



General Assembly

**Amendment**

January Session, 2009

LCO No. 7793

\*HB0547407793HDO\*

Offered by:

REP. ROY, 119<sup>th</sup> Dist.  
REP. SCHOFIELD, 16<sup>th</sup> Dist.  
REP. BYE, 19<sup>th</sup> Dist.  
REP. CAMILLO, 151<sup>st</sup> Dist.

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4 repealed and the following is substituted in lieu thereof (*Effective from*  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] July 1, 2009.  
12 Such form may be amended from time to time. Such report shall

13 include, but not be limited to, (1) a description of the efforts made by  
14 the municipality to promote recycling, (2) a description of its efforts to  
15 ensure compliance with separation requirements, (3) the amount of  
16 each type of recyclable item contained in its solid waste stream which  
17 has been delivered to a recycling facility pursuant to a municipal  
18 contract, as reported to the municipality or its designated regional  
19 agent by the owner or operator of a recycling facility pursuant to  
20 section 22a-208e or by a scrap metal processor pursuant to section 22a-  
21 208f, [and] (4) the amount of solid waste [generated within its  
22 boundaries which has been] collected and delivered to a resources  
23 recovery facility or solid waste facility for disposal pursuant to a  
24 municipal contract, as reported to the municipality or its designated  
25 regional agent by the owner or operator of the resources recovery  
26 facility or solid waste facility pursuant to section 22a-208e, (5) the first  
27 destination of each type of recyclable material collected for recycling  
28 and the first destination of collected municipal solid waste, provided if  
29 the first destination is a transfer station or volume reduction facility,  
30 the first destination shall be considered to be the destination after the  
31 transfer station or volume reduction facility, (6) the actual or estimated  
32 amount of each type of recyclable material collected for recycling that  
33 has been delivered directly to a destination other than a solid waste  
34 facility that has obtained a permit under section 22a-208a, and (7) the  
35 actual or estimated amount of disposed municipal solid waste that has  
36 been delivered directly to a destination other than a solid waste facility  
37 that 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  
69 generates solid waste from a property other than a residential property  
70 shall, in accordance with subsection (f) of section 22a-220, make  
71 provision for and cause the separation from other solid waste of the  
72 items designated for recycling pursuant to subdivision (1) of  
73 subsection (a) of this section through the use of one or more collection  
74 containers for designated recyclable items that are separate from the  
75 collection containers for other solid waste. Collection containers that  
76 have been used for the collection of solid waste may be converted to  
77 containers for the collection of designated recyclable items by labeling  
78 or other means to identify that such container is dedicated to collecting  
79 designated recyclable items. On and after July 1, 2011, the provisions

80 of this subsection shall also apply to items designated for recycling  
81 pursuant to subdivision (2) of subsection (a) 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 venue 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.

310 (4) Notwithstanding section 22a-208a or any regulations adopted  
311 pursuant to section 22a-209, the issuance or renewal of an

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

343 (5) The commissioner may suspend or revoke an authorization and  
344 may modify an authorization if such modification is not sought by the  
345 holder of an authorization, in accordance with the provisions of section

346 4-182 and the applicable rules of practice adopted by the department.

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

352 (b) Each contract between a collector and a customer for the  
353 collection of solid waste shall make provision for the collection of  
354 designated recyclable items, either by providing for the collection of  
355 designated recyclable items by the same collector who is party to the  
356 solid waste contract or by providing for such collection by a different  
357 collector, provided, if the latter, the customer provides the collector  
358 who is party to the solid waste contract with (1) verification of such  
359 other contract, and (2) notification upon termination of such other  
360 contract. The provisions of this section shall not be construed to  
361 require a customer to contract exclusively with one collector for the  
362 collection of both designated recyclable items and other solid waste.  
363 Each collector shall provide each customer with clear written or  
364 pictorial instructions on how to separate designated recyclable items in  
365 accordance with the provisions of section 22a-241b of the general  
366 statutes, as amended by this act.

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

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