



House of Representatives

General Assembly

File No. 312

February Session, 2010

Substitute House Bill No. 5120

House of Representatives, April 6, 2010

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. Section 22a-207 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 For the purposes of this chapter, [and] chapter 103b and sections 5
4 to 7, inclusive, of this act:

5 (1) "Commissioner" means the Commissioner of Environmental
6 Protection or his authorized agent;

7 (2) "Department" means the Department of Environmental
8 Protection;

9 (3) "Solid waste" means unwanted or discarded solid, liquid,
10 semisolid or contained gaseous material, including, but not limited to,
11 demolition debris, material burned or otherwise processed at a

12 resources recovery facility or incinerator, material processed at a
13 recycling facility and sludges or other residue from a water pollution
14 abatement facility, water supply treatment plant or air pollution
15 control facility;

16 (4) "Solid waste facility" means any solid waste disposal area,
17 volume reduction plant, transfer station, wood-burning facility or
18 biomedical waste treatment facility;

19 (5) "Volume reduction plant" means any location or structure,
20 whether located on land or water, where more than two thousand
21 pounds per hour of solid waste generated elsewhere may be reduced
22 in volume, including but not limited to, resources recovery facilities
23 and other incinerators, recycling facilities, pulverizers, compactors,
24 shredders, balers and composting facilities;

25 (6) "Solid waste disposal area" means any location, including a
26 landfill or other land disposal site, used for the disposal of more than
27 ten cubic yards of solid waste. For purposes of this subdivision,
28 "disposal" means the placement of material at a location with the intent
29 to leave it at such location indefinitely, or to fail to remove material
30 from a location within forty-five days, but does not mean the
31 placement of material required to be recycled under section 22a-241b₂
32 as amended by this act, in a location on the premises of a recycling
33 facility, provided such facility is in compliance with all requirements
34 of state or federal law and any permits required thereunder;

35 (7) "Recycling" means the processing of solid waste to reclaim
36 material therefrom;

37 (8) "Recycling facility" or "recycling center" means land and
38 appurtenances thereon and structures where recycling is conducted,
39 including but not limited to, an intermediate processing center as
40 defined in section 22a-260;

41 (9) "Resources recovery facility" means a facility utilizing processes
42 to reclaim energy from municipal solid waste;

43 (10) "Transfer station" means any location or structure, whether
44 located on land or water, where more than ten cubic yards of solid
45 waste, generated elsewhere, may be stored for transfer or transferred
46 from transportation units and placed in other transportation units for
47 movement to another location, whether or not such waste is stored at
48 the location prior to transfer;

49 (11) "Municipality" means any town, city or borough within the
50 state;

51 (12) "Municipal authority" means the local governing body having
52 legal jurisdiction over solid waste management within its corporate
53 limits which shall be, in the case of any municipality which adopts a
54 charter provision or ordinance pursuant to section 7-273aa, the
55 municipal resource recovery authority;

56 (13) "Regional authority" means the administrative body delegated
57 the responsibility of solid waste management for two or more
58 municipalities which have joined together by creating a district or
59 signing an interlocal agreement or signing a mutual contract for a
60 definitive period of time;

61 (14) "Region" means two or more municipalities which have joined
62 together by creating a district or signing an interlocal agreement or
63 signing a mutual contract for a definite period of time concerning solid
64 waste management within such municipalities;

65 (15) "Solid waste management plan" means an administrative and
66 financial plan for an area which considers solid waste storage,
67 collection, transportation, volume reduction, recycling, reclamation
68 and disposal practices for a twenty-year period, or extensions thereof;

69 (16) "Municipal collection" means solid waste collection from all
70 residents thereof by a municipal authority;

71 (17) "Contract collection" means collection by a private collector
72 under a formal agreement with a municipal authority in which the
73 rights and duties of the respective parties are set forth;

74 (18) "Solid waste planning region" means those municipalities
75 within the defined boundaries of regional planning agencies or as
76 prescribed in the state solid waste management plan;

77 (19) "Biomedical waste" means infectious waste, pathological waste
78 and chemotherapy waste generated during the administration of
79 medical care or the performance of medical research involving humans
80 or animals and which, because of its quantity, character or
81 composition, has been determined by the commissioner to require
82 special handling but excluding any solid waste which has been
83 classified by the department as a hazardous waste pursuant to section
84 22a-115 or is a radioactive material regulated pursuant to section 22a-
85 148;

86 (20) "Generator of biomedical waste" means any person who owns
87 or operates a facility that produces biomedical waste in any quantity,
88 including, but not limited to the following: General hospitals, skilled
89 nursing facilities or convalescent hospitals, intermediate care facilities,
90 chronic dialysis clinics, free clinics, health maintenance organizations,
91 surgical clinics, acute psychiatric hospitals, laboratories, medical
92 buildings, physicians' offices, veterinarians, dental offices and funeral
93 homes. Where more than one generator is located in the same building,
94 each individual business entity shall be considered a separate
95 generator;

