



# House of Representatives

**File No. 642**

General Assembly

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February Session, 2010 **(Reprint of File No. 312)**

Substitute House Bill No. 5120  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 26, 2010

**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 Section 22a-207 of the general statutes is repealed and the  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-241b,  
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, structures or

136 equipment where organic materials originating from another process  
137 or location that have been separated at the point or source of  
138 generation from nonorganic material are recovered using a process of  
139 accelerated biological decomposition of organic material under  
140 controlled aerobic or anaerobic conditions.

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142 repealed and the following is substituted in lieu thereof (*Effective from*  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

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

170 commissioner with the contact information of the collector who  
171 transported such recyclable material or municipal solid waste. For the  
172 purposes of this subsection, "collector" has the same meaning as in  
173 section 22a-220a, as amended by this act.

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

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

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

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

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

199 (d) Every person who generates solid waste from a property other  
200 than a residential property shall, in accordance with subsection (f) of

201 section 22a-220, make provision for and cause the separation from  
202 other solid waste of the items designated for recycling pursuant to  
203 subdivision (1) of subsection (a) of this section through the use of one  
204 or more collection containers for designated recyclable items that are  
205 separate from the collection containers for other solid waste. Collection  
206 containers that have been used for the collection of solid waste may be  
207 converted to containers for the collection of designated recyclable  
208 items by labeling or other means to identify that such container is  
209 dedicated to collecting designated recyclable items. On and after July  
210 1, 2012, the provisions of this subsection shall also apply to items  
211 designated for recycling pursuant to subdivision (2) of subsection (a)  
212 of this section.

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

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

219 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed  
220 and the following is substituted in lieu thereof (*Effective October 1,*  
221 *2010*):

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

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

268 municipality is located, as designated by the Secretary of the Office of  
269 Policy and Management under section 16a-4a. Such regulations shall  
270 also promote housing choice and economic diversity in housing,  
271 including housing for both low and moderate income households, and  
272 shall encourage the development of housing which will meet the  
273 housing needs identified in the housing plan prepared pursuant to  
274 section 8-37t and in the housing component and the other components  
275 of the state plan of conservation and development prepared pursuant  
276 to section 16a-26. Zoning regulations shall be made with reasonable  
277 consideration for their impact on agriculture. Zoning regulations may  
278 be made with reasonable consideration for the protection of historic  
279 factors and shall be made with reasonable consideration for the  
280 protection of existing and potential public surface and ground  
281 drinking water supplies. On and after July 1, 1985, the regulations shall  
282 provide that proper provision be made for soil erosion and sediment  
283 control pursuant to section 22a-329. Such regulations may also  
284 encourage energy-efficient patterns of development, the use of solar  
285 and other renewable forms of energy, and energy conservation. The  
286 regulations may also provide for incentives for developers who use  
287 passive solar energy techniques, as defined in subsection (b) of section  
288 8-25, in planning a residential subdivision development. The  
289 incentives may include, but not be limited to, cluster development,  
290 higher density development and performance standards for roads,  
291 sidewalks and underground facilities in the subdivision. Such  
292 regulations may provide for a municipal system for the creation of  
293 development rights and the permanent transfer of such development  
294 rights, which may include a system for the variance of density limits in  
295 connection with any such transfer. Such regulations may also provide  
296 for notice requirements in addition to those required by this chapter.  
297 Such regulations may provide for conditions on operations to collect  
298 spring water or well water, as defined in section 21a-150, including the  
299 time, place and manner of such operations. No such regulations shall  
300 prohibit the operation of any family day care home or group day care  
301 home in a residential zone. No such regulations shall prohibit the use  
302 of receptacles for the storage of items designated for recycling in

