



House of Representatives

General Assembly

File No. 859

January Session, 2009

Substitute House Bill No. 5474

House of Representatives, April 30, 2009

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING PRIVATE, MUNICIPAL AND STATE
RECYCLING, BENEFICIAL USE PERMITS AND ZONING
ORDINANCES.***

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

1 Section 1. Subsection (h) of section 22a-220 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (h) On or before August 31, 1991, and annually thereafter, each
5 municipality, or its designated regional agent, shall provide a report to
6 the Commissioner of Environmental Protection describing the
7 measures taken during the preceding year to meet its obligations
8 under this section. The commissioner shall provide each municipality
9 with a form for such report by June 1, 1991. Such form may be
10 amended from time to time. Such report shall include, but not be
11 limited to, (1) a description of the efforts made by the municipality to
12 promote recycling, (2) a description of its efforts to ensure compliance

13 with separation requirements, [(3) the amount of each recyclable item
14 contained in its solid waste stream which has been delivered to a
15 recycling facility as reported to the municipality or its designated
16 regional agent by the owner or operator of a recycling facility pursuant
17 to section 22a-208e or by a scrap metal processor pursuant to section
18 22a-208f, and (4)] and (3) the amount of solid waste generated within
19 its boundaries which has been delivered to a resources recovery
20 facility or solid waste facility for disposal as reported to the
21 municipality or its designated regional agent by the owner or operator
22 of the resources recovery facility or solid waste facility pursuant to
23 section 22a-208e.

24 Sec. 2. Section 22a-241b of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2009*):

26 (a) (1) On or before February 1, 1988, the Commissioner of
27 Environmental Protection shall adopt regulations in accordance with
28 the provisions of chapter 54 designating items that are required to be
29 recycled. The commissioner may designate other items as suitable for
30 recycling and amend said regulations accordingly. (2) On or before
31 October 1, 2010, the Commissioner of Environmental Protection shall
32 amend the regulations adopted under subdivision (1) of this
33 subsection to require the recycling of (A) containers made of
34 polyethylene terephthalate plastic and high-density polyethylene
35 plastic, (B) boxboard, and (C) paper, including but not limited to,
36 magazines and white and colored office and residential paper.

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

41 (c) [On and after January 1, 1991, (1) each] (1) Each person who
42 generates solid waste from residential property shall, in accordance
43 with subsection (f) of section 22a-220, separate from other solid waste
44 the items designated for recycling pursuant to subdivision (1) of
45 subsection (a) of this section, and (2) every other person who generates

46 solid waste shall, in accordance with subsection (f) of section 22a-220,
47 make provision for and cause the separation from other solid waste of
48 the items designated for recycling pursuant to subdivision (1) of
49 subsection (a) of this section. On and after July 1, 2011, the provisions
50 of this subsection shall apply to items designated for recycling
51 pursuant to subdivision (2) of subsection (a) of this section.

52 (d) For the purposes of this section, "boxboard" means a lightweight
53 paperboard made from a variety of recovered fibers having sufficient
54 folding properties and thickness to be used to manufacture folding or
55 set-up boxes.

56 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) For purposes of this
57 section, "commercial entity" means any individual or sole
58 proprietorship, partnership, firm, corporation, trust, limited liability
59 company, limited liability partnership, joint stock company, joint
60 venture, association or other legal entity through which business for
61 profit or not-for-profit is conducted, and "recyclable items" means the
62 items designated for recycling in accordance with subsection (a) of
63 section 22a-241b of the general statutes, as amended by this act. On
64 and after October 1, 2009, no commercial entity shall enter into or
65 renew a contract for the collection of solid waste without specifying
66 within such contract how recyclable items will be separated and
67 processed.

68 (b) The provisions of this section shall not be construed to require
69 any commercial entity to contract for the removal of such recyclable
70 items.