96 (21) "Biomedical waste treatment facility" means a solid waste
97 facility capable of storing, treating or disposing of any amount of
98 biomedical waste, excluding any facility where the only biomedical
99 waste treated, stored or disposed of is biomedical waste generated at
100 the site and any licensed acute care facility or licensed regional
101 household hazardous waste collection facility accepting untreated
102 solid waste generated during the administration of medical care in a
103 single or multiple family household by a resident of such household;

104 (22) "Throughput" means the amount of municipal solid waste
105 processed by a resources recovery facility determined by dividing the
106 average annual tonnage of municipal solid waste by three hundred

107 sixty-five days;

108 (23) "Municipal solid waste" means solid waste from residential,
109 commercial and industrial sources, excluding solid waste consisting of
110 significant quantities of hazardous waste as defined in section 22a-115,
111 land-clearing debris, demolition debris, biomedical waste, sewage
112 sludge and scrap metal;

113 (24) "Wood-burning facility" means a facility, as defined in section
114 16-50i, whose principal function is energy recovery from wood for
115 commercial purposes. "Wood-burning facility" does not mean a
116 biomass gasification plant that utilizes land clearing debris, tree
117 stumps or other biomass that regenerates, or the use of which will not
118 result in a depletion of, resources;

119 (25) "Person" has the same meaning as in subsection (c) of section
120 22a-2;

121 (26) "Closure plan" means a comprehensive written plan, including
122 maps, prepared by a professional engineer licensed by the state that
123 details the closure of a solid waste disposal area and that addresses
124 final cover design, stormwater controls, landfill gas controls, water
125 quality monitoring, leachate controls, postclosure maintenance and
126 monitoring, financial assurance for closure and postclosure activities,
127 postclosure use and any other information that the commissioner
128 determines is necessary to protect human health and the environment
129 from the effects of the solid waste disposal areas;

130 (27) "Designated recyclable item" means an item designated for
131 recycling by the Commissioner of Environmental Protection in
132 regulations adopted pursuant to subsection (a) of section 22a-241b, as
133 amended by this act, or designated for recycling pursuant to section
134 22a-256 or 22a-208v;

135 (28) "Composting facility" means land, appurtenances and
136 structures where materials from another process or location are
137 recovered using a process of accelerated biological decomposition of

138 organic material under controlled conditions to produce a marketable
139 product.

140 Sec. 2. Subsection (h) of section 22a-220 of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective from*
142 *passage*):

143 (h) On or before [August 31, 1991] September 30, 2010, and annually
144 thereafter, each municipality, or its designated regional agent, shall
145 provide a report to the Commissioner of Environmental Protection
146 describing the measures taken during the preceding year to meet its
147 obligations under this section. The commissioner shall provide each
148 municipality with a form for such report by [June 1, 1991] July 1, 2010.
149 Such form may be amended from time to time. Such report shall
150 include, but not be limited to, (1) a description of the efforts made by
151 the municipality to promote recycling, (2) a description of its efforts to
152 ensure compliance with separation requirements, (3) [the amount of
153 each recyclable item contained in its solid waste stream which has
154 been delivered to a recycling facility as reported to the municipality or
155 its designated regional agent by the owner or operator of a recycling
156 facility pursuant to section 22a-208e or by a scrap metal processor
157 pursuant to section 22a-208f, and (4) the amount of solid waste
158 generated within its boundaries which has been delivered to a
159 resources recovery facility or solid waste facility for disposal as
160 reported to the municipality or its designated regional agent by the
161 owner or operator of the resources recovery facility or solid waste
162 facility pursuant to section 22a-208e] an identification of the first
163 destination that received solid waste, including recyclable material
164 generated in the municipality's borders, and (4) the actual or estimated
165 amount of such disposed solid waste and recyclable material that has
166 been delivered to a first destination that is out of state or a Connecticut
167 end user. If such amounts of recyclable material or solid waste are
168 unknown to the municipality, the municipality shall provide the
169 commissioner with the contact information of the collector who
170 transported such recyclable material or municipal solid waste. For the
171 purposes of this subsection, "collector" has the same meaning as in

172 section 22a-220a, as amended by this act.

173 Sec. 3. Section 22a-241b of the general statutes is repealed and the
174 following is substituted in lieu thereof (*Effective October 1, 2010*):

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

180 (2) On or before October 1, 2011, the Commissioner of
181 Environmental Protection shall amend the regulations adopted
182 pursuant to subdivision (1) of this subsection to expand the list of
183 designated recyclable items to add (A) containers of three gallons or
184 less made of polyethylene terephthalate plastic and high-density
185 polyethylene plastic, and (B) additional types of paper, including, but
186 not limited to, boxboard, magazines, residential high-grade white
187 paper and colored ledger.

