



House of Representatives

File No. 1023

General Assembly

January Session, 2009

(Reprint of File Nos. 493 and 859)

Substitute House Bill No. 5474
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2009

**AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING,
ZONING ORDINANCES, SOLID WASTE COLLECTION CONTRACTS
AND SCHOOL RECYCLING PROGRAMS.**

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2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (h) On or before [August 31, 1991] September 30, 2009, and annually
5 thereafter, each municipality, or its designated regional agent, shall
6 provide a report to the Commissioner of Environmental Protection
7 describing the measures taken during the preceding year to meet its
8 obligations under this section. The commissioner shall provide each
9 municipality with a form for such report by [June 1, 1991] July 1, 2009.
10 Such form may be amended from time to time. Such report shall
11 include, but not be limited to, (1) a description of the efforts made by
12 the municipality to promote recycling, (2) a description of its efforts to
13 ensure compliance with separation requirements, (3) the amount of
14 each type of recyclable item contained in its solid waste stream which

15 has been delivered to a recycling facility pursuant to a municipal
16 contract, as reported to the municipality or its designated regional
17 agent by the owner or operator of a recycling facility pursuant to
18 section 22a-208e or by a scrap metal processor pursuant to section 22a-
19 208f, [and] (4) the amount of solid waste [generated within its
20 boundaries which has been] collected and delivered to a resources
21 recovery facility or solid waste facility for disposal pursuant to a
22 municipal contract, as reported to the municipality or its designated
23 regional agent by the owner or operator of the resources recovery
24 facility or solid waste facility pursuant to section 22a-208e, (5) the first
25 destination of each type of recyclable material collected for recycling
26 and the first destination of collected municipal solid waste, provided if
27 the first destination is a transfer station or volume reduction facility,
28 the first destination shall be considered to be the destination after the
29 transfer station or volume reduction facility, (6) the actual or estimated
30 amount of each type of recyclable material collected for recycling that
31 has been delivered directly to a destination other than a solid waste
32 facility that has obtained a permit under section 22a-208a, and (7) the
33 actual or estimated amount of disposed municipal solid waste that has
34 been delivered directly to a destination other than a solid waste facility
35 that has obtained a permit under section 22a-208a. If such amounts of
36 recyclable material or solid waste are unknown to the municipality, the
37 municipality shall provide the commissioner with the contact
38 information of the collector who transported such recyclable material
39 or municipal solid waste. For the purposes of this subsection, "solid
40 waste facility" has the same meaning as in section 22a-207 and
41 "collector" has the same meaning as in section 22a-220a.

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

44 (a) (1) On or before February 1, 1988, the Commissioner of
45 Environmental Protection shall adopt regulations in accordance with
46 the provisions of chapter 54 designating items that are required to be
47 recycled. The commissioner may designate other items as suitable for
48 recycling and amend said regulations accordingly.

49 (2) On or before October 1, 2010, the Commissioner of
50 Environmental Protection shall amend the regulations adopted under
51 subdivision (1) of this subsection to expand the list of designated
52 recyclable items to add (A) containers of three gallons or less made of
53 polyethylene terephthalate plastic and high-density polyethylene
54 plastic, (B) boxboard, and (C) additional types of paper, including, but
55 not limited to, magazines, residential high-grade white paper and
56 colored ledger.

57 (b) Any designated recyclable item [designated for recycling
58 pursuant to subsection (a) of this section] shall be recycled by a
59 municipality within three months of the establishment of service to
60 such municipality by a regional processing center or local processing
61 system.