71 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed
72 and the following is substituted in lieu thereof (*Effective October 1,*
73 *2009*):

74 (a) The zoning commission of each city, town or borough is
75 authorized to regulate, within the limits of such municipality, the
76 height, number of stories and size of buildings and other structures;
77 the percentage of the area of the lot that may be occupied; the size of

78 yards, courts and other open spaces; the density of population and the
79 location and use of buildings, structures and land for trade, industry,
80 residence or other purposes, including water-dependent uses, as
81 defined in section 22a-93, and the height, size and location of
82 advertising signs and billboards. Such bulk regulations may allow for
83 cluster development, as defined in section 8-18. Such zoning
84 commission may divide the municipality into districts of such number,
85 shape and area as may be best suited to carry out the purposes of this
86 chapter; and, within such districts, it may regulate the erection,
87 construction, reconstruction, alteration or use of buildings or
88 structures and the use of land. All such regulations shall be uniform
89 for each class or kind of buildings, structures or use of land throughout
90 each district, but the regulations in one district may differ from those
91 in another district, and may provide that certain classes or kinds of
92 buildings, structures or uses of land are permitted only after obtaining
93 a special permit or special exception from a zoning commission,
94 planning commission, combined planning and zoning commission or
95 zoning board of appeals, whichever commission or board the
96 regulations may, notwithstanding any special act to the contrary,
97 designate, subject to standards set forth in the regulations and to
98 conditions necessary to protect the public health, safety, convenience
99 and property values. Such regulations shall be made in accordance
100 with a comprehensive plan and in adopting such regulations the
101 commission shall consider the plan of conservation and development
102 prepared under section 8-23. Such regulations shall be designed to
103 lessen congestion in the streets; to secure safety from fire, panic, flood
104 and other dangers; to promote health and the general welfare; to
105 provide adequate light and air; to prevent the overcrowding of land; to
106 avoid undue concentration of population and to facilitate the adequate
107 provision for transportation, water, sewerage, schools, parks and other
108 public requirements. Such regulations shall be made with reasonable
109 consideration as to the character of the district and its peculiar
110 suitability for particular uses and with a view to conserving the value
111 of buildings and encouraging the most appropriate use of land
112 throughout such municipality. Such regulations may, to the extent

113 consistent with soil types, terrain, infrastructure capacity and the plan
114 of conservation and development for the community, provide for
115 cluster development, as defined in section 8-18, in residential zones.
116 Such regulations shall also encourage the development of housing
117 opportunities, including opportunities for multifamily dwellings,
118 consistent with soil types, terrain and infrastructure capacity, for all
119 residents of the municipality and the planning region in which the
120 municipality is located, as designated by the Secretary of the Office of
121 Policy and Management under section 16a-4a. Such regulations shall
122 also promote housing choice and economic diversity in housing,
123 including housing for both low and moderate income households, and
124 shall encourage the development of housing which will meet the
125 housing needs identified in the housing plan prepared pursuant to
126 section 8-37t and in the housing component and the other components
127 of the state plan of conservation and development prepared pursuant
128 to section 16a-26. Zoning regulations shall be made with reasonable
129 consideration for their impact on agriculture. Zoning regulations may
130 be made with reasonable consideration for the protection of historic
131 factors and shall be made with reasonable consideration for the
132 protection of existing and potential public surface and ground
133 drinking water supplies. On and after July 1, 1985, the regulations shall
134 provide that proper provision be made for soil erosion and sediment
135 control pursuant to section 22a-329. Such regulations may also
136 encourage energy-efficient patterns of development, the use of solar
137 and other renewable forms of energy, and energy conservation. The
138 regulations may also provide for incentives for developers who use
139 passive solar energy techniques, as defined in subsection (b) of section
140 8-25, in planning a residential subdivision development. The
141 incentives may include, but not be limited to, cluster development,
142 higher density development and performance standards for roads,
143 sidewalks and underground facilities in the subdivision. Such
144 regulations may provide for a municipal system for the creation of
145 development rights and the permanent transfer of such development
146 rights, which may include a system for the variance of density limits in
147 connection with any such transfer. Such regulations may also provide

