



General Assembly

Amendment

February Session, 2008

LCO No. 5722

SB0063605722SD0

Offered by:

SEN. MEYER, 12th Dist.
SEN. GOMES, 23rd Dist.
SEN. CRISCO, 17th Dist.
SEN. FREEDMAN, 26th Dist.

SEN. FASANO, 34th Dist.
SEN. RUSSO, 22nd Dist.
REP. ROY, 119th Dist.

To: Subst. Senate Bill No. 636

File No. 387

Cal. No. 233

"AN ACT CONCERNING RESOURCES RECOVERY FACILITY CONTRACTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (Effective from passage) (a) Except as provided in
4 subsection (d) of this section, on and after December 31, 2008, no
5 owner or operator of a resources recovery facility, as defined in section
6 22a-207 of the general statutes, including any facility operated by the
7 Connecticut Resources Recovery Authority established under chapter
8 446e of the general statutes, or a facility for disposal or recycling of ash
9 residue from a resources recovery facility, shall charge a tipping fee or
10 other fee for disposal of such municipal solid waste or ash residue at
11 such facility in excess of the rate approved by the Department of Public
12 Utility Control.

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

21 (c) Notwithstanding the provisions of subsections (a) and (b) of this
22 section, the department may approve an interim increase in any rate if
23 the department determines that such increase is necessary to prevent
24 substantial and material deterioration of the financial condition of the
25 owner or operator, to prevent substantial deterioration of the adequacy
26 and reliability of the facility's operations.

27 (d) The provisions of this section shall not apply to any owner or
28 operator of a resources recovery facility or facility for the disposal or
29 recycling of ash residue from a resources recovery facility that, on
30 January 1, 2008, (1) had a written contract for disposing municipal
31 solid waste or ash residue at such facility with: (A) An operating
32 committee established pursuant to subsection (c) of section 22a-221 of
33 the general statutes, (B) a regional or municipal authority, (C) a quasi-
34 public authority, (D) a political subdivision of the state, or (E) other
35 public authority agency or entity, and (2) such contract (A) expires
36 after December 31, 2008, or (B) contains an option to purchase such
37 facility by any of the entities specified in subparagraphs (A) to (E),
38 inclusive, of subdivision (1) of this subsection.

39 (e) Notwithstanding subsection (d) of this section, the provisions of
40 this section shall apply to the delivery of municipal solid waste to an
41 owner or operator of a resources recovery facility on behalf of a
42 municipality, regardless of whether such delivery is made directly or
43 indirectly by an operating committee, quasi-public agency or regional
44 resources recovery authority or pursuant to an interlocal agreement,
45 provided: (1) Such municipality delivered municipal solid waste to

46 such facility directly or indirectly pursuant to an agreement with an
 47 original term expiring on or after December 31, 2008, (2) such
 48 municipality subsequently becomes party to an operating committee
 49 pursuant to subsection (c) of section 22a-221 of the general statutes or
 50 part of a regional resources recovery authority, (3) such operating
 51 committee or regional resources recovery authority publishes a request
 52 for proposals for the disposal of municipal solid waste to be delivered
 53 by, or on behalf of, such municipality, operating committee or regional
 54 resources recovery authority, and (4) less than two unrelated parties
 55 submit a proposal in response to such request, provided, if one of such
 56 parties is the owner or operator of such facility, or an affiliate of such
 57 facility that is entitled to match such proposal, such party shall not be
 58 considered an unrelated party for the purposes of this subdivision
 59 unless such party waives such entitlement as part of its proposal."

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