188 (b) Any designated recyclable item [designated for recycling
189 pursuant to subsection (a) of this section] shall be recycled by a
190 municipality within [three] six months of the [establishment]
191 availability of service to such municipality by a regional processing
192 center or local processing system.

193 (c) [On and after January 1, 1991, (1) each] Each person who
194 generates solid waste from residential property shall, in accordance
195 with subsection (f) of section 22a-220, separate from other solid waste
196 the items designated for recycling pursuant to subdivision (1) of
197 subsection (a) of this section. [and (2) every other]

198 (d) Every person who generates solid waste from a property other
199 than a residential property shall, in accordance with subsection (f) of
200 section 22a-220, make provision for and cause the separation from
201 other solid waste of the items designated for recycling pursuant to
202 subdivision (1) of subsection (a) of this section through the use of one

203 or more collection containers for designated recyclable items that are
204 separate from the collection containers for other solid waste. Collection
205 containers that have been used for the collection of solid waste may be
206 converted to containers for the collection of designated recyclable
207 items by labeling or other means to identify that such container is
208 dedicated to collecting designated recyclable items. On and after July
209 1, 2012, the provisions of this subsection shall also apply to items
210 designated for recycling pursuant to subdivision (2) of subsection (a)
211 of this section.

212 (e) No person shall knowingly combine previously segregated
213 designated recyclable items with other solid waste.

214 (f) For the purposes of this section, "boxboard" means a lightweight
215 paperboard made from a variety of recovered fibers having sufficient
216 folding properties and thickness to be used to manufacture folding or
217 set-up boxes.

218 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed
219 and the following is substituted in lieu thereof (*Effective October 1,*
220 *2010*):

221 (a) The zoning commission of each city, town or borough is
222 authorized to regulate, within the limits of such municipality, the
223 height, number of stories and size of buildings and other structures;
224 the percentage of the area of the lot that may be occupied; the size of
225 yards, courts and other open spaces; the density of population and the
226 location and use of buildings, structures and land for trade, industry,
227 residence or other purposes, including water-dependent uses, as
228 defined in section 22a-93, and the height, size and location of
229 advertising signs and billboards. Such bulk regulations may allow for
230 cluster development, as defined in section 8-18. Such zoning
231 commission may divide the municipality into districts of such number,
232 shape and area as may be best suited to carry out the purposes of this
233 chapter; and, within such districts, it may regulate the erection,
234 construction, reconstruction, alteration or use of buildings or
235 structures and the use of land. All such regulations shall be uniform

236 for each class or kind of buildings, structures or use of land throughout
237 each district, but the regulations in one district may differ from those
238 in another district, and may provide that certain classes or kinds of
239 buildings, structures or uses of land are permitted only after obtaining
240 a special permit or special exception from a zoning commission,
241 planning commission, combined planning and zoning commission or
242 zoning board of appeals, whichever commission or board the
243 regulations may, notwithstanding any special act to the contrary,
244 designate, subject to standards set forth in the regulations and to
245 conditions necessary to protect the public health, safety, convenience
246 and property values. Such regulations shall be made in accordance
247 with a comprehensive plan and in adopting such regulations the
248 commission shall consider the plan of conservation and development
249 prepared under section 8-23. Such regulations shall be designed to
250 lessen congestion in the streets; to secure safety from fire, panic, flood
251 and other dangers; to promote health and the general welfare; to
252 provide adequate light and air; to prevent the overcrowding of land; to
253 avoid undue concentration of population and to facilitate the adequate
254 provision for transportation, water, sewerage, schools, parks and other
255 public requirements. Such regulations shall be made with reasonable
256 consideration as to the character of the district and its peculiar
257 suitability for particular uses and with a view to conserving the value
258 of buildings and encouraging the most appropriate use of land
259 throughout such municipality. Such regulations may, to the extent
260 consistent with soil types, terrain, infrastructure capacity and the plan
261 of conservation and development for the community, provide for
262 cluster development, as defined in section 8-18, in residential zones.
263 Such regulations shall also encourage the development of housing
264 opportunities, including opportunities for multifamily dwellings,
265 consistent with soil types, terrain and infrastructure capacity, for all
266 residents of the municipality and the planning region in which the
267 municipality is located, as designated by the Secretary of the Office of
268 Policy and Management under section 16a-4a. Such regulations shall
269 also promote housing choice and economic diversity in housing,
270 including housing for both low and moderate income households, and

