesses within a municipality to pay no fee for
74 recycling and to pay for trash removal based upon the volume or
75 weight of solid waste that such households or businesses generate, or
76 establish other incentives, such as retail coupons given as awards for
77 meeting volume benchmarks of recycling quantity per household.
78 Each grant shall be for no more than fifty per cent of the estimated
79 costs for the implementation of the pilot program. If the municipality
80 or trash hauler selected to receive a grant already has an existing
81 recycling incentive pilot program, grant funding shall be limited to
82 reimbursement for the costs related to gathering data to evaluate such
83 program and providing such data to the commissioner. The

84 commissioner may give preference to municipalities that do not have
85 existing curbside recycling programs. The pilot program shall
86 terminate on November 1, 2009, or one year after the disbursement of
87 the grant funds, whichever is later. For the purposes of this section,
88 "rural" means a municipality with a population of ten thousand or
89 less, "suburban" means a municipality with a population of more than
90 ten thousand and less than seventy thousand, "urban" means a
91 municipality with a population of seventy thousand or more and
92 "population" means the number of people residing in a municipality
93 according to the most recent version of the Connecticut Register and
94 Manual.

95 (b) In order to be considered for such a grant, not later than October
96 15, 2008, a municipality or an eligible trash hauler may apply for a
97 grant for said program by submitting an application to the
98 commissioner on forms prescribed by the commissioner. The
99 commissioner may reject any grant application that the commissioner
100 determines to be incomplete. If the commissioner rejects an
101 application, the commissioner shall promptly notify the applicant of
102 the reasons for the rejection and, not later than fifteen days after the
103 date of such notice, such applicant may resubmit the application in the
104 same manner as the original application.

105 (c) Each municipality or trash hauler selected by the commissioner
106 to receive a grant for said pilot program shall submit a plan for
107 establishing a recycling incentive program for the commissioner's
108 approval. Such plan shall include (1) an estimate of the operational and
109 capital expenses and income required to implement the plan over a
110 two-year period, (2) goals for recycling, (3) an estimate of savings in
111 tipping fees, if applicable, (4) a method for tracking the actual cost of
112 the program, (5) a method for calculating the actual savings of the
113 program, and (6) any additional information required by the
114 commissioner.

115 (d) The commissioner shall evaluate the results of the pilot program
116 using the methodology developed in accordance with section 4 of this

117 act, and, not later than January 1, 2010, or three months after the
118 termination of the pilot program, whichever is later, shall submit such
119 evaluation to the commission established under section 4 of this act.

120 Sec. 4. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of
121 Environmental Protection shall establish a commission to (1) develop a
122 methodology for evaluating the pilot programs established by sections
123 2 and 3 of this act, (2) make recommendations for implementation of
124 such programs and for future recycling initiatives, and (3) not later
125 than December 1, 2008, develop a model sustainability plan for the use
126 of state agencies in accordance with section 1 of this act.

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

143 (c) All appointments of commission members shall be made not
144 later than August 1, 2008. Any vacancy shall be filled by the
145 appointing authority.

146 (d) The Commissioner of Environmental Protection shall select the
147 chairperson of the commission from among the members of the
148 commission. Not later than September 1, 2008, the chairperson shall
149 schedule the first meeting of the commission.

150 (e) The members of the commission shall serve without
151 compensation.

152 (f) Not later than February 1, 2010, or one month after the
153 Commissioner of Environmental Protection submits an evaluation of
154 the pilot programs in accordance with sections 2 and 3 of this act,
155 whichever is later, the commission shall submit a report on its findings
156 and recommendations to the joint standing committee of the General
157 Assembly having cognizance of matters relating to the environment, in
158 accordance with the provisions of section 11-4a of the general statutes.
159 Said report shall summarize the results of the pilot programs created
160 in sections 2 and 3 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2009</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section

APP *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 \$
Various State Agencies	Various - See Below	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	Revenue Gain	Indeterminate	Indeterminate

State Impact

State agencies may have to divert resources away from other purposes to develop and execute a sustainability plan for their state buildings, facilities, or parks within their existing resources.

sHB 5021, the revised FY 09 budget bill, as favorably reported by the Appropriations Committee, includes \$1.0 million in FY 09 for the Department of Environmental Protection for single stream recycling.

Municipal Impact

There would be an indeterminate revenue gain to the municipalities selected for participation in the various pilot programs. The bill does not specify the amount of grants for this purpose.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the amount of grants disbursed to various municipalities. It would also depend upon the extent to which agencies must divert their resources away from other purposes to

develop the sustainable plan.

