



General Assembly

Amendment

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LCO No. 5973

HB0513605973HDO

Offered by:

REP. ROY, 119th Dist.
REP. SCHOFIELD, 16th Dist.
REP. BYE, 19th Dist.
REP. ARESIMOWICZ, 30th Dist.
SEN. MEYER, 12th Dist.

To: Subst. House Bill No. 5136

File No. 287

Cal. No. 154

"AN ACT CONCERNING THE CONTRACT POWERS OF THE COMMISSIONER OF ENVIRONMENTAL PROTECTION AND ESTABLISHING A CLIMATE CHANGE IMPACTS TASK FORCE."

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

3 "Section 1. (NEW) (*Effective January 1, 2009*) Each state agency, as
4 defined in section 1-79 of the 2008 supplement to the general statutes,
5 that occupies or manages a state building, facility or park shall, within
6 the existing resources of such state agency, develop and execute a list
7 of proposed actions concerning sustainability for such agency's state
8 buildings, facilities or parks. Such list shall include, but not be limited
9 to, methods to increase energy efficiency, provision of a sufficient
10 number of recycling receptacles, a preference for the use of
11 biodegradable cleaning products when feasible and appropriate

12 disposal of recyclable materials. Such list may be based on the model
13 list developed in accordance with section 4 of this act, and shall be
14 filed with the Department of Environmental Protection no later than
15 March 1, 2009. For the purposes of this section, "state building" means
16 buildings and real property owned or leased by the state.

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

44 (b) A municipality or an eligible trash hauler may apply for a grant
45 for such program by submitting an application to the commissioner on

46 forms prescribed by the commissioner. The commissioner may reject
47 any grant application that the commissioner determines to be
48 incomplete. If the commissioner rejects an application, the
49 commissioner shall promptly notify the applicant of the reasons for the
50 rejection and, not later than fifteen days after the date of such notice,
51 such applicant may resubmit the application in the same manner as the
52 original application.

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

63 (d) The commissioner shall evaluate the results of the pilot program
64 using the methodology developed in accordance with section 4 of this
65 act, and three months after the termination of the pilot program, the
66 commissioner, shall submit the evaluation to the commission
67 established under section 4 of this act.

68 (e) No municipality shall terminate, transfer or otherwise displace
69 any municipal employee as a result of the participation of such
70 municipality or a trash hauler serving such municipality in the grant
71 program established under this section.

72 Sec. 3. (NEW) (*Effective from passage*) (a) If funds become available,
73 from either governmental or private sources, the Commissioner of
74 Environmental Protection shall establish a recycling incentive pilot
75 program to provide grants to municipalities chosen by the
76 commissioner, (1) one or more of which shall be rural, (2) one or more
77 of which shall be suburban, and (3) one or more of which shall be

78 urban. A trash hauler serving a municipality that does not offer trash
79 collection services as a municipal service may apply for such a grant.
80 Such grants shall be used by the municipalities or trash haulers to
81 establish a system for households and businesses within a
82 municipality to pay no fee for recycling and to pay for trash removal
83 based upon the volume or weight of solid waste that such households
84 or businesses generate, or establish other incentives, such as retail
85 coupons given as awards for meeting volume benchmarks of recycling
86 quantity per household. Each grant shall be for no more than fifty per
87 cent of the estimated costs for the implementation of the pilot program.
88 If the municipality or trash hauler selected to receive a grant already
89 has an existing recycling incentive pilot program, grant funding shall
90 be limited to reimbursement for the costs related to gathering data to
91 evaluate such program and providing such data to the commissioner.
92 The commissioner may give preference to municipalities that do not
93 have existing curbside recycling programs. The commissioner may use
94 any funds received as contributions from governmental or private
95 sources for purposes of such pilot program. The pilot program shall
96 terminate eighteen months after the disbursement of the grant funds.
97 For the purposes of this section, "rural" means a municipality with a
98 population of ten thousand or less, "suburban" means a municipality
99 with a population of more than ten thousand and less than seventy
100 thousand, "urban" means a municipality with a population of seventy
101 thousand or more and "population" means the number of people
102 residing in a municipality according to the most recent version of the
103 Connecticut Register and Manual.

104 (b) In order to be considered for such a grant a municipality or an
105 eligible trash hauler may apply for a grant for said program by
106 submitting an application to the commissioner on forms prescribed by
107 the commissioner. The commissioner may reject any grant application
108 that the commissioner determines to be incomplete. If the
109 commissioner rejects an application, the commissioner shall promptly
110 notify the applicant of the reasons for the rejection and, not later than
111 fifteen days after the date of such notice, such applicant may resubmit

112 the application in the same manner as the original application.

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

123 (d) The commissioner shall evaluate the results of the pilot program
124 using the methodology developed in accordance with section 4 of this
125 act, and, three months after the termination of the pilot program, shall
126 submit such evaluation to the commission established under section 4
127 of this act.

128 (e) No municipality shall terminate, transfer or otherwise displace
129 any municipal employee as a result of the participation of such
130 municipality or a trash hauler serving such municipality in the grant
131 program established under this section.

132 Sec. 4. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of
133 Environmental Protection shall establish a commission to (1) develop
134 and recommend a methodology for evaluating the pilot programs
135 established by sections 2 and 3 of this act, (2) make recommendations
136 for implementation of such programs and for future recycling
137 initiatives, and (3) not later than December 1, 2008, develop a model
138 list for the use of state agencies in accordance with section 1 of this act.