303 accordance with section 22a-241b, as amended by this act, or require  
304 that such receptacles comply with provisions for bulk or lot area, or  
305 similar provisions, except provisions for side yards, rear yards and  
306 front yards. No such regulations shall unreasonably restrict access to  
307 or the size of such receptacles for businesses, given the nature of the  
308 business and the volume of items designated for recycling in  
309 accordance with section 22a-241b, as amended by this act, that such  
310 business produces in its normal course of business, provided nothing  
311 in this section shall be construed to prohibit such regulations from  
312 requiring the screening or buffering of such receptacles for aesthetic  
313 reasons. Such regulations shall not impose conditions and  
314 requirements on manufactured homes having as their narrowest  
315 dimension twenty-two feet or more and built in accordance with  
316 federal manufactured home construction and safety standards or on  
317 lots containing such manufactured homes which are substantially  
318 different from conditions and requirements imposed on single-family  
319 dwellings and lots containing single-family dwellings. Such  
320 regulations shall not impose conditions and requirements on  
321 developments to be occupied by manufactured homes having as their  
322 narrowest dimension twenty-two feet or more and built in accordance  
323 with federal manufactured home construction and safety standards  
324 which are substantially different from conditions and requirements  
325 imposed on multifamily dwellings, lots containing multifamily  
326 dwellings, cluster developments or planned unit developments. Such  
327 regulations shall not prohibit the continuance of any nonconforming  
328 use, building or structure existing at the time of the adoption of such  
329 regulations. Such regulations shall not provide for the termination of  
330 any nonconforming use solely as a result of nonuse for a specified  
331 period of time without regard to the intent of the property owner to  
332 maintain that use. Any city, town or borough which adopts the  
333 provisions of this chapter may, by vote of its legislative body, exempt  
334 municipal property from the regulations prescribed by the zoning  
335 commission of such city, town or borough; but unless it is so voted  
336 municipal property shall be subject to such regulations.

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

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

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

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

360 (c) For the purposes of this section, "curbside or backyard collection"  
361 means the collection, by either municipal collection services or private  
362 collectors, of presorted designated recyclable items or solid waste left  
363 for such collection by residents and businesses on the property where  
364 such residents reside or on the property of such business, and  
365 "collector" has the same meaning as in subsection (g) of section 22a-  
366 220a of the general statutes, as amended by this act.

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

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

371 (2) "Common gathering venue" means any area or building, or  
372 portion thereof, that is open to the public, including, but not limited to,  
373 any (A) building that provides facilities or shelter for public assembly,  
374 (B) inn, hotel, motel, sports arena, supermarket, transportation  
375 terminal, retail store, restaurant or other commercial establishment  
376 that provides services or retails merchandise, or (C) museum, hospital,  
377 auditorium, movie theater or university building.

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

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

394 (b) Each contract between a collector and a customer for the  
395 collection of solid waste shall make provision for the collection of  
396 designated recyclable items, either by providing for the collection of  
397 designated recyclable items by the same collector who is party to the  
398 solid waste contract or by including an identification by the customer  
399 of the collector with whom such contract exists. The provisions of this  
400 section shall not be construed to require a customer to contract

401 exclusively with one collector for the collection of both designated  
402 recyclable items and other solid waste. Each collector shall provide  
403 each customer with clear written or pictorial instructions on how to  
404 separate designated recyclable items in accordance with the provisions  
405 of section 22a-241b of the general statutes, as amended by 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 types of  
435 waste 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 an end user or manufacturer in the state. 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. Subsection (g) of section 22a-220a of the general statutes is  
455 repealed and the following is substituted in lieu thereof (*Effective July*  
456 *1, 2010*):

457 (g) As used in this section, "collector" means any person who holds  
458 himself out for hire to collect solid waste on a regular basis from  
459 residential, business, commercial or other establishments.

