



General Assembly

January Session, 2009

**Raised Bill No. 918**

LCO No. 3298

\*03298 \_\_\_\_\_ ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT REQUIRING THE LICENSING OF PRIVATE SOLID WASTE HAULERS.**

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

1 Section 1. (NEW) (*Effective January 1, 2010*) As used in sections 1 to 4,  
2 inclusive, of this act and section 7 of this act:

3 (1) "Solid waste hauling" means the business of collection and  
4 transportation of solid waste from its location to a solid waste facility.

5 (2) "Solid waste" has the same meaning as set forth in section 22a-  
6 207 of the general statutes.

7 (3) "Business entity" means any corporation, association, firm,  
8 partnership, trust or other form of commercial organization.

9 (4) "Equity" means a financial interest or ownership right in  
10 property.

11 (5) "Solid waste facility" has the same meaning as set forth in section  
12 22a-207 of the general statutes.

13       Sec. 2. (NEW) (*Effective January 1, 2010*) No person shall engage in  
14 solid waste hauling from property that is not owned by such person  
15 without a license issued by the Department of Environmental  
16 Protection under section 3 of this act. Such license shall be valid for a  
17 period of five years and renewable. The provisions of this section shall  
18 not apply to any state, municipal or quasi-public agency or to any  
19 person who owns or operates less than four vehicles for the  
20 transportation of solid waste, including any such vehicles owned or  
21 operated by any other person or business entity engaged in the  
22 collection of solid waste in which such person holds five per cent or  
23 more of the equity or debt liability. As used in this subsection,  
24 "vehicle" means any motor vehicle designed, used or maintained  
25 primarily for the transportation of solid waste.

26       Sec. 3. (NEW) (*Effective January 1, 2010*) (a) The Commissioner of  
27 Environmental Protection may issue, deny, modify, renew, suspend,  
28 revoke or transfer a license for solid waste hauling, under such  
29 conditions as the commissioner may prescribe and upon submission of  
30 such information as the commissioner may require, in accordance with  
31 this section and any regulations adopted pursuant to section 4 of this  
32 act.

33       (b) The license application filed pursuant to this section shall  
34 include, but not be limited to, the following:

35       (1) The full name and business address of the applicant, or if the  
36 applicant is a business entity, its full name, including any other name  
37 by which the business entity has been known in the ten years  
38 preceding the filing of the application, its business address, its state of  
39 incorporation and the name and address of each officer, director,  
40 manager or partner and the name of any person or business entity  
41 which directly, or indirectly through another business entity, holds  
42 five per cent or more of equity or debt liability in the applicant;

43       (2) If the applicant is an individual, the full name and address of any  
44 business entity engaged in the collection of solid waste of which the

45 applicant has been an officer, director, manager or partner, or in which  
46 the applicant has held directly, or indirectly through another business  
47 entity, five per cent or more of equity or debt liability in the applicant,  
48 during the five years preceding the filing of the application;

49 (3) A description of the experience and credentials possessed by the  
50 applicant, or if the applicant is a business entity, the experience and  
51 credentials possessed by its officers, directors, managers or partners in  
52 the collection of solid waste. Such description shall include past and  
53 present licenses, permits and approvals for the collection of solid  
54 waste;

55 (4) Information regarding any notices of violations of administrative  
56 orders, civil proceedings or license revocations by any municipal, state  
57 or federal authority that occurred not more than ten years preceding  
58 the filing of the application, concerning a violation of any  
59 environmental protection law, rule or regulation by the applicant, or if  
60 the applicant is a business entity, concerning such a violation by an  
61 officer, director, partner thereof, or any person or business entity,  
62 which directly, or indirectly through another business entity, holds  
63 five per cent or more of equity or debt liability in the applicant;

64 (5) Information regarding any pending charges in any state  
65 involving violations of, or civil judgments of liability or criminal  
66 convictions of, any municipal, state or federal law against the  
67 applicant, or if the applicant is a business entity, such judgments or  
68 convictions against any officer, director or partner or any person or  
69 business entity, which directly, or indirectly through another business  
70 entity, holds five per cent or more of equity or debt liability in the  
71 applicant;

72 (6) A certification that all federal, state and local taxes have been  
73 paid for the five years preceding the date of the application;

74 (7) The name and address of any solid waste facility operated by the  
75 applicant;

76 (8) Proof of liability insurance in an amount not less than one  
77 million dollars for the cost of remediating any environmental damage  
78 caused by such person; and

79 (9) Any other information the commissioner may deem relevant.