62 (c) [On and after January 1, 1991, (1) each] (1) Each person who
63 generates solid waste from residential property shall, in accordance
64 with subsection (f) of section 22a-220, separate from other solid waste
65 the items designated for recycling pursuant to subdivision (1) of
66 subsection (a) of this section, and (2) every [other] person who
67 generates solid waste from a property other than a residential property
68 shall, in accordance with subsection (f) of section 22a-220, make
69 provision for and cause the separation from other solid waste of the
70 items designated for recycling pursuant to subdivision (1) of
71 subsection (a) of this section through the use of one or more collection
72 containers for designated recyclable items that are separate from the
73 collection containers for other solid waste. Collection containers that
74 have been used for the collection of solid waste may be converted to
75 containers for the collection of designated recyclable items by labeling
76 or other means to identify that such container is dedicated to collecting
77 designated recyclable items. On and after July 1, 2011, the provisions
78 of this subsection shall also apply to items designated for recycling
79 pursuant to subdivision (2) of subsection (a) of this section.

80 (d) No person shall combine previously segregated designated
81 recyclable items with other solid waste.

82 (e) For the purposes of this section, "boxboard" means a lightweight
83 paperboard made from a variety of recovered fibers having sufficient
84 folding properties and thickness to be used to manufacture folding or
85 set-up boxes and "designated recyclable item" means an item
86 designated for recycling by the Commissioner of Environmental
87 Protection in accordance with subsection (a) of this section.

88 Sec. 3. Subsection (a) of section 8-2 of the general statutes is repealed
89 and the following is substituted in lieu thereof (*Effective October 1,*
90 *2009*):

91 (a) The zoning commission of each city, town or borough is
92 authorized to regulate, within the limits of such municipality, the
93 height, number of stories and size of buildings and other structures;
94 the percentage of the area of the lot that may be occupied; the size of
95 yards, courts and other open spaces; the density of population and the
96 location and use of buildings, structures and land for trade, industry,
97 residence or other purposes, including water-dependent uses, as
98 defined in section 22a-93, and the height, size and location of
99 advertising signs and billboards. Such bulk regulations may allow for
100 cluster development, as defined in section 8-18. Such zoning
101 commission may divide the municipality into districts of such number,
102 shape and area as may be best suited to carry out the purposes of this
103 chapter; and, within such districts, it may regulate the erection,
104 construction, reconstruction, alteration or use of buildings or
105 structures and the use of land. All such regulations shall be uniform
106 for each class or kind of buildings, structures or use of land throughout
107 each district, but the regulations in one district may differ from those
108 in another district, and may provide that certain classes or kinds of
109 buildings, structures or uses of land are permitted only after obtaining
110 a special permit or special exception from a zoning commission,
111 planning commission, combined planning and zoning commission or
112 zoning board of appeals, whichever commission or board the
113 regulations may, notwithstanding any special act to the contrary,
114 designate, subject to standards set forth in the regulations and to
115 conditions necessary to protect the public health, safety, convenience

116 and property values. Such regulations shall be made in accordance
117 with a comprehensive plan and in adopting such regulations the
118 commission shall consider the plan of conservation and development
119 prepared under section 8-23. Such regulations shall be designed to
120 lessen congestion in the streets; to secure safety from fire, panic, flood
121 and other dangers; to promote health and the general welfare; to
122 provide adequate light and air; to prevent the overcrowding of land; to
123 avoid undue concentration of population and to facilitate the adequate
124 provision for transportation, water, sewerage, schools, parks and other
125 public requirements. Such regulations shall be made with reasonable
126 consideration as to the character of the district and its peculiar
127 suitability for particular uses and with a view to conserving the value
128 of buildings and encouraging the most appropriate use of land
129 throughout such municipality. Such regulations may, to the extent
130 consistent with soil types, terrain, infrastructure capacity and the plan
131 of conservation and development for the community, provide for
132 cluster development, as defined in section 8-18, in residential zones.
133 Such regulations shall also encourage the development of housing
134 opportunities, including opportunities for multifamily dwellings,
135 consistent with soil types, terrain and infrastructure capacity, for all
136 residents of the municipality and the planning region in which the
137 municipality is located, as designated by the Secretary of the Office of
138 Policy and Management under section 16a-4a. Such regulations shall
139 also promote housing choice and economic diversity in housing,
140 including housing for both low and moderate income households, and
141 shall encourage the development of housing which will meet the
142 housing needs identified in the housing plan prepared pursuant to
143 section 8-37t and in the housing component and the other components
144 of the state plan of conservation and development prepared pursuant
145 to section 16a-26. Zoning regulations shall be made with reasonable
146 consideration for their impact on agriculture. Zoning regulations may
147 be made with reasonable consideration for the protection of historic
148 factors and shall be made with reasonable consideration for the
149 protection of existing and potential public surface and ground
150 drinking water supplies. On and after July 1, 1985, the regulations shall