148 for notice requirements in addition to those required by this chapter.
149 Such regulations may provide for conditions on operations to collect
150 spring water or well water, as defined in section 21a-150, including the
151 time, place and manner of such operations. No such regulations shall
152 prohibit the operation of any family day care home or group day care
153 home in a residential zone. No such regulations shall prohibit the use
154 of receptacles for the storage of items designated for recycling in
155 accordance with section 22a-241b, as amended by this act, or require
156 compliance with provisions for bulk or lot area, or similar provisions,
157 except provisions for side yards, rear yards and front yards. Such
158 regulations shall not impose conditions and requirements on
159 manufactured homes having as their narrowest dimension twenty-two
160 feet or more and built in accordance with federal manufactured home
161 construction and safety standards or on lots containing such
162 manufactured homes which are substantially different from conditions
163 and requirements imposed on single-family dwellings and lots
164 containing single-family dwellings. Such regulations shall not impose
165 conditions and requirements on developments to be occupied by
166 manufactured homes having as their narrowest dimension twenty-two
167 feet or more and built in accordance with federal manufactured home
168 construction and safety standards which are substantially different
169 from conditions and requirements imposed on multifamily dwellings,
170 lots containing multifamily dwellings, cluster developments or
171 planned unit developments. Such regulations shall not prohibit the
172 continuance of any nonconforming use, building or structure existing
173 at the time of the adoption of such regulations. Such regulations shall
174 not provide for the termination of any nonconforming use solely as a
175 result of nonuse for a specified period of time without regard to the
176 intent of the property owner to maintain that use. Any city, town or
177 borough which adopts the provisions of this chapter may, by vote of
178 its legislative body, exempt municipal property from the regulations
179 prescribed by the zoning commission of such city, town or borough;
180 but unless it is so voted municipal property shall be subject to such
181 regulations.

182 Sec. 5. (NEW) (Effective October 1, 2009) The Commissioner of

183 Environmental Protection may contract with municipalities or a
184 qualified private organization for the enforcement of the provisions of
185 subsection (c) of section 22a-241b of the general statutes, as amended
186 by this act, subsection (i) of section 22a-220a of the general statutes or
187 section 8 or 9 of this act, and permit such municipality to retain a
188 portion of the proceeds of any fines assessed in accordance with
189 section 8 or 9 of this act.

190 Sec. 6. (NEW) (*Effective July 1, 2009*) Each state agency, as defined in
191 section 1-79 of the general statutes, that occupies or manages a state
192 building, facility or park shall, within the existing resources of such
193 state agency, develop and execute a list of proposed actions concerning
194 sustainability for such agency's state buildings, facilities or parks. Such
195 list shall include, but not be limited to, methods to increase energy
196 efficiency, provision of a sufficient number of recycling receptacles, a
197 preference for the use of biodegradable cleaning products when
198 feasible and appropriate separation and processing of recyclable
199 materials. Such list shall be filed with the Department of
200 Environmental Protection not later than August 1, 2010. For the
201 purposes of this section, "state building" means buildings and real
202 property owned or leased by the state, and "recyclable materials"
203 means those items designated for recycling in accordance with
204 subsection (a) of section 22a-241b of the general statutes, as amended
205 by this act.

206 Sec. 7. (NEW) (*Effective October 1, 2009*) (a) Each municipality shall
207 offer curbside recycling to all residents and businesses for which such
208 municipality provides municipal curbside collection of solid waste,
209 except that the provisions of this section shall not apply to any
210 municipality that the Commissioner of Environmental Protection
211 determines recycles its solid waste in a percentage that exceeds the
212 state-wide average for the amount of municipal solid waste recycled.

213 (b) Each trash hauler that offers curbside collection of solid waste
214 generated by residences in a municipality shall offer curbside recycling
215 to each of such trash hauler's customers at no additional charge above

216 the trash hauler's charge for solid waste collection. The provisions of
217 this subsection shall not be construed to prohibit any trash hauler from
218 determining and adjusting its fees for combined curbside collection
219 services.

220 (c) For the purposes of this section, "curbside recycling" means the
221 collection, by either municipal or private recycling vehicles, of
222 presorted recyclable items left for such collection by residents and
223 businesses in the front of the property of such residents and on the
224 property of businesses, "recyclable items" means the items designated
225 for recycling in accordance with subsection (a) of section 22a-241b of
226 the general statutes, as amended by this act, and excludes bulk items
227 such as furniture, demolition waste or trees, and "collector" has the
228 same meaning as in subsection (g) of section 22a-220a of the general
229 statutes.