460 Sec. 12. Section 22a-220a of the general statutes is amended by  
461 adding subsections (j) and (k) as follows (*Effective July 1, 2010*):

462 (NEW) (j) If a collector hauls solid waste generated in this state,  
463 including recyclables as listed in subsection (c) of section 22a-208e  
464 from an entity located in the state other than a facility that has

465 obtained a permit or authorization pursuant to this chapter and  
 466 delivers such solid waste or recyclables to a destination that is an  
 467 entity other than a facility that has obtained a permit or authorization  
 468 pursuant to this chapter, then on or before July 31, 2011, and annually  
 469 thereafter, such collector shall submit a report regarding such solid  
 470 waste, including recyclables, to the Commissioner of Environmental  
 471 Protection. Such report shall be on a form prescribed by the  
 472 commissioner and shall provide such information regarding such solid  
 473 waste as the commissioner deems necessary, including, but not limited  
 474 to: (1) The types of solid waste, including recyclables, collected, (2) for  
 475 municipal solid waste, the municipality of origin of such municipal  
 476 solid waste including recyclables, (3) the amount by weight, volume or  
 477 other method acceptable to the commissioner of such solid waste,  
 478 including recyclables delivered to such destination, and (4) the name,  
 479 address and contact information of the entity receiving such solid  
 480 waste or recyclables.

481 (NEW) (k) If a collector hauls municipal solid waste generated in the  
 482 state, including recyclables, and delivers such municipal solid waste,  
 483 including recyclables, to a facility that has obtained a permit or  
 484 authorization pursuant to this chapter, then, upon delivery, such  
 485 collector shall identify to the receiving facility for each load of  
 486 municipal solid waste or recyclables, as applicable: (1) The originating  
 487 regional facility, (2) the originating municipality if such waste did not  
 488 pass through a regional facility, or (3) the originating regional facility  
 489 or state if such waste originated outside of the state. If such municipal  
 490 solid waste load comes from more than one municipality, the collector  
 491 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(g)
Sec. 12	<i>July 1, 2010</i>	22a-220a

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:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
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 waste<sup>1</sup> (MSW) is subject to tipping fees at an average rate of approximately \$57-70/ton<sup>2</sup>. Municipal recycling contracts vary, but range from paying \$40/ton to being paid a rebate of \$17/ton<sup>3</sup>.

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.

House "A" made various changes that resulted in the impact described above.

### **The Out Years**

<sup>1</sup> Common household and commercial trash.

<sup>2</sup> Office of Legislative Research, 2010-R-0107, Recycling and Disposal Fees.

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

The annualized ongoing fiscal impact identified above would

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**OLR Bill Analysis****sHB 5120 (as amended by House "A")\******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 to 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.

\*House Amendment "A" amends the definitions of collector and composting; limits the requirement that municipalities offering curbside or backyard solid waste collection offer collection of recyclable items to those offering collection as of October 1, 2010; and requires commercial solid waste collection contracts to identify, rather than verify the existence of a contract with, a recyclable collector.

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 the municipality 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 give DEP contact information for the collector, which it defines as any person who holds himself or herself out for hire to collect solid waste on a regular basis from residential, business, commercial, or other establishments (§ 11), 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.” It 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 generators to make provision for recycling. The bill specifies that people generating waste from nonresidential properties must use separate collection containers for recycling. It 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 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 as of October 1, 2010. It exempts any municipality whose percentage of solid waste recycling over a three-year period the DEP commissioner determines exceed the statewide 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 this 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 three-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 or the municipality where the venue is located 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 trash receptacles to be converted to recycling receptacles by labeling or other means appropriate to identify that they 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 someone identified by the customer as contractor for recyclable collection. 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, the contract must identify the collector.

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. The bill defines these facilities as land, appurtenances, structures, or equipment where organic materials originating from another process or location that have been separated at the point or source of generation from nonorganic material are recovered using a process of accelerated biological decomposition of organic material under controlled aerobic or anaerobic conditions.

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

#### **§§ 10-12 — REGISTRATION AND REPORTING REQUIREMENTS FOR COLLECTORS**

The bill expands registration and reporting requirements for collectors and establishes new ones. It limits the collectors covered to those who hold themselves out for hire to collect solid waste on a regular basis. 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 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)

Planning and Development Committee

Joint Favorable

Yea 12 Nay 5 (04/14/2010)