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

This bill requires the Department of Environmental Protection (DEP) commissioner to establish and evaluate two pilot recycling programs for municipalities. It requires her to provide grants for the programs from available resources, and to report her findings to a commission the bill creates. It requires state agencies, within existing resources, to develop sustainability plans to increase energy efficiency and encourage recycling, and allows them to pattern these plans on a sustainability plan the commission must develop.

EFFECTIVE DATE: Upon passage, except for the provision creating the commission, which takes effect July 1, 2008 and the provision concerning the sustainability plan which takes effect January 1, 2009.

PILOT RECYCLING PROGRAMS

The bill requires DEP to create and evaluate a (1) single stream or enhanced dual stream recycling program and (2) pay-as-you-throw program.

The bill requires municipalities receiving grants for the pay-as-you-throw pilot 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 households that meet certain recycling goals.

For each program, the commissioner must provide grants to at least one municipality with 70,000 or more people; one with between 10,000

and 70,000 people; and one with than 10,000 or fewer people. Populations must be determined according to the most recent edition of the *Connecticut Register and Manual*. The pilot programs end on November 1, 2009, or one year after the grant funds are disbursed, whichever is later.

The commissioner must fund the programs from available appropriations, and a grant may not exceed 50% of the estimated costs to implement a program. She may give preference to municipalities without curbside recycling programs. Trash haulers serving a municipality that does not offer municipal collection service may apply for grants to take part in the programs.

If a trash hauler or municipality receiving a grant for either program already has such a program, grant funding is limited to reimbursement for the costs related to gathering the data needed to evaluate the program and providing it to the commissioner.

Program Application Requirements

The commissioner must establish the pilot programs by October 1, 2008. Interested municipalities and eligible trash haulers must apply to the DEP by October 15, 2008 on a form DEP prescribes. 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.

Each municipality or trash hauler the commissioner selects to receive a grant for either program must submit a plan for her approval that includes:

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.

Evaluation

The commissioner must evaluate the results of the pilot programs using the methodology developed by the commission the bill creates. She must submit her evaluation to the commission by January 1, 2010 or three months after the pilot programs terminate, whichever is later.

COMMISSION TO EVALUATE PILOT PROGRAMS AND DEVELOP A MODEL SUSTAINABILITY PLAN

DEP must establish a commission to (1) develop a way to evaluate the pilot programs, (2) recommend ways to implement them, (3) recommend future recycling initiatives, and (4) by December 1, 2008, develop a model sustainability plan for state agencies to use as the bill specifies.

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 DEP commissioner; and
9. one member appointed by the Tunxis Recycling Operating Committee.

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. Appointments must be made by August 1, 2008, and any vacancies must be filled by the appointing authority. Members serve without compensation. The DEP commissioner must select the chairperson from the commission members. The chairperson must schedule the first meeting by September 1, 2008.

The commission must summarize the results of the pilot programs in a report to the Environment Committee. It must submit the report, with the commission's findings and recommendations, by February 1, 2010, or one month after the DEP commissioner submits her evaluation of the pilot programs to the commission, whichever is later.

STATE AGENCY SUSTAINABILITY PLANS

The bill requires each state agency that occupies or manages a state building, facility, or park to, within existing resources, develop and carry out 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. Each state agency may base its plan on the model sustainability plan developed by the commission the bill creates. Agencies must file their plans with DEP by March 1, 2009. Under the bill, a state building means buildings and real property the state owns.

BACKGROUND

Single Stream and Dual Stream Recycling

In single stream recycling, all containers and paper fibers are mixed together in a collection truck, instead of being sorted by the resident and handled separately throughout the collection process. In a typical dual stream system, the homeowner puts bottles and cans in one container and newspaper, mixed paper, magazines, and cardboard in another.

Legislative History

The House referred the bill (File 465) to the Appropriations Committee, which, among other things, eliminated provisions (1) requiring municipalities and private trash haulers that offer customers curbside trash collection to also offer these customers curbside recycling, (2) requiring public places to provide accessible recycling receptacles, and (3) appropriating funds to implement several of the bill’s provisions.

The committee also eliminated a pilot program on accessible recycling, made a number of changes to the remaining pilot programs, and made several changes to the state agency sustainability plan provision.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 29 Nay 0 (03/14/2008)

Appropriations Committee

Joint Favorable Substitute
Yea 48 Nay 0 (04/15/2008)