271 shall encourage the development of housing which will meet the
272 housing needs identified in the housing plan prepared pursuant to
273 section 8-37t and in the housing component and the other components
274 of the state plan of conservation and development prepared pursuant
275 to section 16a-26. Zoning regulations shall be made with reasonable
276 consideration for their impact on agriculture. Zoning regulations may
277 be made with reasonable consideration for the protection of historic
278 factors and shall be made with reasonable consideration for the
279 protection of existing and potential public surface and ground
280 drinking water supplies. On and after July 1, 1985, the regulations shall
281 provide that proper provision be made for soil erosion and sediment
282 control pursuant to section 22a-329. Such regulations may also
283 encourage energy-efficient patterns of development, the use of solar
284 and other renewable forms of energy, and energy conservation. The
285 regulations may also provide for incentives for developers who use
286 passive solar energy techniques, as defined in subsection (b) of section
287 8-25, in planning a residential subdivision development. The
288 incentives may include, but not be limited to, cluster development,
289 higher density development and performance standards for roads,
290 sidewalks and underground facilities in the subdivision. Such
291 regulations may provide for a municipal system for the creation of
292 development rights and the permanent transfer of such development
293 rights, which may include a system for the variance of density limits in
294 connection with any such transfer. Such regulations may also provide
295 for notice requirements in addition to those required by this chapter.
296 Such regulations may provide for conditions on operations to collect
297 spring water or well water, as defined in section 21a-150, including the
298 time, place and manner of such operations. No such regulations shall
299 prohibit the operation of any family day care home or group day care
300 home in a residential zone. No such regulations shall prohibit the use
301 of receptacles for the storage of items designated for recycling in
302 accordance with section 22a-241b, as amended by this act, or require
303 that such receptacles comply with provisions for bulk or lot area, or
304 similar provisions, except provisions for side yards, rear yards and
305 front yards. No such regulations shall unreasonably restrict access to

306 or the size of such receptacles for businesses, given the nature of the
307 business and the volume of items designated for recycling in
308 accordance with section 22a-241b, as amended by this act, that such
309 business produces in its normal course of business, provided nothing
310 in this section shall be construed to prohibit such regulations from
311 requiring the screening or buffering of such receptacles for aesthetic
312 reasons. Such regulations shall not impose conditions and
313 requirements on manufactured homes having as their narrowest
314 dimension twenty-two feet or more and built in accordance with
315 federal manufactured home construction and safety standards or on
316 lots containing such manufactured homes which are substantially
317 different from conditions and requirements imposed on single-family
318 dwellings and lots containing single-family dwellings. Such
319 regulations shall not impose conditions and requirements on
320 developments to be occupied by manufactured homes having as their
321 narrowest dimension twenty-two feet or more and built in accordance
322 with federal manufactured home construction and safety standards
323 which are substantially different from conditions and requirements
324 imposed on multifamily dwellings, lots containing multifamily
325 dwellings, cluster developments or planned unit developments. Such
326 regulations shall not prohibit the continuance of any nonconforming
327 use, building or structure existing at the time of the adoption of such
328 regulations. Such regulations shall not provide for the termination of
329 any nonconforming use solely as a result of nonuse for a specified
330 period of time without regard to the intent of the property owner to
331 maintain that use. Any city, town or borough which adopts the
332 provisions of this chapter may, by vote of its legislative body, exempt
333 municipal property from the regulations prescribed by the zoning
334 commission of such city, town or borough; but unless it is so voted
335 municipal property shall be subject to such regulations.

336 Sec. 5. (NEW) (*Effective October 1, 2010*) (a) (1) Not later than July 1,
337 2011, each municipality shall offer curbside or backyard collection of
338 designated recyclable items to all residents and businesses for which
339 such municipality provides municipal curbside or backyard collection
340 of solid waste.

341 (2) The provisions of this subsection shall not apply to any
342 municipality that the Commissioner of Environmental Protection
343 determines recycles its solid waste in a percentage, averaged over a
344 continuous three-year period, that exceeds the state-wide average
345 during such continuous three-year period for the amount of municipal
346 solid waste recycled.

347 (b) (1) Not later than July 1, 2011, each collector who offers curbside
348 or backyard collection of solid waste generated by residences in a
349 municipality shall offer curbside or backyard collection of designated
350 recyclable items to each of such collector's customers and such
351 curbside or backyard collection of designated recyclable items shall be
352 included in the collector's charge for solid waste collection. The
353 provisions of this subsection shall not be construed to prohibit any
354 collector from determining and adjusting its fees for combined
355 curbside collection services.

356 (2) The provisions of this subsection shall not apply to any collector
357 who provides service in a municipality described in subdivision (2) of
358 subsection (a) of this section.

359 (c) For the purposes of this section, "curbside or backyard collection"
360 means the collection, by either municipal collection services or private
361 collectors, of presorted designated recyclable items or solid waste left
362 for such collection by residents and businesses in the front or rear of
363 the property of such residents and on the property of businesses, and
364 "collector" has the same meaning as in subsection (g) of section 22a-
365 220a of the general statutes.