151 provide that proper provision be made for soil erosion and sediment
152 control pursuant to section 22a-329. Such regulations may also
153 encourage energy-efficient patterns of development, the use of solar
154 and other renewable forms of energy, and energy conservation. The
155 regulations may also provide for incentives for developers who use
156 passive solar energy techniques, as defined in subsection (b) of section
157 8-25, in planning a residential subdivision development. The
158 incentives may include, but not be limited to, cluster development,
159 higher density development and performance standards for roads,
160 sidewalks and underground facilities in the subdivision. Such
161 regulations may provide for a municipal system for the creation of
162 development rights and the permanent transfer of such development
163 rights, which may include a system for the variance of density limits in
164 connection with any such transfer. Such regulations may also provide
165 for notice requirements in addition to those required by this chapter.
166 Such regulations may provide for conditions on operations to collect
167 spring water or well water, as defined in section 21a-150, including the
168 time, place and manner of such operations. No such regulations shall
169 prohibit the operation of any family day care home or group day care
170 home in a residential zone. No such regulations shall prohibit the use
171 of receptacles for the storage of items designated for recycling in
172 accordance with section 22a-241b, as amended by this act, or require
173 that such receptacles comply with provisions for bulk or lot area, or
174 similar provisions, except provisions for side yards, rear yards and
175 front yards. No such regulations shall unreasonably restrict access to
176 or the size of such receptacles for businesses, given the nature of the
177 business and the volume of items designated for recycling in
178 accordance with section 22a-241b, as amended by this act, that such
179 business produces in its normal course of business, provided nothing
180 in this section shall be construed to prohibit such regulations from
181 requiring the screening or buffering of such receptacles for aesthetic
182 reasons. Such regulations shall not impose conditions and
183 requirements on manufactured homes having as their narrowest
184 dimension twenty-two feet or more and built in accordance with
185 federal manufactured home construction and safety standards or on

186 lots containing such manufactured homes which are substantially
187 different from conditions and requirements imposed on single-family
188 dwellings and lots containing single-family dwellings. Such
189 regulations shall not impose conditions and requirements on
190 developments to be occupied by manufactured homes having as their
191 narrowest dimension twenty-two feet or more and built in accordance
192 with federal manufactured home construction and safety standards
193 which are substantially different from conditions and requirements
194 imposed on multifamily dwellings, lots containing multifamily
195 dwellings, cluster developments or planned unit developments. Such
196 regulations shall not prohibit the continuance of any nonconforming
197 use, building or structure existing at the time of the adoption of such
198 regulations. Such regulations shall not provide for the termination of
199 any nonconforming use solely as a result of nonuse for a specified
200 period of time without regard to the intent of the property owner to
201 maintain that use. Any city, town or borough which adopts the
202 provisions of this chapter may, by vote of its legislative body, exempt
203 municipal property from the regulations prescribed by the zoning
204 commission of such city, town or borough; but unless it is so voted
205 municipal property shall be subject to such regulations.

206 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) No later than July 1, 2010,
207 each municipality shall offer curbside or backyard collection of
208 designated recyclable items to all residents and businesses for which
209 such municipality provides municipal curbside or backyard collection
210 of solid waste, except that the provisions of this section shall not apply
211 to any municipality that the Commissioner of Environmental
212 Protection determines recycles its solid waste in a percentage that
213 exceeds the state-wide average for the amount of municipal solid
214 waste recycled.