230 Sec. 8. (NEW) (*Effective October 1, 2009*) (a) Each owner or lessee of a
231 public place shall provide recycling receptacles that are accessible to
232 the public at the same location as trash receptacles. Such recycling
233 receptacles shall, at a minimum, allow for the collection of beverage
234 containers of twenty-one ounces or less, and the owner or lessee may
235 also provide receptacles intended for the recycling of other recyclable
236 items. For the purpose of this section, "recyclable items" means those
237 items designated for recycling in accordance with subsection (a) of
238 section 22a-241b of the general statutes, as amended by this act, and
239 "public place" means any area or building, or portion thereof, that is
240 open to the public during normal business hours, including, but not
241 limited to, any (1) building that provides facilities or shelter for public
242 assembly, (2) inn, hotel, motel, sports arena, supermarket,
243 transportation terminal, retail store, restaurant or other commercial
244 establishment that provides services or retails merchandise, and (3)
245 museum, hospital, auditorium, movie theater and university building.

246 (b) The Commissioner of Environmental Protection may adopt
247 regulations, in accordance with the provisions of chapter 54 of the
248 general statutes, to implement the provisions of this section.

249 (c) Any owner or lessee who violates this section may be subject to a
250 civil penalty of not more than one thousand dollars for each offense.
251 Each violation of this section shall be a separate and distinct offense
252 and, in case of a continuing violation, each day's continuance thereof
253 shall be deemed to be a separate and distinct offense. The Attorney
254 General, upon the request of the Commissioner of Environmental
255 Protection, shall bring an action in superior court for the judicial
256 district of Hartford to recover such penalty.

257 Sec. 9. (NEW) (*Effective October 1, 2009*) (a) No person shall
258 recombine previously segregated items required to be recycled
259 pursuant to subsection (a) of section 22a-241b of the general statutes, as
260 amended by this act, with nonrecyclable solid waste.

261 (b) Any person who violates subsection (a) of this section shall be
262 subject to a civil penalty of two hundred dollars for each offense. Each
263 violation of said subsection (a) shall be a separate and distinct offense,
264 and, in case of a continuing violation, each day's continuance thereof
265 shall be deemed to be a separate and distinct offense. The Attorney
266 General, upon the request of the Commissioner of Environmental
267 Protection, shall bring an action in superior court for the judicial
268 district of Hartford to recover such penalty.

269 Sec. 10. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this
270 section, "resources recovery facility" has the same meaning as in
271 section 22a-207 of the general statutes and "recyclable item" means the
272 items designated for recycling in accordance with section 22a-241b of
273 the general statutes, as amended by this act.

274 (b) No contract between a municipality and a resources recovery
275 facility entered into or renewed on or after July 1, 2009, may provide
276 that the fees paid by such municipality to such facility shall increase if
277 the tonnage of solid waste delivered to such facility is reduced and the
278 tonnage of recyclable items delivered to such facility is increased.

279 (c) The provisions of this section shall not be construed to permit a
280 municipality to sell such recyclable items to an entity other than the

281 facility in violation of any such contract.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	22a-220(h)
Sec. 2	<i>October 1, 2009</i>	22a-241b
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	8-2(a)
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>July 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section
Sec. 8	<i>October 1, 2009</i>	New section
Sec. 9	<i>October 1, 2009</i>	New section
Sec. 10	<i>July 1, 2009</i>	New section

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Various State Agencies	Various - See Below	See Below	See Below
Department of Environmental Protection	GF - Potential Cost	Significant	Significant

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

Explanation

The bill could result in significant costs to the Department of Environmental Protection (DEP) since it allows the agency to contract with municipalities or certain qualified private entities for enforcement of recycling provisions of the bill. The extent to which the agency would contract with other entities is unknown at this time.

There could also be a minimal revenue gain to the state and to various municipalities since the bill allows a portion of any fines assessed to be retained by the state and various municipalities. The bill establishes a civil penalty of \$1,000 for each offense pertaining to recycling receptacles in public spaces and establishes a fine of \$200 for recombining previously segregated recyclable items. The bill does not specify the portion of fines that would be retained by the municipality and the portion that would be retained by the General Fund.

The bill also requires each state agency, within existing resources, to develop and execute a list of proposed actions concerning

sustainability for its buildings, facilities or parks. With passage of the bill, agencies would either (1) re-allocate existing funding for this purpose from other programs; (2) incur additional costs; or (3) delay or not implement this program due to lack of funding.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to any contracts that are entered into by the agency for enforcement of recycling provisions and subject to fines imposed for violations of the bill's provisions.