366 Sec. 6. (NEW) (*Effective October 1, 2011*) (a) For the purposes of this
367 section:

368 (1) "Generated" means sold or given away at a common gathering
369 venue; and

370 (2) "Common gathering venue" means any area or building, or
371 portion thereof, that is open to the public including, but not limited to,

372 any (A) building that provides facilities or shelter for public assembly,
373 (B) inn, hotel, motel, sports arena, supermarket, transportation
374 terminal, retail store, restaurant or other commercial establishment
375 that provides services or retails merchandise, or (C) museum, hospital,
376 auditorium, movie theater or university building.

377 (b) Each common gathering venue where designated recyclable
378 items may be generated while the public congregates at such venue
379 and that provides for the collection of solid waste shall provide
380 recycling receptacles for the collection of any designated recyclable
381 items generated at such venue, provided nothing in this section shall
382 be construed to require an owner or operator of such venue to provide
383 such recycling receptacles whenever such receptacles are provided by
384 another person pursuant to contract. Such recycling receptacles shall
385 be as accessible to the public and at the same locations as trash
386 receptacles. Any existing trash receptacle may be converted to a
387 recycling receptacle by labeling or other means appropriate to identify
388 that such receptacle is dedicated to the collection of designated
389 recyclable items.

390 Sec. 7. (NEW) (*Effective July 1, 2012*) (a) For the purposes of this
391 section, "customer" means a business and "collector" means any person
392 offering solid waste or designated recyclable item collection services.

393 (b) Each contract between a collector and a customer for the
394 collection of solid waste shall make provision for the collection of
395 designated recyclable items, either by providing for the collection of
396 designated recyclable items by the same collector who is party to the
397 solid waste contract or by including information verifying a contract
398 between the customer and another collector for such collection. The
399 provisions of this section shall not be construed to require a customer
400 to contract exclusively with one collector for the collection of both
401 designated recyclable items and other solid waste. Each collector shall
402 provide each customer with clear written or pictorial instructions on
403 how to separate designated recyclable items in accordance with the
404 provisions of section 22a-241b of the general statutes, as amended by

405 this act.

406 Sec. 8. (*Effective from passage*) Not later than June 1, 2011, the
407 Commissioner of Environmental Protection, in accordance with section
408 11-4a of the general statutes, shall report to the joint standing
409 committee of the General Assembly having cognizance of matters
410 relating to the environment on the costs and benefits to the state,
411 municipalities and waste generators of different methods of removing
412 food waste from the waste stream. Additionally, such report shall
413 identify incentives and guidance the state could provide in order to
414 develop the requisite composting facilities for the removal of such food
415 waste from the waste stream.

416 Sec. 9. (*Effective from passage*) The Commissioner of Environmental
417 Protection, in consultation with the Connecticut Academy of Science
418 and Engineering, shall study the potential beneficial use of ash residue.
419 Not later than January 1, 2011, the commissioner, in accordance with
420 the provisions of section 11-4a of the general statutes, shall submit a
421 report to the joint standing committee of the General Assembly having
422 cognizance of matters relating to the environment concerning the
423 results of such study.

424 Sec. 10. Subsection (d) of section 22a-220a of the general statutes is
425 repealed and the following is substituted in lieu thereof (*Effective July*
426 *1, 2010*):

427 (d) (1) Any collector hauling solid waste generated by residential,
428 business, commercial or other establishments, [in] including, but not
429 limited to, recyclables generated within the borders of a municipality,
430 shall register annually in such municipality and disclose: (A) The name
431 and address of the collector and the owner of such collection company;
432 (B) the name of any other municipality in which such collector hauls
433 such solid waste, including recyclables; (C) whether the hauling done
434 by such collector is residential, commercial or other; (D) the type of
435 wastes hauled; (E) the anticipated location of any disposal facilities or
436 end users receiving recyclable solid waste; and (F) any additional
437 information that such municipality requires to ensure the health and

438 safety of its residents.

439 (2) On or before July 31, 2011, any such collector shall report to the
440 municipality (A) the types of solid waste, including recyclables, as
441 listed in subsection (c) of section 22a-208e generated within the borders
442 of a municipality and collected by such collector, (B) the name, location
443 and contact information for the first destination where such solid
444 waste, including recyclables, was delivered by the collector during the
445 previous fiscal year, and (C) the types and actual or estimated amounts
446 of such solid waste, including recyclables, directly delivered to an out-
447 of-state destination or to a Connecticut end user or manufacturer. Such
448 reports shall be submitted to the municipality annually, on or before
449 July thirty-first, and shall provide the information specified in this
450 subdivision for the prior state fiscal year. Such reports shall be on a
451 form prescribed by the Commissioner of Environmental Protection
452 and shall include any other additional information the commissioner
453 deems necessary.