215 (b) Each collector who offers curbside or backyard collection of solid
216 waste generated by residences in a municipality shall offer curbside or
217 backyard collection of designated recyclable items to each of such
218 collector's customers and such curbside or backyard collection of
219 designated recyclable items shall be included in the collector's charge

220 for solid waste collection. The provisions of this subsection shall not be
221 construed to prohibit any collector from determining and adjusting its
222 fees for combined curbside collection services.

223 (c) For the purposes of this section, "curbside or backyard collection"
224 means the collection, by either municipal collection services or private
225 collectors, of presorted designated recyclable items or solid waste left
226 for such collection by residents and businesses in the front or rear of
227 the property of such residents and on the property of businesses,
228 "designated recyclable items" means the items designated for recycling
229 by the Commissioner of Environmental Protection in accordance with
230 subsection (a) of section 22a-241b of the general statutes, as amended
231 by this act, and "collector" has the same meaning as in subsection (g) of
232 section 22a-220a of the general statutes.

233 Sec. 5. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this
234 section:

235 (1) "Designated recyclable items" means the items designated by the
236 Commissioner of Environmental Protection for recycling in accordance
237 with subsection (a) of section 22a-241b of the general statutes, as
238 amended by this act;

239 (2) "Generated" means sold or given away at a common gathering
240 venue; and

241 (3) "Common gathering venue" means any area or building, or
242 portion thereof, that is open to the public during normal business
243 hours, including, but not limited to, any (A) building that provides
244 facilities or shelter for public assembly, (B) inn, hotel, motel, sports
245 arena, supermarket, transportation terminal, retail store, restaurant or
246 other commercial establishment that provides services or retails
247 merchandise, or (C) museum, hospital, auditorium, movie theater or
248 university building.

249 (b) Each property that has one or more common gathering venues
250 where designated recyclable items may be generated while the public

251 congregates at such venue and that provides for the collection of solid
252 waste shall provide recycling receptacles for the collection of any
253 designated recyclable items generated at such venue. Such recycling
254 receptacles shall be as accessible to the public and at the same locations
255 as trash receptacles. Any existing trash receptacle may be converted to
256 a recycling receptacle by labeling or other means appropriate to
257 identify that such receptacle is dedicated to the collection of designated
258 recyclable items. If beverage containers of twenty-one ounces or less
259 are offered for sale or given away at a common gathering venue, any
260 such recycling receptacle at such venue shall, at a minimum, allow for
261 the collection of such beverage containers.

262 Sec. 6. (NEW) (*Effective July 1, 2011*) (a) For the purposes of this
263 section, "designated recyclable item" has the same meaning as in
264 section 22a-241b of the general statutes, as amended by this act,
265 "customer" means a business and "collector" means any person offering
266 solid waste or designated recyclable item collection services.

267 (b) Each contract between a collector and a customer for the
268 collection of solid waste shall make provision for the collection of
269 designated recyclable items, either by providing for the collection of
270 designated recyclable items by the same collector who is party to the
271 solid waste contract or by providing for such collection by a different
272 collector, provided, if the latter, the customer provides the collector
273 who is party to the solid waste contract with (1) verification of such
274 other contract, and (2) notification upon termination of such other
275 contract. The provisions of this section shall not be construed to
276 require a customer to contract exclusively with one collector for the
277 collection of both designated recyclable items and other solid waste.
278 Each collector shall provide each customer with clear written or
279 pictorial instructions on how to separate designated recyclable items in
280 accordance with the provisions of section 22a-241b of the general
281 statutes, as amended by this act.

