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Amendment

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Offered by:

REP. ROY, 119th Dist.
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To: Subst. House Bill No. 5474

File No. 859

Cal. No. 321

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

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

3 "Section 1. Subsection (h) of section 22a-220 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (h) On or before [August 31, 1991] September 30, 2009, and annually
7 thereafter, each municipality, or its designated regional agent, shall
8 provide a report to the Commissioner of Environmental Protection
9 describing the measures taken during the preceding year to meet its
10 obligations under this section. The commissioner shall provide each
11 municipality with a form for such report by June 1, 1991. Such form
12 may be amended from time to time. Such report shall include, but not

13 be limited to, (1) a description of the efforts made by the municipality
14 to promote recycling, (2) a description of its efforts to ensure
15 compliance with separation requirements, (3) the amount of each type
16 of recyclable item contained in its solid waste stream which has been
17 delivered to a recycling facility pursuant to a municipal contract, as
18 reported to the municipality or its designated regional agent by the
19 owner or operator of a recycling facility pursuant to section 22a-208e
20 or by a scrap metal processor pursuant to section 22a-208f, [and] (4) the
21 amount of solid waste [generated within its boundaries which has
22 been] collected and delivered to a resources recovery facility or solid
23 waste facility for disposal pursuant to a municipal contract, as
24 reported to the municipality or its designated regional agent by the
25 owner or operator of the resources recovery facility or solid waste
26 facility pursuant to section 22a-208e, (5) the first destination of each
27 type of recyclable material collected for recycling and the first
28 destination of collected municipal solid waste, provided if the first
29 destination is a transfer station or volume reduction facility, the first
30 destination shall be considered to be the destination after the transfer
31 station or volume reduction facility, (6) the actual or estimated amount
32 of each type of recyclable material collected for recycling that has been
33 delivered directly to a destination other than a solid waste facility that
34 has obtained a permit under section 22a-208a, and (7) the actual or
35 estimated amount of disposed municipal solid waste that has been
36 delivered directly to a destination other than a solid waste facility that
37 has obtained a permit under section 22a-208a. If such amounts of
38 recyclable material or solid waste are unknown to the municipality, the
39 municipality shall provide the commissioner with the contact
40 information of the collector who transported such recyclable material
41 or municipal solid waste. For the purposes of this subsection, "solid
42 waste facility" has the same meaning as in section 22a-207 and
43 "collector" has the same meaning as in section 22a-220a.

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

46 (a) (1) On or before February 1, 1988, the Commissioner of

47 Environmental Protection shall adopt regulations in accordance with
48 the provisions of chapter 54 designating items that are required to be
49 recycled. The commissioner may designate other items as suitable for
50 recycling and amend said regulations accordingly.

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

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

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

80 designated for recycling pursuant to subdivision (2) of subsection (a)
81 of this section.

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

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

90 Sec. 3. Subsection (a) of section 8-2 of the general statutes is repealed
91 and the following is substituted in lieu thereof (*Effective October 1,*
92 *2009*):

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

112 a special permit or special exception from a zoning commission,
113 planning commission, combined planning and zoning commission or
114 zoning board of appeals, whichever commission or board the
115 regulations may, notwithstanding any special act to the contrary,
116 designate, subject to standards set forth in the regulations and to
117 conditions necessary to protect the public health, safety, convenience
118 and property values. Such regulations shall be made in accordance
119 with a comprehensive plan and in adopting such regulations the
120 commission shall consider the plan of conservation and development
121 prepared under section 8-23. Such regulations shall be designed to
122 lessen congestion in the streets; to secure safety from fire, panic, flood
123 and other dangers; to promote health and the general welfare; to
124 provide adequate light and air; to prevent the overcrowding of land; to
125 avoid undue concentration of population and to facilitate the adequate
126 provision for transportation, water, sewerage, schools, parks and other
127 public requirements. Such regulations shall be made with reasonable
128 consideration as to the character of the district and its peculiar
129 suitability for particular uses and with a view to conserving the value
130 of buildings and encouraging the most appropriate use of land
131 throughout such municipality. Such regulations may, to the extent
132 consistent with soil types, terrain, infrastructure capacity and the plan
133 of conservation and development for the community, provide for
134 cluster development, as defined in section 8-18, in residential zones.
135 Such regulations shall also encourage the development of housing
136 opportunities, including opportunities for multifamily dwellings,
137 consistent with soil types, terrain and infrastructure capacity, for all
138 residents of the municipality and the planning region in which the
139 municipality is located, as designated by the Secretary of the Office of
140 Policy and Management under section 16a-4a. Such regulations shall
141 also promote housing choice and economic diversity in housing,
142 including housing for both low and moderate income households, and
143 shall encourage the development of housing which will meet the
144 housing needs identified in the housing plan prepared pursuant to
145 section 8-37t and in the housing component and the other components
146 of the state plan of conservation and development prepared pursuant