80 (c) The Commissioner of Environmental Protection shall require the  
81 applicant or, if the applicant is a business entity, any director, officer,  
82 partner or owner of more than five per cent of the total outstanding  
83 stock of any class of the applicant's business, to submit to state and  
84 national criminal history records checks in accordance with section 29-  
85 17a of the general statutes.

86 (d) The commissioner may deny an application for a new license for  
87 solid waste hauling, the renewal or transfer of such license or revoke a  
88 license for solid waste hauling issued pursuant to this section, if (1) the  
89 commissioner determines that the applicant has not exhibited expertise  
90 or competence in the area of solid waste hauling; (2) any person listed  
91 in the license application has been convicted by a court of competent  
92 jurisdiction under any of the following: Section 53a-54a, 53a-54b, 53a-  
93 54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-101, 53a-  
94 102, 53a-102a, 53a-103, 53a-103a, 53a-111, 53a-112, 53a-113, 53a-122,  
95 53a-123, 53a-124, 53a-126a, 53a-128c, 53a-129b, 53a-129c, 53a-129d, 53a-  
96 129e, 53a-134, 53a-135, 53a-136, 53a-138, 53a-139, 53a-147, 53a-148, 53a-  
97 149, 53a-150, 53a-151, 53a-151a, 53a-152, 53a-153, 53a-154, 53a-155, 53a-  
98 156, 53a-158, 53a-159, 53a-160, 53a-161, 53a-161a, 53a-161c, 53a-161d,  
99 53a-162, 53a-165aa, 53a-166, 53a-167, 53a-276, 53a-277, 53a-278, 53-395,  
100 14-106b, 12-231, 12-519, 12-738 or 37-7 of the general statutes, chapter  
101 420b or 624 of the general statutes, or title 22a of the general statutes,  
102 or in any other state or federal jurisdiction, of any crime, the essential  
103 elements of which are substantially similar to such crimes, or of any  
104 other offense involving moral turpitude; or (3) the applicant fails to  
105 submit any of the information required in the license application  
106 pursuant to this section.

107 (c) If the commissioner denies, suspends, revokes or refuses to grant

108 an application to modify, renew or transfer a license for solid waste  
109 hauling, the commissioner shall notify the applicant of such decision,  
110 the reason for such decision and of the applicant's right to request a  
111 hearing not later than ten days after the receipt of the notice of the  
112 commissioner's decision. If the applicant or licensee requests a hearing  
113 not later than ten days after the receipt of such notice, the  
114 commissioner shall conduct a hearing concerning such refusal, in  
115 accordance with the provisions of chapter 54 of the general statutes,  
116 concerning contested matters.

117 Sec. 4. (NEW) (*Effective January 1, 2010*) The Commissioner of  
118 Environmental Protection may adopt regulations, in accordance with  
119 the provisions of chapter 54 of the general statutes, to implement the  
120 provisions of sections 1 to 4, inclusive, of this act, including, but not  
121 limited to, establishment of a reasonable application fee sufficient to  
122 cover the costs of implementation of sections 1 to 4, inclusive, of this  
123 act and a requirement that the licensee have an ongoing duty to notify  
124 the commissioner of any civil judgments of liability or convictions that  
125 would be disclosed on the application pursuant to subdivision (2) of  
126 subsection (d) of section 3 of this act, not later than five business days  
127 after such judgment or conviction.