454 Sec. 11. Section 22a-220a of the general statutes is amended by
455 adding subsections (j) and (k) as follows (*Effective July 1, 2010*):

456 (NEW) (j) If a collector hauls solid waste generated in this state,
457 including recyclables as listed in subsection (c) of section 22a-208e, as
458 amended by this act, from an entity located in the state other than a
459 facility that has obtained a permit or authorization pursuant to this
460 chapter and delivers such solid waste or recyclables to a destination
461 that is an entity other than a facility that has obtained a permit or
462 authorization pursuant to this chapter, then on or before July 31, 2011,
463 and annually thereafter, such collector shall submit a report regarding
464 such solid waste, including recyclables, to the Commissioner of
465 Environmental Protection. Such report shall be on a form prescribed
466 by the commissioner and shall provide such information regarding
467 such solid waste as the commissioner deems necessary, including, but
468 not limited to: (1) The types of solid waste, including recyclables,
469 collected, (2) for municipal solid waste, the municipality of origin of
470 such municipal solid waste including recyclables, (3) the amount by

471 weight, volume or other method acceptable to the commissioner of
 472 such solid waste, including recyclables delivered to such destination,
 473 and (4) the name, address and contact information of the entity
 474 receiving such solid waste or recyclables.

475 (NEW) (k) If a collector hauls municipal solid waste generated in the
 476 state, including recyclables, and delivers such municipal solid waste,
 477 including recyclables, to a facility that has obtained a permit or
 478 authorization pursuant to this chapter, then, upon delivery, such
 479 collector shall identify to the receiving facility for each load of
 480 municipal solid waste or recyclables, as applicable: (1) The originating
 481 regional facility, (2) the originating municipality if such waste did not
 482 pass through a regional facility, or (3) the originating regional facility
 483 or state if such waste originated outside of the state. If such municipal
 484 solid waste load comes from more than one municipality, the collector
 485 shall estimate the amount of waste from each municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	22a-207
Sec. 2	<i>from passage</i>	22a-220(h)
Sec. 3	<i>October 1, 2010</i>	22a-241b
Sec. 4	<i>October 1, 2010</i>	8-2(a)
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section
Sec. 7	<i>July 1, 2012</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>July 1, 2010</i>	22a-220a(d)
Sec. 11	<i>July 1, 2010</i>	22a-220a

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill expands the types of items that must be recycled. This is anticipated to result in a savings to municipalities, as it is less expensive to recycle than it is to dispose of trash. Municipal solid waste¹ (MSW) is subject to tipping fees at an average rate of approximately \$57-70/ton². Municipal recycling contracts vary, but range from paying \$40/ton to being paid a rebate of \$17/ton³.

The bill also requires municipalities to provide curbside recycling if that municipality provides curbside collection of MSW, unless a municipality exceeds the state-wide average for recycling. To the extent a municipality falls below the state-wide average rate of recycling, municipalities could incur costs to provide curbside recycling to its residents. It is anticipated that this provision will impact less than five municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, resource recovery

¹ Common household and commercial trash.

² Office of Legislative Research, 2010-R-0107, Recycling and Disposal Fees.

³ Office of Program Review and Investigation, Municipal Solid Waste Services in Connecticut, Staff Briefing, October 8, 2009.

authority contracts, and the actual amount of materials recycled.

OLR Bill Analysis**sHB 5120*****AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING,
ZONING ORDINANCES AND SOLID WASTE COLLECTION
CONTRACTS.*****SUMMARY:**

This bill:

1. expands the types of items that must be recycled (see BACKGROUND);
2. requires solid waste collectors and most municipalities to offer curbside or backyard recycling to those to whom they offer curbside or backyard waste removal;
3. requires recycling receptacles at common gathering venues that already have solid waste collection and that generate designated recyclable items;
4. prohibits zoning regulations from barring recycling receptacles, requiring receptacles conform to most bulk or lot area regulations (see BACKGROUND), or unreasonably restricting size or access to recycling receptacles;
5. requires contracts between solid waste contractors and their commercial customers to address how the customers' recycling will be handled;
6. modifies and adds to the contents of the annual recycling reports municipalities submit to the Department of Environmental Protection (DEP);
7. requires the DEP to report on composting facilities and, in

consultation with the Connecticut Academy of Science and Engineering (CASE), submit a study on the beneficial uses of ash residue;

8. creates new reporting requirements for solid waste and recycling collectors; and
9. makes technical changes.

EFFECTIVE DATE: Various, see below.

§ 2 – MUNICIPAL REPORTING REQUIREMENTS

Current law requires each municipality to file an annual recycling report with the DEP by August 31. The law required the DEP commissioner to provide a form for these reports by June 1, 1991. The bill requires annual submission beginning September 30, 2010, and requires the commissioner to provide the report form by July 1, 2010.

