



General Assembly

Substitute Bill No. 636

February Session, 2008

* SB00636APP 042408 *

**AN ACT CONCERNING RESOURCES RECOVERY FACILITY
CONTRACTS.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) On and after December
2 31, 2008, no owner or operator of a resources recovery facility, as
3 defined in section 22a-207 of the general statutes, including any facility
4 operated by the Connecticut Resources Recovery Authority established
5 under chapter 446e of the general statutes, or a facility for disposal or
6 recycling of ash residue from a resources recovery facility, shall charge
7 a tipping fee or other fee for disposal of such municipal solid waste or
8 ash residue at such facility in excess of the rate approved by the
9 Department of Public Utility Control. The provisions of this subsection
10 shall not apply to any owner or operator of a resources recovery
11 facility or facility for the disposal or recycling of ash residue from a
12 resources recovery facility that (1) is an operating committee
13 established pursuant to subsection (c) of section 22a-221 of the general
14 statutes or regional or municipal authority other than the authority
15 specified in this subsection, or (2) on the effective date of this section,
16 has a written contract with an operating committee for disposing
17 municipal solid waste or ash residue at such facility and the operating
18 committee establishes the tipping fee for disposal of solid waste or ash,
19 provided the exception in this subdivision shall only apply during the
20 term of such contract or any extension of such contract.

21 (b) Any rate approved by the Department of Public Utility Control
22 pursuant to this section shall (1) be just and reasonable, (2) be
23 sufficient, but not more than necessary to allow the owner or operator
24 to (A) cover its operating and capital costs, (B) attract needed capital,
25 and (C) maintain its financial integrity, and yet provide appropriate
26 protection to the relevant public interests, both existing and
27 foreseeable; and (3) reflect prudent and efficient management of the
28 facility operation.

29 (c) Notwithstanding the provisions of subsections (a) and (b) of this
30 section, the department may approve an interim increase in any rate if
31 the department determines that such increase is necessary to prevent
32 substantial and material deterioration of the financial condition of the
33 owner or operator, to prevent substantial deterioration of the adequacy
34 and reliability of the facility's operations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

ET *Joint Favorable*

APP *Joint Favorable*