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Amendment

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Offered by:

SEN. MEYER, 12th Dist.

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To: Subst. Senate Bill No. 995

File No. 907

Cal. No. 357

**"AN ACT CONCERNING BENEFICIAL REUSE, RECYCLING,
ILLEGAL DUMPING AND MUNICIPAL DEMONSTRATION
PROJECTS."**

1 Strike section 2 in its entirety, and substitute the following in lieu
2 thereof:

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 Section 22a-241b of the general statutes is repealed and the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

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

10 (2) On or before October 1, 2010, the Commissioner of
11 Environmental Protection shall amend the regulations adopted under
12 subdivision (1) of this subsection to expand the list of designated

13 recyclable items to add (A) containers of three gallons or less made of
14 polyethylene terephthalate plastic and high-density polyethylene
15 plastic, (B) boxboard, and (C) additional types of paper, including, but
16 not limited to, magazines, residential high-grade white paper and
17 colored ledger.

18 (b) Any designated recyclable item [designated for recycling
19 pursuant to subsection (a) of this section] shall be recycled by a
20 municipality within three months of the establishment of service to
21 such municipality by a regional processing center or local processing
22 system.

23 (c) [On and after January 1, 1991, (1) each] (1) Each person who
24 generates solid waste from residential property shall, in accordance
25 with subsection (f) of section 22a-220, separate from other solid waste
26 the items designated for recycling pursuant to subdivision (1) of
27 subsection (a) of this section, and (2) every [other] person who
28 generates solid waste from a property other than a residential property
29 shall, in accordance with subsection (f) of section 22a-220, make
30 provision for and cause the separation from other solid waste of the
31 items designated for recycling pursuant to subdivision (1) of
32 subsection (a) of this section through the use of one or more collection
33 containers for designated recyclable items that are separate from the
34 collection containers for other solid waste. Collection containers that
35 have been used for the collection of solid waste may be converted to
36 containers for the collection of designated recyclable items by labeling
37 or other means to identify that such container is dedicated to collecting
38 designated recyclable items. On and after July 1, 2011, the provisions
39 of this subsection shall also apply to items designated for recycling
40 pursuant to subdivision (2) of subsection (a) of this section.

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

43 (e) For the purposes of this section, "boxboard" means a lightweight
44 paperboard made from a variety of recovered fibers having sufficient

45 folding properties and thickness to be used to manufacture folding or
46 set-up boxes and "designated recyclable item" means an item
47 designated for recycling by the Commissioner of Environmental
48 Protection in accordance with subsection (a) of this section."

49 After the last section, add the following and renumber sections and
50 internal references accordingly:

51 Sec. 501. Subsection (h) of section 22a-220 of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective from*
53 *passage*):

54 (h) On or before [August 31, 1991] September 30, 2009, and annually
55 thereafter, each municipality, or its designated regional agent, shall
56 provide a report to the Commissioner of Environmental Protection
57 describing the measures taken during the preceding year to meet its
58 obligations under this section. The commissioner shall provide each
59 municipality with a form for such report by [June 1, 1991] July 1, 2009.
60 Such form may be amended from time to time. Such report shall
61 include, but not be limited to, (1) a description of the efforts made by
62 the municipality to promote recycling, (2) a description of its efforts to
63 ensure compliance with separation requirements, (3) the amount of
64 each type of recyclable item contained in its solid waste stream which
65 has been delivered to a recycling facility pursuant to a municipal
66 contract, as reported to the municipality or its designated regional
67 agent by the owner or operator of a recycling facility pursuant to
68 section 22a-208e or by a scrap metal processor pursuant to section 22a-
69 208f, [and] (4) the amount of solid waste [generated within its
70 boundaries which has been] collected and delivered to a resources
71 recovery facility or solid waste facility for disposal pursuant to a
72 municipal contract, as reported to the municipality or its designated
73 regional agent by the owner or operator of the resources recovery
74 facility or solid waste facility pursuant to section 22a-208e, (5) the first
75 destination of each type of recyclable material collected for recycling
76 and the first destination of collected municipal solid waste, provided if
77 the first destination is a transfer station or volume reduction facility,