147 to section 16a-26. Zoning regulations shall be made with reasonable
148 consideration for their impact on agriculture. Zoning regulations may
149 be made with reasonable consideration for the protection of historic
150 factors and shall be made with reasonable consideration for the
151 protection of existing and potential public surface and ground
152 drinking water supplies. On and after July 1, 1985, the regulations shall
153 provide that proper provision be made for soil erosion and sediment
154 control pursuant to section 22a-329. Such regulations may also
155 encourage energy-efficient patterns of development, the use of solar
156 and other renewable forms of energy, and energy conservation. The
157 regulations may also provide for incentives for developers who use
158 passive solar energy techniques, as defined in subsection (b) of section
159 8-25, in planning a residential subdivision development. The
160 incentives may include, but not be limited to, cluster development,
161 higher density development and performance standards for roads,
162 sidewalks and underground facilities in the subdivision. Such
163 regulations may provide for a municipal system for the creation of
164 development rights and the permanent transfer of such development
165 rights, which may include a system for the variance of density limits in
166 connection with any such transfer. Such regulations may also provide
167 for notice requirements in addition to those required by this chapter.
168 Such regulations may provide for conditions on operations to collect
169 spring water or well water, as defined in section 21a-150, including the
170 time, place and manner of such operations. No such regulations shall
171 prohibit the operation of any family day care home or group day care
172 home in a residential zone. No such regulations shall prohibit the use
173 of receptacles for the storage of items designated for recycling in
174 accordance with section 22a-241b, as amended by this act, or require
175 that such receptacles comply with provisions for bulk or lot area, or
176 similar provisions, except provisions for side yards, rear yards and
177 front yards. No such regulations shall unreasonably restrict access to
178 or the size of such receptacles for businesses, given the nature of the
179 business and the volume of items designated for recycling in
180 accordance with section 22a-241b, as amended by this act, that such
181 business produces in its normal course of business, provided nothing

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

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

216 waste recycled.

217 (b) Each collector who offers curbside or backyard collection of solid
218 waste generated by residences in a municipality shall offer curbside or
219 backyard collection of designated recyclable items to each of such
220 collector's customers and such curbside or backyard collection of
221 designated recyclable items shall be included in the collector's charge
222 for solid waste collection. The provisions of this subsection shall not be
223 construed to prohibit any collector from determining and adjusting its
224 fees for combined curbside collection services.

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

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

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

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

243 (3) "Common gathering venue" means any area or building, or
244 portion thereof, that is open to the public during normal business
245 hours, including, but not limited to, any (A) building that provides
246 facilities or shelter for public assembly, (B) inn, hotel, motel, sports

247 arena, supermarket, transportation terminal, retail store, restaurant or
248 other commercial establishment that provides services or retails
249 merchandise, or (C) museum, hospital, auditorium, movie theater or
250 university building.

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

264 Sec. 6. Section 22a-209f of the general statutes is repealed and the
265 following is substituted in lieu thereof (*Effective October 1, 2009*):

266 (a) The Commissioner of Environmental Protection may issue a
267 general permit for a category of processing or beneficial use of solid
268 waste when used in a manufacturing process to make a product or as
269 an effective substitute for a commercial product, provided: (1) Such
270 permit does not allow an activity for which an individual permit has
271 been issued; (2) the issuance of the general permit is not inconsistent
272 with the requirements of the federal Resource Conservation and
273 Recovery Act; (3) the solid wastes included in the category are
274 proposed for the same or substantially similar operations and have the
275 same or similar physical character and chemical composition; (4) the
276 solid wastes included in the category are proposed for the same or
277 substantially similar beneficial use or processing activities; and (5) the
278 commissioner finds that the activities in the category can be
279 adequately regulated using standardized conditions without harming

280 or presenting a threat of harm to public health and safety or the
281 environment. [The commissioner's authority to issue a general permit
282 shall not apply to the reuse of hazardous waste as defined in section
283 22a-115.] The issuance of the general permit shall be governed by
284 procedures established in subsection [(q)] (i) of section 22a-208a. The
285 general permit may require any person or municipality proposing to
286 conduct any activity under a general permit to register such activity on
287 a form prescribed by the commissioner.

288 (b) (1) The commissioner may issue individual authorizations for
289 the beneficial use of solid waste in a manufacturing process to make a
290 product or as an effective substitute for a commercial product
291 provided (A) such authorization does not allow an activity for which
292 an individual or general permit has been issued, (B) such authorization
293 is not inconsistent with the requirements of the federal Resource
294 Conservation and Recovery Act (42 USC 6901 et seq.), and (C) the
295 commissioner finds that such solid waste can be reused without
296 harming or presenting a threat of harm to public health, safety or the
297 environment.

298 (2) The commissioner shall establish guidelines protective of public
299 health, safety and the environment for authorizations made in
300 accordance with this subsection and shall give public notice on the
301 Department of Environmental Protection's Internet web site of such
302 guidelines, or any subsequent revision of the guidelines, with an
303 opportunity for submission of written comments by interested persons
304 for a period of thirty days following the publication of the notice. The
305 commissioner shall post a response to any comments received on the
306 Department of Environmental Protection's Internet web site.