128 Sec. 5. Section 22a-226 of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective January 1, 2010*):

130 (a) Any person who violates section 2 of this act or any provision of  
131 this chapter or any regulation, permit or order adopted or issued  
132 under this chapter, or any owner of land who knowingly permits such  
133 violations to occur on his land, shall be assessed a civil penalty not to  
134 exceed twenty-five thousand dollars, to be fixed by the court, for each  
135 offense. Each violation shall be a separate and distinct offense and, in  
136 the case of a continuing violation, each day's continuance thereof shall  
137 be deemed to be a separate and distinct offense. The Attorney General,  
138 upon request of the commissioner, shall institute a civil action in the  
139 superior court for the judicial district of Hartford to recover such

140 penalty.

141 (b) If any person violates section 2 of this act or any provision of this  
142 chapter or any regulation, permit or order adopted or issued under  
143 this chapter, the commissioner may request the Attorney General to  
144 bring an action in the superior court for the judicial district of Hartford  
145 to enjoin such person from such violation and to order remedial  
146 measures to prevent, control or abate pollution. If two or more persons  
147 are responsible for a violation of section 2 of this act or any provision  
148 of this chapter or any regulation, permit or order adopted or issued  
149 under this chapter, such persons shall be jointly and severally liable  
150 under this subsection.

151 (c) Any action brought by the Attorney General pursuant to this  
152 section shall have precedence in the order of trial as provided in  
153 section 52-191.

154 Sec. 6. Section 22a-226a of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective January 1, 2010*):

156 Any person who knowingly violates any provision of section 22a-  
157 252, section 22a-208a, section 22a-208c, section 2 of this act, any permit  
158 issued under [said] section 22a-208a, subsection (c) or (d) of section  
159 22a-250, any regulation adopted under section 22a-209 or 22a-231, or  
160 any order issued pursuant to section 22a-225 shall be fined not more  
161 than twenty-five thousand dollars per day for each day of violation or  
162 imprisoned not more than two years, or both. A subsequent conviction  
163 for any such violation shall carry a fine of not more than fifty thousand  
164 dollars per day for each day of violation or imprisonment for not more  
165 than five years, or both.

166 Sec. 7. (NEW) (*Effective January 1, 2010*) (a) Except as provided in  
167 subsection (a) of this section, any contract for the collection and  
168 transportation of solid waste from a residential or commercial  
169 property within the state to a solid waste facility shall:

170 (1) Not exceed two years in duration;

171 (2) Authorize the consumer, upon thirty days written notice to the  
172 licensee, to terminate such contract during a renewal period when  
173 such contract was extended by an automatic renewal of such contract;

174 (3) Allow a consumer to terminate such contract upon notice to the  
175 licensee not more than thirty days prior to the extension of such  
176 contract;

177 (4) Not include any requirement that the consumer notify the  
178 licensee of competitive offers for the collection and transportation of  
179 solid waste of the consumer or otherwise limit the ability of the  
180 consumer to select a licensee of the consumer's choosing;

181 (5) Require the licensee to provide the consumer with written notice  
182 of any increase in the amount charged for such collection and  
183 transportation services not less than thirty days prior to the effective  
184 date of such increase and of any subcontract or assignment of  
185 contractual duties by the licensee not less than sixty days prior to the  
186 effective date of such subcontract or assignment. The contract shall  
187 also provide the consumer with not less than fourteen days notice of  
188 such increase, subcontract or assignment to terminate such contract;  
189 and

190 (6) Not require a consumer to pay liquidated damages in the event  
191 such contract is terminated prior to the end of the initial or extended  
192 contract term.

193 (b) The provisions of this section shall not apply to (1) any contract  
194 with a political subdivision of the state, or (2) any contract that  
195 concerns the collection of more than three tons of solid waste annually.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2010	New section

Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	New section
Sec. 5	<i>January 1, 2010</i>	22a-226
Sec. 6	<i>January 1, 2010</i>	22a-226a
Sec. 7	<i>January 1, 2010</i>	New section

***Statement of Purpose:***

To require the licensing of private solid waste haulers by the Department of Environmental Protection, to create civil and criminal penalties for operating a solid waste hauling business without such license, and to impose certain requirements for certain solid waste collection and transportation contracts.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*