78 the first destination shall be considered to be the destination after the
79 transfer station or volume reduction facility, (6) the actual or estimated
80 amount of each type of recyclable material collected for recycling that
81 has been delivered directly to a destination other than a solid waste
82 facility that has obtained a permit under section 22a-208a, and (7) the
83 actual or estimated amount of disposed municipal solid waste that has
84 been delivered directly to a destination other than a solid waste facility
85 that has obtained a permit under section 22a-208a. If such amounts of
86 recyclable material or solid waste are unknown to the municipality, the
87 municipality shall provide the commissioner with the contact
88 information of the collector who transported such recyclable material
89 or municipal solid waste. For the purposes of this subsection, "solid
90 waste facility" has the same meaning as in section 22a-207 and
91 "collector" has the same meaning as in section 22a-220a.

92 Sec. 502. Subsection (a) of section 8-2 of the general statutes is
93 repealed and the following is substituted in lieu thereof (*Effective*
94 *October 1, 2009*):

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

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

147 section 8-37t and in the housing component and the other components
148 of the state plan of conservation and development prepared pursuant
149 to section 16a-26. Zoning regulations shall be made with reasonable
150 consideration for their impact on agriculture. Zoning regulations may
151 be made with reasonable consideration for the protection of historic
152 factors and shall be made with reasonable consideration for the
153 protection of existing and potential public surface and ground
154 drinking water supplies. On and after July 1, 1985, the regulations shall
155 provide that proper provision be made for soil erosion and sediment
156 control pursuant to section 22a-329. Such regulations may also
157 encourage energy-efficient patterns of development, the use of solar
158 and other renewable forms of energy, and energy conservation. The
159 regulations may also provide for incentives for developers who use
160 passive solar energy techniques, as defined in subsection (b) of section
161 8-25, in planning a residential subdivision development. The
162 incentives may include, but not be limited to, cluster development,
163 higher density development and performance standards for roads,
164 sidewalks and underground facilities in the subdivision. Such
165 regulations may provide for a municipal system for the creation of
166 development rights and the permanent transfer of such development
167 rights, which may include a system for the variance of density limits in
168 connection with any such transfer. Such regulations may also provide
169 for notice requirements in addition to those required by this chapter.
170 Such regulations may provide for conditions on operations to collect
171 spring water or well water, as defined in section 21a-150, including the
172 time, place and manner of such operations. No such regulations shall
173 prohibit the operation of any family day care home or group day care
174 home in a residential zone. No such regulations shall prohibit the use
175 of receptacles for the storage of items designated for recycling in
176 accordance with section 22a-241b, as amended by this act, or require
177 that such receptacles comply with provisions for bulk or lot area, or
178 similar provisions, except provisions for side yards, rear yards and
179 front yards. No such regulations shall unreasonably restrict access to
180 or the size of such receptacles for businesses, given the nature of the
181 business and the volume of items designated for recycling in

182 accordance with section 22a-241b, as amended by this act, that such
183 business produces in its normal course of business, provided nothing
184 in this section shall be construed to prohibit such regulations from
185 requiring the screening or buffering of such receptacles for aesthetic
186 reasons. Such regulations shall not impose conditions and
187 requirements on manufactured homes having as their narrowest
188 dimension twenty-two feet or more and built in accordance with
189 federal manufactured home construction and safety standards or on
190 lots containing such manufactured homes which are substantially
191 different from conditions and requirements imposed on single-family
192 dwellings and lots containing single-family dwellings. Such
193 regulations shall not impose conditions and requirements on
194 developments to be occupied by manufactured homes having as their
195 narrowest dimension twenty-two feet or more and built in accordance
196 with federal manufactured home construction and safety standards
197 which are substantially different from conditions and requirements
198 imposed on multifamily dwellings, lots containing multifamily
199 dwellings, cluster developments or planned unit developments. Such
200 regulations shall not prohibit the continuance of any nonconforming
201 use, building or structure existing at the time of the adoption of such
202 regulations. Such regulations shall not provide for the termination of
203 any nonconforming use solely as a result of nonuse for a specified
204 period of time without regard to the intent of the property owner to
205 maintain that use. Any city, town or borough which adopts the
206 provisions of this chapter may, by vote of its legislative body, exempt
207 municipal property from the regulations prescribed by the zoning
208 commission of such city, town or borough; but unless it is so voted
209 municipal property shall be subject to such regulations.