OLR Bill Analysis**sHB 5474*****AN ACT CONCERNING PRIVATE, MUNICIPAL AND STATE
RECYCLING, BENEFICIAL USE PERMITS AND ZONING
ORDINANCES.*****SUMMARY:**

This bill:

1. expands the types of items that everyone must recycle;
2. requires commercial entities to show how they will provide for recycling required items;
3. (a) requires public buildings to have recycling receptacles, (b) creates a penalty for putting previously recycled items in the trash, and (c) allows the Department of Environmental Protection (DEP) to contract with municipalities and qualified private organizations to enforce recycling laws;
4. requires certain state agencies, within available resources, to create “sustainability” lists for their buildings, facilities, or parks and submit them to DEP;
5. requires certain municipalities to provide curbside recycling and trash haulers to offer recycling to their solid waste customers;
6. prohibits municipal zoning regulations from (a) barring the use of recycling receptacles for storing items that state law requires be recycled and (b) requiring the area for receptacles to comply with regulations concerning bulk or lot area, except for those for side, rear, and front yards (see BACKGROUND); and
7. prohibits municipal contracts with resources recovery facilities

from penalizing municipalities that increase recycling.

The bill eliminates the requirement that municipalities include in their annual reports to DEP information on the amount of each recyclable item contained in their solid waste stream that has been delivered to a recycling facility.

It also makes technical changes.

EFFECTIVE DATE: October 1, 2009, except the provisions concerning sustainability lists and resources recovery contracts are effective July 1, 2009.

§ 2 — ADDING ITEMS TO THOSE THAT MUST BE RECYCLED

By law, everyone must recycle certain items (see BACKGROUND). The bill expands these to include (1) containers made of polyethylene terephthalate (also known as “PET” - clear plastic bottles) plastic and high-density polyethylene plastic (e.g., milk jugs), (2) boxboard (e.g., cereal box material), and (3) paper, including, but not limited to, magazine and white and colored office and residential paper. It requires the DEP commissioner to amend recycling regulations to add these by October 1, 2010 (the bill thus gives DEP a year from this requirement’s effective date of October 1, 2009, to amend the regulations).

The law requires (1) each residence to separate specific items from its garbage (solid waste) for recycling and (2) everyone that generates solid waste to make provision for recycling. The bill specifies that everyone separate recyclable items from solid waste. It requires everyone to recycle the new items the bill designates beginning July 1, 2011.

Under the bill, “boxboard” means a lightweight paperboard made from a variety of recovered fibers having sufficient folding properties and thickness to be used to manufacture folding or set-up boxes.

§ 3 — COMMERCIAL ENTITY SOLID WASTE COLLECTION CONTRACTS

The bill prohibits, as of October 1, 2009, a commercial entity from entering into or renewing a contract for solid waste collection without specifying in the contract how recyclable items will be separated and processed. Under the bill, commercial entities are not required to contract for the removal of the recyclable items.

The bill defines:

1. "commercial entity" as any individual or sole proprietorship, partnership, firm, corporation, trust, limited liability company, limited liability partnership, joint stock company, joint venture, association, or other legal entity that conducts a profit or nonprofit business, and
2. "recyclable items" as the items designated for recycling as required by law.

§§ 5, 8, AND 9 — "PUBLIC PLACE" RECYCLING REQUIREMENTS, PENALTIES, AND ENFORCEMENT

"Public Place" Recycling Receptacles

The bill requires each owner or lessee of a public place to provide recycling receptacles that are accessible to the public at the same location as trash receptacles. The recycling receptacles must at least allow for collection of beverage containers (bottles and cans) that are 21 ounces or less. The owner or lessee may also provide receptacles for other recyclable items (i.e., those designated for recycling by law).

For this requirement, the bill defines "public place" as any area or building, or portion of it, open to the public during normal business hours, including, but not limited to, any (1) building that provides facilities or shelter for public assembly; (2) inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment that provides services or sells merchandise; and (3) museum, hospital, auditorium, movie theater, and university building.

The bill allows the DEP commissioner to adopt regulations to

implement this requirement.

Under the bill, owners or lessees who violate this requirement may be subject to a civil penalty of up to \$1,000 for each offense. Each violation is a separate and distinct offense and, in case of a continuing violation, each day's continuance is deemed to be a separate and distinct offense. The attorney general, on the commissioner's request, must bring an action in Hartford Superior Court to recover the penalty.