282 Sec. 7. (NEW) (*Effective July 1, 2009*) Each local and regional board of
283 education shall develop and implement a recycling plan at each school

284 under the board's jurisdiction. Such plan shall include, but not be
 285 limited to, (1) the provision of a sufficient number of recycling
 286 receptacles and simple signage with instructions on proper recycling;
 287 (2) a requirement for appropriate disposal of recyclable materials by
 288 students and all school personnel; and (3) training of custodial staff for
 289 the appropriate segregation of recyclable materials from municipal
 290 solid waste at the point of collection to container storage pending
 291 removal by a licensed hauler. Local and regional boards of education
 292 may utilize the services of local recycling coordinators or regional
 293 recycling educators that are experienced in teaching the principles of
 294 recycling. Local and regional school districts may join together in
 295 issuing a request for proposals, from time to time, for the
 296 transportation of recyclable items to ensure best pricing. Such request
 297 for proposals may require compensation to the district or districts from
 298 the sale of recyclable items to support the cost of student activities.
 299 Items required to be recycled pursuant to this section shall be the items
 300 designated as items that are generated and discarded at the school and
 301 required to be recycled by the Commissioner of Environmental
 302 Protection in regulations adopted in accordance with the provisions of
 303 subsection (a) of section 22a-241b of the general statutes, as amended
 304 by this act. Such items shall be recycled at the facility designated by the
 305 town in which the school is located pursuant to the provisions of
 306 section 22a-220a of the general statutes, as amended by this act, if the
 307 town has so designated such a facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-220(h)
Sec. 2	<i>October 1, 2009</i>	22a-241b
Sec. 3	<i>October 1, 2009</i>	8-2(a)
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>July 1, 2011</i>	New section
Sec. 7	<i>July 1, 2009</i>	New section

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: See below

Municipal Impact: See below

Explanation

The bill requires each municipality that provides municipal curbside or backyard collection of solid waste that does not currently exceed the state-wide average for the amount of municipal solid waste (MSW) recycled, to offer curbside or backyard collection of designated recyclable items to all residents and businesses. It states that any collector is not prohibited from adjusting its fees for combined curbside collection services to these residents and businesses. The amount of MSW collected from certain municipalities may decrease due to a commensurate amount of increased recycling from these municipalities.

Lastly, the bill requires local and regional boards of education to develop and implement a recycling plan at each school under their jurisdiction. The plan requires that custodial staff be trained in properly separating materials; this may result in a minimal cost to local and regional boards of education who do not currently train custodial staff. The bill also allows local and regional boards of education to issue joint requests for proposals (RFPs) to ensure the best price for transporting recyclable materials and allows the RFPs to require that districts be compensated for the sale of recyclable material to support student activities. To the extent that the new plan results in the sale of additional recyclable material, local and regional boards of education could receive additional revenues, which could offset any costs.

House "A" struck the underlying bill and resulted in the fiscal impact as described above.

The Out Years

The annualized ongoing fiscal impact identified above will continue into the future subject to inflation.

OLR Bill Analysis**sHB 5474 (as amended by House "A")******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 most municipalities by July 1, 2010 to offer curbside or backyard recycling, if they offer it for waste removal, and requires each solid waste collector that offers curbside or backyard residential garbage collection in a municipality to offer curbside or backyard collection of designated recyclable items to its customers;
3. requires recycling receptacles at common gathering venues that already have solid waste collection and generate (sell or give away) designated recyclable items (e.g., sports arenas and other buildings that sell soda bottles);
4. prohibits municipal zoning regulations from (a) barring the use of recycling receptacles for storing items that state law requires be recycled, (b) requiring the receptacles to comply with regulations concerning bulk or lot area, except for those for side, rear, and front yards (see BACKGROUND); and (c) unreasonably restricting the size of or access to the receptacles given the nature of the business and volume of recyclables the business produces in its normal course of business provided that regulations may require screening or buffering of receptacles for

aesthetic reasons;

5. requires solid waste contractors and their customers to address how the customers' recycling will be handled; and
6. requires each local and regional board of education to develop and implement a recycling plan at each school under its jurisdiction.

The bill also adds to what municipalities must include in their annual reports to the Department of Environmental Protection (DEP).

It also makes technical changes.

