



General Assembly

February Session, 2008

Raised Bill No. 5138

LCO No. 631

00631_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**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 a state building shall develop and execute, in
4 consultation with the Department of Administrative Services, a
5 recycling plan for such state building. Such plan shall include, but not
6 be limited to, methods to increase energy efficiency, provision of a
7 sufficient number of recycling receptacles, a preference for the use of
8 biodegradable products when feasible and appropriate disposal of
9 recyclable materials. For the purposes of this section, "state building"
10 means buildings and real property owned or leased by the state.

11 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,
12 2008, the Commissioner of Environmental Protection shall establish a
13 single-stream recycling pilot program to provide grants to six
14 municipalities chosen by the commissioner, two of which shall be
15 rural, two of which shall be suburban and two of which shall be urban.
16 A municipality need not offer trash collection services to be eligible for

17 a grant.

18 (b) Not later than October 15, 2008, each eligible municipality shall
19 submit a grant application on forms prescribed by the commissioner.
20 The commissioner may reject any grant application that the
21 commissioner determines to be incomplete. If the commissioner rejects
22 an application, the commissioner shall promptly notify the
23 municipality of the reasons for the rejection and, not later than fifteen
24 days after the date of such notice, such municipality may resubmit the
25 application in the same manner as the original application.

26 (c) Each municipality selected by the commissioner to participate in
27 such pilot program shall submit a single-stream recycling plan for the
28 commissioner's approval. Such plan shall include: (1) An estimate of
29 the operational and capital expenses and income required to
30 implement the plan over a two-year period, (2) goals for recycling, (3)
31 an estimate of savings in tipping fees, if applicable, (4) a method for
32 tracking the actual cost of the program, (5) a method for calculating the
33 actual savings of the program, and (6) any additional information
34 required by the commissioner.

35 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than October 1,
36 2008, the Commissioner of Environmental Protection shall establish an
37 accessible recycling pilot program to provide grants to six
38 municipalities chosen by the commissioner, two of which shall be
39 rural, two of which shall be suburban and two of which shall be urban.
40 Such grants shall be used for placing recycling receptacles in public
41 areas owned or leased by such municipalities, including, but not
42 limited to, parks and municipal buildings, and for recycling the
43 contents of such receptacles.

44 (b) Not later than October 15, 2008, each eligible municipality shall
45 submit a grant application on forms prescribed by the commissioner.
46 The commissioner may reject any grant application that the
47 commissioner determines to be incomplete. If the commissioner rejects
48 an application, the commissioner shall promptly notify the

49 municipality of the reasons for the rejection and, not later than fifteen
50 days after the date of such notice, such municipality may resubmit the
51 application in the same manner as the original application.

52 (c) Each municipality selected by the commissioner to participate in
53 such pilot program shall submit a plan for providing recycling
54 receptacles in public areas owned or leased by the municipality for the
55 commissioner's approval. Such plan shall include an estimate of the
56 operational and capital expenses and income required to implement
57 the plan over a two-year period, and any additional information
58 required by the commissioner.

59 Sec. 4. (NEW) (*Effective from passage*) (a) Not later than October 1,
60 2008, the Commissioner of Environmental Protection shall establish a
61 pay-as-you-throw pilot program to provide grants to six municipalities
62 chosen by the commissioner, two of which shall be rural, two of which
63 shall be suburban and two of which shall be urban. Such grants shall
64 be used by the municipalities to (1) collect recyclables free of charge,
65 (2) establish a system for households and businesses within such
66 municipalities to pay for trash removal based upon the volume or
67 weight of solid waste that such households or businesses generate, or
68 (3) establish other incentives, such as retail coupons.

69 (b) In order to be considered for such a grant, not later than October
70 15, 2008, each eligible municipality shall submit a grant application on
71 forms prescribed by the commissioner. The commissioner may reject
72 any grant application that the commissioner determines to be
73 incomplete. If the commissioner rejects an application, the
74 commissioner shall promptly notify the municipality of the reasons for
75 the rejection and, not later than fifteen days after the date of such
76 notice, such municipality may resubmit the application in the same
77 manner as the original application.