The bill changes the required report contents. Currently, they must include (1) a description of efforts to promote recycling and ensure separation requirement compliance; (2) the amount of each type of recyclable item contained in its solid waste stream delivered to a recycling facility, as reported by the recycling facility or a scrap metal processor; and (3) the amount of solid waste generated within its boundaries and delivered to a resources recovery or solid waste facility for disposal, as reported by the facility.

The bill retains the first reporting requirement, but eliminates the second and third. Instead, it requires municipalities to (1) identify the first destination for solid waste and recyclable materials generated within the municipality and (2) report the actual or estimated amounts of solid waste and recyclable material that has been delivered to a first destination out of state or a Connecticut end user. The bill also requires the municipality to provide the commissioner with the contact information of the collector, defined as any person who holds himself or herself out for hire to collect solid waste from residential, business, commercial, or other establishments, who transported the recyclable

material or municipal solid waste if the amounts are unknown.

EFFECTIVE DATE: Upon passage

§ 3 — EXPANDED RECYCLING LIST

By law, the DEP commissioner designates through regulations certain items that must be recycled. The bill defines these items as “designated recyclable items.” The bill requires the DEP commissioner to amend the regulations, by October 1, 2011, to expand the list of designated recyclable items to include (1) containers of three gallons or less made of polyethylene terephthalate plastic and high-density polyethylene plastic; (2) boxboard; and (3) additional types of paper, including magazines, residential high-grade white paper, and colored ledger. The bill also includes in the list of designated recyclable items, by reference in the definition, not through regulation, grass clippings and consumer products.

The bill defines (1) “boxboard” as a lightweight paperboard made from a variety of recovered fibers having sufficient folding properties and thickness to be used to manufacture folding or set-up boxes and (2) “designated recyclable item” as an item the DEP commissioner has designated for recycling.

The bill gives municipalities more time to recycle designated items. Under the bill, a municipality must recycle the designated items within six months of the availability of service by a regional processing center or local processing system. Current law requires a municipality to recycle the items within three months of the establishment of service by a center or system.

The law requires (1) people generating waste from a residential property to separate designated items from their solid waste for recycling and (2) nonresidential solid waste generator to make provision for recycling. The bill specifies that people generating waste from non-residential properties must use separate collection containers for recycling. The bill also allows containers previously used for solid waste collection to be converted and used for recyclable item collection

by labeling or otherwise identifying them as such.

These requirements apply to existing designated recyclable items effective October 1, 2010 and to the additional designated recyclable items effective July 1, 2012.

The bill prohibits anyone from knowingly combining previously segregated items designated for recycling with solid waste.

EFFECTIVE DATE: October 1, 2010

§ 4 — MUNICIPAL ZONING REGULATIONS

The bill prohibits municipal zoning regulations from disallowing receptacles for storing items that must to be recycled. Zoning regulations also cannot (1) require the receptacles to comply with bulk or lot area provisions, except for those for side, rear, and front yards or (2) unreasonably restrict the size of or access to receptacles, given the nature of the business and volume of recyclables the business produces in its normal course of business. The bill does not prohibit regulations requiring screening or buffering receptacles for aesthetic reasons.

EFFECTIVE DATE: October 1, 2010

§ 5 — CURBSIDE AND BACKYARD RECYCLING

The bill requires municipalities, by July 1, 2011, to offer curbside or backyard collection of designated recyclable items to all residents and businesses for which they provide municipal curbside or backyard solid waste collection by July 1, 2011. The bill exempts any municipality whose percentage of solid waste recycling over a three-year period the DEP commissioner determines wide average for the amount of municipal solid waste recycled during that period.

The bill requires each solid waste collector offering curbside or backyard residential solid waste collection in a municipality to offer curbside or backyard collection of designated recyclable items to its customers. The bill requires the curbside or backyard recyclable collection to be included in the charge for solid waste collection. But it

does not prohibit collectors from adjusting fees for combined curbside collection services. It also exempts collectors serving a municipality that the DEP commissioner determines exceeds the statewide average percentage of solid waste recycling over a 3-year period.

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

EFFECTIVE DATE: October 1, 2010

§ 6 —COMMON GATHERING VENUE RECYCLING

The bill creates a new recycling requirement for common gathering venues (1) where designated recyclable items may be generated during public congregation and (2) that provide for solid waste collection. Under the bill, these venues must provide recycling receptacles to collect designated recyclable items that are sold or given away there. However, the bill does not require a venue’s owner or operator to provide recycling receptacles if someone else provides them pursuant to a contract.

The bill defines “common gathering venue” as any area or building, or portion of it, that is open to the public, including any:

1. building that provides facilities or shelter for public assembly;
2. inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment providing services or retailing merchandise; or
3. museum, hospital, auditorium, movie theater, or university building.