*House Amendment "A" makes changes to (1) recycling reporting requirements and prohibitions concerning bulk area and municipal zoning, (2) public places recycling requirements, and (3) contract requirements concerning recycling. It also adds requirements for planned recycling at schools and eliminates a (1) requirement that certain state agencies create a "sustainability" list, (2) prohibition on contracts between a municipality and a resource recovery facility from containing penalty provisions if the municipality expands recycling and reduces its solid waste, and (3) requirement that commercial entities show how they will provide for recycling.

EFFECTIVE DATE: October 1, 2009, except for (1) the expanded municipal recycling reporting, which is effective on passage; (2) planned school recycling, which is effective July 1, 2009; (3) common gathering venue recycling requirements, effective October 1, 2010; and (4) solid waste contracts providing for recycling, which is effective July 1, 2011

§ 2 — ADDING ITEMS TO THOSE THAT MUST BE RECYCLED

By law, everyone must recycle certain items (see BACKGROUND). The bill requires the DEP commissioner to expand these through regulation, by October 1, 2010, to include (1) containers of three gallons or less made of polyethylene terephthalate plastic (also known as

“PET” – clear plastic bottles) and high-density polyethylene plastic (e.g., milk jugs), (2) boxboard (e.g., cereal box material), and (3) additional types of paper, including magazines and residential high-grade white paper and colored ledger paper.

Under the bill, (1) “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 and (2) “designated recyclable item” means an item the DEP commissioner has designated for recycling.

The law requires (1) each residence to separate specific items from their 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 and what receptacles may be used for non-residential properties. For non-residential property, the bill specifies that recycling take place through the use of one or more collection containers for designated recyclable items separate from those for other solid waste. It allows collection containers that had been used for solid waste collection to be converted to containers for recyclable item collection by labeling or other means specifying recycling.

The bill prohibits anyone from combining previously segregated items designated for recycling with solid waste. It requires everyone to recycle the new items the bill designates beginning July 1, 2011.

§ 4 — CURBSIDE AND BACKYARD RECYCLING

The bill requires municipalities, by July 1, 2010, to offer curbside or backyard collection of designated recyclable items to all residents and businesses for which they provide municipal curbside or backyard collection of solid waste. The bill excepts any municipality that the DEP commissioner determines recycles its solid waste in a percentage that exceeds the state-wide average for the amount of municipal solid waste recycled.

The bill requires each solid waste collector that offers curbside or backyard residential solid waste collection in a municipality to offer curbside or backyard collection of designated recyclable items to its customers. The bill specifies that the curbside or backyard recyclable collection must be included in the collector's charge for solid waste collection. However, under the bill, this does not prohibit any collector from adjusting its fees for combined curbside collection services. "Collector" means any person who holds himself out for hire to collect solid waste from residential, business, commercial, or other establishments.

The bill defines "curbside or backyard collection" as the collection, by either municipal collection services or private collectors, of presorted designated recyclable items or solid waste that residents and businesses leave for collection in the front or rear of their property. It defines "designated recyclable items" as the items DEP designates for recycling.

§ 5 — RECYCLING AT COMMON GATHERING VENUES

The bill requires each property that (1) has at least one common gathering venue where designated recyclable items may be generated and (2) provides for solid waste collection to also provide recycling receptacles for designated recyclable items collection that are generated there. The bill defines "common gathering venue" to mean any area or building, or portion of it, that is open to the public during normal business hours, including, any (1) building that provides facilities or shelter for public assembly (e.g., the Legislative Office Building); (2) inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment that provides services or retails merchandise; or (3) museum, hospital, auditorium, movie theater, or university building.

The bill specifies that recycling receptacles must be as accessible to the public and at the same locations as trash receptacles. It allows any existing trash receptacle to be converted to a recycling receptacle by labeling or other means appropriate to identify that the receptacle is

dedicated to the collection of designated recyclable items. If beverage containers that are 21 ounces or less are offered for sale or given away at a common gathering venue, the recycling receptacles at the venue must, at a minimum, allow for the collection of these containers.