Putting a Previously Recycled Item in the Trash

The bill creates a penalty for anyone who recombines previously segregated recyclable items with nonrecyclable solid waste. Violators are subject to a \$200 civil penalty for each offense. Each violation is a separate and distinct offense, and, in case of a continuing violation, each day's continuance is deemed to be a separate and distinct offense. The attorney general, on the commissioner's request, must bring an action in Hartford Superior Court to recover the penalty.

Enforcement

The bill allows the DEP commissioner to contract with municipalities or qualified private organizations to enforce recycling requirements, including (1) separating recyclable items from solid waste, (2) illegal dumping or recycling (i.e., other than at designated solid waste and recycling locations), (3) placing previously sorted recyclables in the trash, and (4) the requirement for receptacles in public places. It permits municipalities that do this to retain a portion of the proceeds of any fines assessed under the bill.

§ 6 — STATE AGENCY SUSTAINABILITY LIST

The bill requires each state agency that occupies or manages a state building, facility, or park to, within the agency's existing resources, develop and execute a list of proposed actions for the sustainability of these state buildings, facilities, or parks. The list must include:

1. methods to increase energy efficiency,

2. providing a sufficient number of recycling receptacles,
3. a preference for the use of biodegradable cleaning products when feasible, and
4. appropriate separation and processing of recyclable materials that, by law, must be recycled.

The agency must file the list with DEP by August 1, 2010.

The bill defines “state building” as buildings and real property owned or leased by the state. By law, “state agency” means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, vocational-technical school or other agency in the executive, legislative, or judicial branch of state government

§§ 7 AND 10 — MUNICIPAL REQUIREMENTS AND CONTRACTS WITH RESOURCES RECOVERY FACILITIES

Municipal Curbside Recycling Required

The bill requires each municipality to offer curbside recycling to all the residents and businesses to which it provides municipal curbside solid waste collection. It exempts from this requirement any municipality that the DEP commissioner determines recycles a higher percentage of its solid waste than the state-wide average.

Trash Haulers and Curbside Recycling

The bill requires each trash hauler that offers curbside collection of residential solid waste in a municipality to offer curbside recycling to its customers at no additional charge. However, the bill allows the trash hauler to determine and adjust its fees for combined curbside collection services. This appears to permit trash haulers to charge a higher fee for “combined curbside collection services” to make up for the additional costs of recycling.

For these requirements, the bill defines:

1. “curbside recycling” as the collection, by either municipal or

private recycling vehicles, of presorted recyclable items that residents and businesses leave for collection in front of their property or business;

2. "recyclable items" as the items the law requires be recycled, excluding bulk items such as furniture, demolition waste, or trees; and
3. "collector, " as under existing law, is anyone who hires himself out to collect solid waste from residential, business, commercial, or other establishments.

Resources Recovery Contracts

The bill prohibits a contract between a municipality and a resources recovery facility, entered into or renewed on or after July 1, 2009, from requiring that the municipality's fee increase if the solid waste tonnage delivered to the facility is reduced and the recyclable items tonnage is increased.

The bill prohibits a municipality from selling recyclable items (those the law requires be recycled) to an entity other than the resource recovery facility with which it contracts.

For this requirement, "resources recovery facility" means a facility using processes to reclaim energy from municipal solid waste.

BACKGROUND

Items Required To Be Recycled Under Existing Law

By law, the following must be recycled:

1. glass and metal food and beverage containers,
2. corrugated cardboard,
3. newspaper,
4. white office paper,
5. scrap metal,

6. Ni-Cd rechargeable batteries,
7. used crankcase oil,
8. lead acid batteries (from vehicles),
9. leaves, and
10. grass (Conn. Agencies Reg. § 22a-241b-2).

Bulk Area Regulations

By law, a municipal zoning commission may create regulations concerning (1) the height, number of stories, and size of building and other structures; (2) the percentage of the area of a lot that may be occupied; (3) yard, court, and open space size; (4) population density and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water dependent uses; and (5) advertising signs' and billboards' height, size, and location. These types of regulations are sometimes referred to as "bulk" regulations (CGS § 8-2(a)).

Legislative History

On April 14, 2009, the House referred the bill to the Planning and Development Committee, which favorably reported the substitute on April 20 that (1) eliminates the DEP commissioner's authority to adopt solid waste beneficial use permits based on those in other states and (2) prohibits municipal ordinances from requiring bulk or lot areas, or similar provisions, except for front, back, and side yards

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 2 (03/20/2009)

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 1 (04/20/2009)