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

collection of designated recyclable items.

EFFECTIVE DATE: October 1, 2011

§ 7 — COMMERCIAL CONTRACTS

The bill establishes requirements for commercial contracts between solid waste collectors and customers. Specifically, it requires each commercial contract for solid waste collection to provide for designated recyclable item collection, either by the same collector or a different one. The bill does not require businesses to contract exclusively with one collector for both designated recyclable items and other solid waste. If the business chooses a separate recyclable collector, it must provide the solid waste collector with information verifying the other contract.

The bill specifies that each collector must provide each business with clear written or pictorial instructions on how to separate designated recyclable items.

EFFECTIVE DATE: July 1, 2012

§ 8-9 — REPORTS AND STUDIES

The bill requires the DEP commissioner to submit to the Environment Committee, by June 1, 2011, a report on the costs and benefits to the state, municipalities, and waste generators of removing food from the waste stream. The report must also identify incentives and guidance the state could give to develop composting facilities, defined as land, appurtenances, and structures where materials are recovered using accelerated biological decomposition of organic material under controlled conditions, producing a marketable product.

The bill also requires the DEP commissioner, in consultation with CASE, to study and submit to the Environment Committee, by January 1, 2011, a report on the potential beneficial use of ash residue.

EFFECTIVE: Upon passage

§ 10-11 — REGISTRATION AND REPORTING REQUIREMENTS FOR COLLECTORS

The bill expands registration and reporting requirements for collectors and establishes new ones. Existing law requires solid waste collectors to (1) register with any municipality in which he or she hauls waste generated by residential, business, commercial, or other establishments and (2) disclose the name of any other municipality in which he or she hauls waste.

The bill extends these requirements to collectors hauling recyclables generated within a municipality. It also requires both types of collectors to disclose in their registration (1) the collector and collection company owner's names and addresses; (2) whether the hauling done is residential, commercial, or other; (3) the type of waste hauled; (4) the anticipated disposal facility or end user location for recyclable solid waste; and (5) any information the municipality requires to ensure resident health and safety.

The bill requires collectors, by July 31, 2011, to report annually to municipalities, on a form prescribed by the DEP commissioner, (1) the types of solid waste and recyclables generated within the municipality and collected by the collector; (2) the name, location, and contact information for the first destination where waste and recyclables were delivered the previous fiscal year; and (3) the types and actual or estimated amount of waste and recyclables delivered out of state or to a Connecticut end user or manufacturer. The recyclables upon which collectors must report include (1) cardboard, (2) glass; food, and beverage containers; (3) leaves; (4) metal food and beverage containers; (5) newspapers; (6) storage batteries; (7) waste oil; (8) plastic food and beverage containers; and (9) office paper. The reports must include information for the preceding state fiscal year and include any other information the commissioner deems necessary.

The bill also requires collectors hauling solid waste in the state from, or to, an in-state entity other than a permitted resources recovery facility to report annually beginning by July 31, 2011 on the (1) types of

solid waste and recyclables collected; (2) for municipal waste, the municipalities of origin; (3) the amount delivered by weight, volume, or other measure acceptable to the DEP commissioner, including recyclables; and (4) the name, address, and contact information of the recipient of the waste or recyclables.

Finally, the bill requires collectors hauling municipal solid waste generated in the state and delivering it, including recyclables, to a permitted resources recovery facility, to identify in their report (1) the originating regional facility; (2) the originating municipality, if the waste did not pass through a regional facility; or (3) the original regional facility or state if the waste originated outside the state. Collectors must estimate the amount of waste per municipality if the solid waste load comes from more than one. This requirement appears to apply only to collectors hauling municipal solid waste generated in the state. Thus, it is unclear how it applies to waste originated outside the state (i.e., #3, above).

EFFECTIVE: July 1, 2010

BACKGROUND

Items Required To Be Recycled

By law, the following must be recycled:

1. glass and metal food and beverage containers,
2. corrugated cardboard,
3. newspaper,
4. white office paper,
5. scrap metal,
6. Ni-Cd rechargeable batteries (from electronics),
7. used crankcase oil,
8. lead acid batteries (from vehicles),

9. leaves, and
10. grass (clippings should be left on the lawn or, if necessary, composted, according to DEP) (Conn. Agencies Reg. § 22a-241b-2).

Bulk Area Regulations

By law, a municipal zoning commission may create regulations concerning (1) the height, number of stories, and size of buildings and other structures; (2) the percentage of a lot's area that may be occupied; (3) yard, court, and open space size; (4) population density and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, including water dependent uses; and (5) advertising signs' and billboards' height, size, and location. These types of regulation are sometimes referred to as "bulk" regulations (CGS § 8-2(a)).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/19/2010)