78 (c) Each municipality selected by the commissioner to participate in
79 such pilot program shall submit a plan for establishing a pay-as-you-
80 throw program for the commissioner's approval. Such plan shall

81 include an estimate of the operational and capital expenses and income
82 required to implement the plan over a two-year period and any
83 additional information required by the commissioner.

84 Sec. 5. (NEW) (*Effective July 1, 2008*) (a) There shall be established a
85 commission to study the outcomes of the pilot programs established
86 by sections 2, 3 and 4 of this act to make recommendations for
87 implementation of such programs and to make recommendations for
88 future recycling initiatives.

89 (b) The commission shall consist of members selected from among
90 environmental advocates, grocers, bottlers, trash haulers, municipal
91 leaders or other representative interests deemed appropriate by the
92 appointing authority: (1) One member from an environmental
93 advocacy group shall be appointed by the speaker of the House of
94 Representatives; (2) one member from an environmental advocacy
95 group shall be appointed by the president pro tempore of the Senate;
96 (3) one member shall be designated by the Connecticut Conference of
97 Municipalities; (4) one member shall be designated by the Connecticut
98 Food Association; (5) one member shall be designated by the American
99 Beverage Association; (6) one member shall be designated by the
100 Connecticut Resources Recovery Authority; (7) one member shall be
101 designated by the Connecticut chapter of the National Solid Waste
102 Management Association; and (8) one member shall be appointed by
103 the Governor.

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

107 (d) The speaker of the House of Representatives and the president
108 pro tempore of the Senate shall select the chairpersons of the
109 commission from among the members of the commission. Not later
110 than September 1, 2008, such chairpersons shall schedule the first
111 meeting of the commission.

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

115 (f) The administrative staff of the joint standing committee of the
116 General Assembly having cognizance of matters relating to the
117 environment shall serve as administrative staff of the commission.

118 (g) Not later than February 1, 2010, the commission shall submit a
119 report on its findings and recommendations to the joint standing
120 committee of the General Assembly having cognizance of matters
121 relating to the environment, in accordance with the provisions of
122 section 11-4a of the general statutes.

123 Sec. 6. (NEW) (*Effective October 1, 2008*) The Commissioner of
124 Environmental Protection shall develop a public education program to
125 encourage state residents to use biodegradable products, to use
126 environmentally safe alternatives to plastic bags or packaging and to
127 recycle.

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

131 (b) Each trash hauler that offers curbside collection of solid waste
132 generated by residential, business, commercial or other establishments
133 in a municipality shall offer curbside recycling to each of such trash
134 hauler's customers.

135 (c) For the purposes of this section, "curbside recycling" means the
136 collection, by either municipal or private recycling vehicles, of
137 presorted recyclable materials left for such collection by residents and
138 businesses in the front of the property of such residents and
139 businesses, "recyclable materials" means glass, plastic, paper, cans,
140 newspapers, magazines and cardboard, and excludes bulk items such
141 as furniture, demolition waste or trees, and "collector" shall have the

142 same meaning as in section 22a-220a of the general statutes.

143 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) Each public place shall
144 provide recycling receptacles at the same location as trash receptacles
145 that are accessible to the public. For the purpose of this section, "public
146 place" means any privately owned area or building, or portion thereof,
147 that is open to the public during normal business hours, including, but
148 not limited to, any (1) building that provides facilities or shelter for
149 public assembly, (2) inn, hotel, motel, sports arena, supermarket,
150 transportation terminal, retail store, restaurant or other commercial
151 establishment that provides services or retails merchandise, and (3)
152 museums, hospitals, auditoriums, movie theaters and university
153 buildings. "Public place" does not include any building owned or
154 leased by the state or any political subdivision thereof.

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

158 (c) Any person who violates this section may be subject to a civil
159 penalty of not more than one thousand dollars for each offense. Each
160 violation of this section shall be a separate and distinct offense, and, in
161 case of a continuing violation, each day's continuance thereof shall be
162 deemed to be a separate and distinct offense. The Attorney General,
163 upon the request of the Commissioner of Environmental Protection,
164 shall bring an action in superior court for the judicial district of
165 Hartford to recover such penalty.