139 (b) The commission shall consist of the following members selected
140 from among environmental advocates, grocers, bottlers, trash haulers,
141 end users of recycled material, municipal leaders or other
142 representative interests deemed appropriate by the appointing
143 authority: (1) One member from an environmental advocacy group,

144 appointed by the Connecticut Recyclers Coalition; (2) one member
145 from an environmental advocacy group, appointed by the Sierra Club;
146 (3) one member appointed by the Connecticut Conference of
147 Municipalities; (4) one member, appointed by the Connecticut Food
148 Association; (5) one member appointed by the American Beverage
149 Association; (6) one member, appointed by the Connecticut Resources
150 Recovery Authority; (7) one member, appointed by the Connecticut
151 chapter of the National Solid Waste Management Association; (8) one
152 member representing end users of recycled materials, appointed by the
153 Commissioner of Environmental Protection; and (9) one member
154 appointed by the Tunxis Recycling Operating Committee.

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

158 (d) The Commissioner of Environmental Protection shall select the
159 chairperson of the commission from among the members of the
160 commission. Not later than September 1, 2008, the chairperson shall
161 schedule the first meeting of the commission.

162 (e) The members of the commission shall serve without
163 compensation.

164 (f) Not later than one month after the Commissioner of
165 Environmental Protection submits an evaluation of the pilot programs
166 in accordance with sections 2 and 3 of this act, whichever is later, the
167 commission shall submit a report on its findings and recommendations
168 to the joint standing committee of the General Assembly having
169 cognizance of matters relating to the environment, in accordance with
170 the provisions of section 11-4a of the general statutes. Such report shall
171 summarize the results of the pilot programs created in sections 2 and 3
172 of this act.

173 Sec. 5. (NEW) (*Effective October 1, 2008*) The Commissioner of
174 Environmental Protection shall, within available appropriations,
175 develop a public education program to encourage state residents to

176 use biodegradable products and environmentally safe alternatives to
177 plastic bags or packaging and to recycle.

178 Sec. 6. (NEW) (*Effective October 1, 2008*) (a) Each municipality shall
179 offer curbside recycling to all residents and businesses for which such
180 municipality provides municipal curbside collection of solid waste,
181 except that the provisions of this section shall not apply to any
182 municipality that the Commissioner of Environmental Protection
183 determines recycles municipal solid waste in a percentage that exceeds
184 the state-wide average for the amount of municipal waste that is
185 recycled.

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

193 (c) For the purposes of this section, "curbside recycling" means the
194 collection, by either municipal or private recycling vehicles, of
195 presorted recyclable materials left for such collection by residents and
196 businesses in the front of the property of such residents and
197 businesses, "recyclable materials" means glass, plastic, paper, cans,
198 newspapers, magazines and cardboard, and excludes bulk items such
199 as furniture, demolition waste or trees, and "collector" shall have the
200 same meaning as in subsection (g) of section 22a-220a of the general
201 statutes.

202 Sec. 7. (NEW) (*Effective October 1, 2008*) (a) Each public place shall
203 provide recycling receptacles at the same location as trash receptacles
204 that are accessible to the public. For the purpose of this section, "public
205 place" means any privately owned area or building, or portion thereof,
206 that is open to the public during normal business hours, including, but
207 not limited to, any (1) building that provides facilities or shelter for

208 public assembly, (2) inn, hotel, motel, sports arena, supermarket,
209 transportation terminal, retail store, restaurant or other commercial
210 establishment that provides services or retails merchandise, and (3)
211 museum, hospital, auditorium, movie theater and university building.
212 "Public place" does not include any building owned or leased by the
213 state or any political subdivision thereof.

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

217 (c) Any person who violates this section may be subject to a civil
218 penalty of not more than one thousand dollars for each offense. Each
219 violation of this section shall be a separate and distinct offense, and, in
220 case of a continuing violation, each day's continuance thereof shall be
221 deemed to be a separate and distinct offense. The Attorney General,
222 upon the request of the Commissioner of Environmental Protection,
223 shall bring an action in superior court for the judicial district of
224 Hartford to recover such penalty.

225 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) No cleaning or janitorial
226 service employer shall combine segregated items required to be
227 recycled pursuant to subsection (a) of section 22a-241b of the general
228 statutes with nonrecyclable solid waste.

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

239 Sec. 9. Section 22a-241b of the general statutes is repealed and the

240 following is substituted in lieu thereof (*Effective October 1, 2008*):

241 (a) (1) On or before February 1, 1988, the Commissioner of
 242 Environmental Protection shall adopt regulations in accordance with
 243 the provisions of chapter 54 designating items that are required to be
 244 recycled. The commissioner may designate other items as suitable for
 245 recycling and amend said regulations accordingly. (2) On or before
 246 February 1, 2009, the Commissioner of Environmental Protection shall
 247 amend the regulations adopted under subdivision (1) of this
 248 subsection to require items made of polyethylene terephthalate plastic
 249 and high density polyethylene plastic to be recycled.

250 (b) Any item designated for recycling pursuant to subsection (a) of
 251 this section shall be recycled by a municipality within three months of
 252 the establishment of service to such municipality by a regional
 253 processing center or local processing system.

254 (c) On and after January 1, 1991, (1) each person who generates solid
 255 waste from residential property shall, in accordance with subsection (f)
 256 of section 22a-220, separate from other solid waste the items
 257 designated for recycling pursuant to subdivision (1) of subsection (a)
 258 of this section, and (2) every other person who generates solid waste
 259 shall, in accordance with subsection (f) of section 22a-220, make
 260 provision for the separation from other solid waste of the items
 261 designated for recycling pursuant to subdivision (1) of subsection (a)
 262 of this section. On and after January 1, 2010, the provisions of this
 263 subsection shall also apply to items designated for recycling pursuant
 264 to subdivision (2) of subsection (a) of this section."

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
Sec. 5	<i>October 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>	22a-241b