210 Sec. 503. (NEW) (*Effective October 1, 2009*) (a) No later than July 1,
211 2010, each municipality shall offer curbside or backyard collection of
212 designated recyclable items to all residents and businesses for which
213 such municipality provides municipal curbside or backyard collection
214 of solid waste, except that the provisions of this section shall not apply
215 to any municipality that the Commissioner of Environmental

216 Protection determines recycles its solid waste in a percentage that
217 exceeds the state-wide average for the amount of municipal solid
218 waste recycled.

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

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

237 Sec. 504. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this
238 section:

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

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

245 (3) "Common gathering venue" means any area or building, or
246 portion thereof, that is open to the public during normal business

247 hours, including, but not limited to, any (A) building that provides
248 facilities or shelter for public assembly, (B) inn, hotel, motel, sports
249 arena, supermarket, transportation terminal, retail store, restaurant or
250 other commercial establishment that provides services or retails
251 merchandise, or (C) museum, hospital, auditorium, movie theater or
252 university building.

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

266 Sec. 505. (NEW) (*Effective July 1, 2011*) (a) For the purposes of this
267 section, "designated recyclable item" has the same meaning as in
268 section 22a-241b of the general statutes, as amended by this act,
269 "customer" means a business and "collector" means any person offering
270 solid waste or designated recyclable item collection services.

271 (b) Each contract between a collector and a customer for the
272 collection of solid waste shall make provision for the collection of
273 designated recyclable items, either by providing for the collection of
274 designated recyclable items by the same collector who is party to the
275 solid waste contract or by providing for such collection by a different
276 collector, provided, if the latter, the customer provides the collector
277 who is party to the solid waste contract with (1) verification of such
278 other contract, and (2) notification upon termination of such other
279 contract. The provisions of this section shall not be construed to

280 require a customer to contract exclusively with one collector for the
281 collection of both designated recyclable items and other solid waste.
282 Each collector shall provide each customer with clear written or
283 pictorial instructions on how to separate designated recyclable items in
284 accordance with the provisions of section 22a-241b of the general
285 statutes, as amended by this act.

286 Sec. 506. (NEW) (*Effective July 1, 2009*) Each local and regional board
287 of education shall develop and implement a recycling plan at each
288 school under the board's jurisdiction. Such plan shall include, but not
289 be limited to, (1) the provision of a sufficient number of recycling
290 receptacles and simple signage with instructions on proper recycling;
291 (2) a requirement for appropriate disposal of recyclable materials by
292 students and all school personnel; and (3) training of custodial staff for
293 the appropriate segregation of recyclable materials from municipal
294 solid waste at the point of collection to container storage pending
295 removal by a licensed hauler. Local and regional boards of education
296 may utilize the services of local recycling coordinators or regional
297 recycling educators that are experienced in teaching the principles of
298 recycling. Local and regional school districts may join together in
299 issuing a request for proposals, from time to time, for the
300 transportation of recyclable items to ensure best pricing. Such request
301 for proposals may require compensation to the district or districts from
302 the sale of recyclable items to support the cost of student activities.
303 Items required to be recycled pursuant to this section shall be the items
304 designated as items that are generated and discarded at the school and
305 required to be recycled by the Commissioner of Environmental
306 Protection in regulations adopted in accordance with the provisions of
307 subsection (a) of section 22a-241b of the general statutes, as amended
308 by this act. Such items shall be recycled at the facility designated by the
309 town in which the school is located pursuant to the provisions of
310 section 22a-220a of the general statutes, if the town has so designated
311 such a facility."