307 (3) An applicant for such authorization shall submit information on
308 forms prescribed by the commissioner and any additional information
309 required by the commissioner. The commissioner may direct the
310 applicant to pay a fee of not more than five thousand dollars at the
311 time of application, in accordance with the guidelines established
312 under subdivision (2) of this subsection, except that no such fee shall

313 be charged to a municipality.

314 (4) Notwithstanding section 22a-208a or any regulations adopted
315 pursuant to section 22a-209, the issuance or renewal of an
316 authorization under this subsection, or a modification of an
317 authorization under this subsection if such modification is sought by
318 the holder of an authorization, shall conform to the following
319 procedures: (A) The commissioner shall publish a notice of intent to
320 issue an authorization on the Department of Environmental
321 Protection's Internet web site. Such notice shall include: (i) The name
322 and mailing address of the applicant and the address of the location of
323 the proposed activity; (ii) the application number; (iii) the tentative
324 decision regarding the application; (iv) the type of authorization
325 sought, including a reference to the applicable statute or regulation; (v)
326 a description of the location of the proposed activity and any natural
327 resources affected thereby; (vi) the name, address and telephone
328 number of any agent of the applicant from whom interested persons
329 may obtain copies of the application; (vii) the length of time available
330 for submission of public comments to the commissioner; and (viii)
331 such additional information as the commissioner deems necessary to
332 comply with any provision of this title or regulations adopted
333 pursuant to this title, or with the federal Clean Air Act, federal Clean
334 Water Act or federal Resource Conservation and Recovery Act. There
335 shall be a comment period of thirty days following the publication of
336 such notice during which interested persons may submit written
337 comments to the commissioner. (B) The commissioner shall post a
338 response to any comments received on the Department of
339 Environmental Protection's Internet web site. (C) The commissioner
340 may approve or deny such authorization based upon a review of the
341 submitted information. Any authorization issued pursuant to this
342 section shall define clearly the activity covered by such authorization
343 and may include such conditions or requirements as the commissioner
344 deems appropriate, including, but not limited to, operation and
345 maintenance requirements, management practices, reporting
346 requirements and a specified term.

347 (5) The commissioner may suspend or revoke an authorization and
348 may modify an authorization if such modification is not sought by the
349 holder of an authorization, in accordance with the provisions of section
350 4-182 and the applicable rules of practice adopted by the department.

351 Sec. 7. (NEW) (*Effective July 1, 2011*) (a) For the purposes of this
352 section, "designated recyclable item" has the same meaning as in
353 section 22a-241b of the general statutes, as amended by this act,
354 "customer" means a resident or business and "collector" means any
355 person offering solid waste or designated recyclable item collection
356 services.

357 (b) Each contract between a collector and a customer for the
358 collection of solid waste shall make provision for the collection of
359 designated recyclable items, either by providing for the collection of
360 designated recyclable items by the same collector who is party to the
361 contract or by providing for such collection by a different collector. The
362 provisions of this section shall not be construed to require a customer
363 to contract exclusively with such collector for the collection of both
364 designated recyclable items and other solid waste. Each collector shall
365 provide each customer with clear written or pictorial instructions on
366 how to separate designated recyclable items in accordance with the
367 provisions of section 22a-241b of the general statutes, as amended by
368 this act.

369 Sec. 8. (NEW) (*Effective July 1, 2009*) Each local and regional board of
370 education shall develop and implement a recycling plan at each school
371 under the board's jurisdiction. Such plan shall include, but not be
372 limited to, (1) the provision of a sufficient number of recycling
373 receptacles and simple signage with instructions on proper recycling;
374 (2) a requirement for appropriate disposal of recyclable materials by
375 students and all school personnel; and (3) training of custodial staff for
376 the appropriate segregation of recyclable materials from municipal
377 solid waste at the point of collection to container storage pending
378 removal by a licensed hauler. Local and regional boards of education
379 may utilize the services of local recycling coordinators or regional

380 recycling educators that are experienced in teaching the principles of
 381 recycling. Local and regional school districts may join together in
 382 issuing a request for proposals, from time to time, for the
 383 transportation of recyclable items to ensure best pricing. Such request
 384 for proposals may require compensation to the district or districts from
 385 the sale of recyclable items to support the cost of student activities.
 386 Items required to be recycled pursuant to this section shall be the items
 387 designated as items that are generated and discarded at the school and
 388 required to be recycled by the Commissioner of Environmental
 389 Protection in regulations adopted in accordance with the provisions of
 390 subsection (a) of section 22a-241b of the general statutes, as amended
 391 by this act. Such items shall be recycled at the facility designated by the
 392 town in which the school is located pursuant to the provisions of
 393 section 22a-220a of the general statutes, if the town has so designated
 394 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>October 1, 2009</i>	22a-209f
Sec. 7	<i>July 1, 2011</i>	New section
Sec. 8	<i>July 1, 2009</i>	New section