



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 16, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

**Raised Senate Bill No. 918 - AN ACT REQUIRING THE LICENSING OF PRIVATE
SOLID WASTE HAULERS**

Thank you for the opportunity to present testimony regarding Raised Senate Bill 918 - AN ACT REQUIRING THE LICENSING OF PRIVATE SOLID WASTE HAULERS. The Department of Environmental Protection (Department) supports the intent of this bill to create a licensing program for private solid waste haulers. A licensing program would enable the Department to better regulate the industry's environmental practices and its business integrity and to acquire critical information about the amount, type and destination of solid waste.

A licensing program would provide the tools needed to carry out the recommendations the Governor's Solid Waste Hauling Advisory Group. In their 2006 report the advisory group noted:

"Any person or entity engaged in the business of solid waste hauling... should be required to obtain a license from the Department of Environmental Protection, following such background investigations as prescribed by the [Solid Waste Hauling] Authority and review of the applicant's environmental compliance history by DEP..."

A licensing program is also a strategy adopted in the Department's 2006 Solid Waste Management Plan.

"CTDEP will establish a streamlined method of regulating waste haulers in order to incorporate reporting and other substantive requirements, along with a simple means of assessing the solid waste fee. Any action taken by the CTDEP will be consistent with the Governor's Task Force Report recommendations that are carried forward."

The Department believes that the most important part of the bill is Section 4; this section provides the authority for the Commissioner to adopt regulations to implement a licensing program. We believe that the regulatory adoption process would be the best place to work out the complexities of such a program.

The Department also offers the following concerns about the bill as drafted as some of the provisions appear to overlap or conflict with existing statutes and the Department's permit application and enforcement processes.

Section 1: Should apply to a "person" as defined in the statutes, rather than a "business entity".

Section 3: Should specify that the license application be "on forms prescribed by the Commissioner". The Department already requires comprehensive information about the applicant through its existing application processes, including full disclosure of corporate officers, business partners, etc. and environmental compliance history per Connecticut General Statute 22a-6m. The application denial authority and hearing process may be inconsistent with those in the Uniform Administrative Procedures Act, already in use by the Department.

Sections 5 and 6: The Department believes it already has sufficient authority to enforce the environmental statutes, and recommends against adopting authorities unique to this program.

Section 7: The contract provisions should require that solid waste haulers provide for the separation of designated recyclables from other solid waste, as well as ensure that they are and remain separated.

Finally, new resources would need to be made available to the Department to support the regulatory development and implementation of such a program.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information from the Department of Environmental Protection regarding this bill, please contact the Department's legislative liaison, Robert LaFrance, at 424-3401.