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

168 (a) Conservation officers, special conservation officers and
169 patrolmen appointed by the commissioner under authority of section
170 26-5, shall enforce the provisions of title 23 and this title and chapters
171 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
172 titles and chapters and sections 15-180, 22a-250, section 8 of this act, 6-

173 192c to 26-192h, inclusive, 29-28 of the 2008 supplement to the general
174 statutes, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-
175 205, 53a-59 to 53a-64, inclusive, 53a-100 to 53a-117a, inclusive,
176 subsection (b) of section 53a-119b, 53a-122 to 53a-125, inclusive, 53a-
177 130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149, inclusive, 53a-
178 157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183a,
179 inclusive, 54-33d and 54-33e.

180 (b) Conservation officers, special conservation officers and
181 patrolmen may, without warrant, arrest any person for any violation of
182 any of the provisions set forth in subsection (a) of this section, and any
183 full-time conservation officer shall, in the performance of his duties in
184 any part of the state, have the same powers to enforce such laws as do
185 policemen or constables in their respective jurisdictions. Any full-time
186 conservation officer shall, incident to a lawful arrest while enforcing
187 such laws in the performance of his duties in any part of the state, have
188 the same powers with respect to criminal matters and the enforcement
189 of the law relating thereto as policemen or constables have in their
190 respective jurisdictions.

191 (c) Any conservation officer, special conservation officer or
192 patrolman may, anywhere within the boundaries of the state, examine
193 the contents of any boat, ship, automobile or other vehicle, box, locker,
194 basket, creel, crate, game bag or game coat or other package in which
195 he has probable cause to believe that any fish, crustacean, bird or
196 quadruped is being kept, in violation of any said statutory provisions
197 or any regulation issued by the commissioner, or any regulation issued
198 by the United States Fish and Wildlife Service as provided by section
199 26-91, and to ascertain whether any provision of any law or any
200 regulation for the protection of any fish, crustacean, bird or quadruped
201 has been or is being violated, and, shall have the same authority as
202 police officers to obtain and execute search warrants as provided for in
203 sections 54-33a, 54-33b and 54-33c.

204 (d) Any conservation officer, special conservation officer or

205 patrolman [J] may be appointed a special policeman under the
206 provisions of section 29-18.

207 (e) The Commissioner of Environmental Protection is authorized to
208 assign one or more conservation officers to patrol and inspect the
209 buildings, lands and waters owned by The White Memorial
210 Foundation, Incorporated, located in the towns of Litchfield and
211 Morris and, in addition to their powers as conservation officers, such
212 officers may be appointed special policemen under the provisions of
213 section 29-18.

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

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

220 (b) Any employer that violates subsection (a) of this section shall be
221 subject to a civil penalty of five hundred dollars for each offense. Each
222 violation of said subsection shall be a separate and distinct offense,
223 and, in case of a continuing violation, each day's continuance thereof
224 shall be deemed to be a separate and distinct offense. The Attorney
225 General, upon the request of the Commissioner of Environmental
226 Protection, shall bring an action in superior court for the judicial
227 district of Hartford to recover such penalty. For the purposes of this
228 section, "employer" means one or more individuals, partnerships,
229 associations or corporations or other entity which employs persons.

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

232 (a) On or after January 1, 1990, any plastic bottle sold or offered for
233 sale in this state shall bear an identification code indicating the plastic
234 material that is in the structure of the bottle. On and after October 1,

235 2008, said identification code shall be not less than three-quarters of an
236 inch in height and five letters per inch in width.

237 (b) The Commissioner of Environmental Protection shall establish
238 by regulations adopted in accordance with chapter 54, standards for
239 the identification code and provisions for providing consumers with
240 an explanation of the code. In adopting such regulations and to
241 promote uniformity of coding and separation of plastic bottles by
242 material for recycling, the commissioner shall consult with
243 manufacturers of plastic bottles, officials with regulatory authority
244 over plastics in other states and representatives of recyclers.

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

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

256 Sec. 13. (*Effective July 1, 2008*) The sum of ____ dollars is
257 appropriated to the Department of Environmental Protection, from the
258 General Fund, for the fiscal year ending June 30, 2009, for the public
259 education program established in accordance with section 6 of 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

Statement of Purpose:

To encourage private, municipal and state recycling.

[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.]