The bill defines “generated” to mean sold or given away at a common gathering venue.

§ 6 — CONTRACTS

The bill requires each contract for solid waste collection between a collector and a customer to provide for designated recyclable item collection. This may be achieved either by having recyclable collection by the same collector who collects solid waste or by having a different collector do so. If the customer chooses a separate recyclable collector, the customer must provide the solid waste collector with (1) verification of the other contract and (2) notification when terminating the other contract.

The bill specifies that (1) it should not be construed to require a customer to contract exclusively with one collector for the collection of both designated recyclable items and other solid waste and (2) each collector must provide each customer with clear written or pictorial instructions on how to separate designated recyclable items.

§ 7 — RECYCLING AT SCHOOLS

By law, all non-residential properties that generate solid waste must separate items for recycling and recycle them (CGS § 22a-241b). The bill requires each local and regional board of education to develop and implement a recycling plan at each school under its jurisdiction. The plan must include:

1. provision for a sufficient number of recycling receptacles and simple signage with instructions on proper recycling (presumably the board determines what is sufficient);
2. a specific requirement for appropriate disposal of recyclable materials by students and all school personnel; and

3. training of custodial staff for the appropriate segregation of recyclable materials from municipal solid waste at the point of collection to container storage pending removal by a licensed hauler.

The bill allows local and regional boards of education to utilize the services of local recycling coordinators or regional recycling educators that are experienced in teaching the principles of recycling. Local and regional school districts may join together in issuing requests for proposals for the transportation of recyclable items to ensure best pricing. A request for proposals may require compensation to the district or districts from the sale of recyclable items to support the cost of student activities. Items required to be recycled are those designated as items that are generated and discarded at the school and required to be recycled by the DEP commissioner. These items must be recycled at the facility the town designated for recycling, if the town has done so.

§ 1 — REPORTING REQUIREMENTS

Under current law, towns must report annually on their recycling efforts by August 31 to the DEP. The DEP commissioner had to provide a form for these reports by June 1, 1991. The bill requires reports beginning September 30, 2009 and requires the commissioner to provide a new form for the reports by July 1, 2009.

By law, the report must include certain information, including a description of municipalities' (1) efforts to promote recycling and ensure compliance with separation requirements; (2) amounts of each recyclable item contained in its solid waste stream that has been delivered to a recycling facility, as reported to the municipality or its designated regional agent by recycling facility owner or operator or a scrap metal processor; and (3) amounts of solid waste generated within its boundaries which has been delivered to a resources recovery facility or solid waste facility for disposal, as reported to the municipality or its designated regional agent by the owner or operator of the resources recovery facility or solid waste facility.

The bill specifies that the recyclable items and municipal solid waste reporting requirement is based on municipal contracts. It also requires the amount of solid waste collected be the criteria for the report rather than the amount generated within its boundaries.

The bill specifies that the municipalities must also include in the report:

1. the first destination of each type of recyclable material collected for recycling and the first destination of collected municipal solid waste, provided if the first destination is a transfer station or volume reduction facility, the first destination must be considered the destination after the transfer station or volume reduction facility,
2. the actual or estimated amount of each type of recyclable material collected for recycling delivered directly to a destination other than a permitted solid waste facility, and
3. the actual or estimated amount of disposed municipal solid waste delivered directly to a destination other than a permitted solid waste facility.

The bill allows a reporting alternative if the amount of recyclable material or solid waste is unknown. In such a case, the municipality must provide the commissioner with the contact information of the collector who transported the recyclable material or municipal solid waste.

As under existing law, "solid waste facility" means any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility, or biomedical waste treatment facility.

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 (from electronics),
7. used crankcase oil,
8. lead acid batteries (from vehicles),
9. leaves, and
10. grass (clippings should be left on the lawn or, if necessary, composted, according to DEP) (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 regulation 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) eliminated 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)