



General Assembly

February Session, 2010

Raised Bill No. 5301

LCO No. 1365

01365_____PRI

Referred to Committee on Program Review and Investigations

Introduced by:
(PRI)

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE
CONCERNING MUNICIPAL SOLID WASTE MANAGEMENT SERVICES
IN CONNECTICUT.**

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

1 Section 1. Section 22a-241b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) On or before February 1, 1988, the Commissioner of
4 Environmental Protection shall adopt regulations in accordance with
5 the provisions of chapter 54 designating items that are required to be
6 recycled. On or before January 1, 2011, and every ten years thereafter,
7 the commissioner shall review the adequacy of such regulations. The
8 commissioner may designate other items as suitable for recycling and
9 amend said regulations accordingly, except that the commissioner
10 shall designate an item as suitable for recycling and amend said
11 regulations accordingly whenever: (1) One or more intermediate
12 processing facilities, as defined in section 22a-260, in this state has the
13 capacity and capability to accept such item, or (2) thirty or more
14 municipalities have an ordinance or program that results in the

15 recycling of such item.

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

20 (c) On and after January 1, 1991, (1) each person who generates solid
21 waste from residential property shall, in accordance with subsection (f)
22 of section 22a-220, separate from other solid waste the items
23 designated for recycling pursuant to subsection (a) of this section and
24 (2) every other person who generates solid waste shall, in accordance
25 with subsection (f) of section 22a-220, make provision for the
26 separation from other solid waste of the items designated for recycling
27 pursuant to subsection (a) of this section.

28 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of
29 Environmental Protection shall review the state's policies concerning
30 solid waste diversion and recycling. Not later than January 1, 2011, the
31 commissioner, in consultation with the commissioner's solid waste
32 management advisory committee, shall develop flexible incentive
33 programs that assist the state and municipalities in achieving the solid
34 waste diversion and recycling goals of the state's solid waste
35 management plan.

36 (b) Any flexible incentive program developed pursuant to
37 subsection (a) of this section shall: (1) Contain specific program goals
38 and accomplishment measures; (2) be implemented not later than
39 December 31, 2011, and have a proposed termination date of December
40 31, 2016; and (3) for informational purposes, be submitted to the joint
41 standing committee of the General Assembly having cognizance of
42 matters relating to the environment. Not later than December 31, 2012,
43 and each year thereafter that any such flexible incentive program is in
44 use, the commissioner, in accordance with section 11-4a of the general
45 statutes, shall report to the joint standing committee of the General
46 Assembly having cognizance of matters relating to the environment on

47 the impact of each flexible incentive program and shall include in such
48 report any recommendations to improve solid waste diversion and
49 recycling in this state.

50 Sec. 3. (*Effective from passage*) Not later than June 1, 2011, the
51 Commissioner of Environmental Protection, in accordance with section
52 11-4a of the general statutes, shall report to the joint standing
53 committee of the General Assembly having cognizance of matters
54 relating to the environment on the costs and benefits to the state,
55 municipalities and waste generators of different methods of removing
56 food waste from the waste stream. Additionally, such report shall
57 identify incentives and guidance the state could provide in order to
58 develop the requisite composting facilities for the removal of such food
59 waste from the waste stream.

60 Sec. 4. Section 22a-220a of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective from passage*):

62 (a) The legislative body of a municipality may designate the area
63 where solid waste generated within its boundaries by residential,
64 business, commercial or other establishments shall be disposed. The
65 disposal of such solid waste at any other area is prohibited, except that
66 a municipality may approve, in writing, disposal at another area,
67 either within or outside the boundaries of such municipality, prior to
68 disposal. A municipality may refuse to approve disposal at another
69 area if such disposal would adversely affect its solid waste disposal
70 program. The legislative body of a municipality may also designate
71 where the following items generated within its boundaries from
72 residential properties shall be taken for processing or sale: (1)
73 Cardboard, (2) glass, food and beverage containers, (3) leaves, (4)
74 metal food and beverage containers, (5) newspapers, (6) storage
75 batteries, (7) waste oil, and (8) plastic food and beverage containers.
76 The processing or sale of such items at any other area shall be
77 prohibited, except that a municipality may approve, in writing,
78 processing or sale elsewhere, either within or outside the boundaries of

79 such municipality, prior to processing or sale. A municipality may
80 refuse to approve processing or sale elsewhere if such processing or
81 sale would adversely affect its recycling program. For purposes of
82 sections 22a-208e, 22a-208f, 22a-220, this section, sections 22a-220c, 22a-
83 241b, 22a-241e, and subsection (c) of section 22a-241g, residential
84 property means real estate containing one or more dwelling units but
85 shall not include hospitals, motels or hotels.

86 (b) The legislative body shall give not less than sixty days' notice of
87 its intent to designate a disposal area for solid waste or to designate
88 where the items generated from residential property listed in
89 subsection (a) of this section shall be taken for processing or sale to all
90 collectors hauling solid waste or such items of the municipality. At the
91 conclusion of such period, the legislative body shall cause notice of
92 such designation to appear in a newspaper of general circulation in the
93 municipality and shall conduct a public hearing thereon. Prior to
94 designating where the items generated from residential property and
95 listed in subsection (a) of this section shall be taken for sale or
96 processing, the municipality shall consider the private recycling
97 occurring within the municipality, the effects of its proposed
98 designation on such recycling, and the policy set forth in subdivision
99 (4) of section 22a-259.

100 (c) Except as provided in subsection (a) of this section, recyclable
101 material, including but not limited to, glass, metal, paper, corrugated
102 paper or plastic, may be removed or segregated at the source of
103 generation or prior to disposal at the designated area and
104 preseggregated recyclable material may be transported directly to
105 facilities which accept and process recyclable material.

106 (d) Any collector hauling solid waste generated by residential,
107 business, commercial or other establishments in a municipality shall
108 register, annually, in such municipality and disclose: (1) The name and
109 address of the collector, the owner of such collector, any principal
110 partner in such collector and any manager or person who has policy or

111 financial decision-making authority for such collector; (2) the name of
112 any subsidiary of such collector; (3) the name of any other municipality
113 or state in which such collector hauls such solid waste; (4) whether the
114 hauling done by such collector is residential, commercial or other; (5)
115 the type of wastes hauled; (6) the location of any disposal area for solid
116 waste that such collector uses or intends to use in the next year; and (7)
117 any additional information that such municipality requires to ensure
118 the health and safety of its residents.

119 (e) The door of any private vehicle used to haul solid waste shall be
120 clearly marked with the business name and address of the hauler.

121 (f) Any collector who dumps more than one cubic foot in volume of
122 solid waste at one time in an area not designated for such disposal by a
123 municipality pursuant to the provisions of this section or who
124 knowingly mixes other solid waste with items designated for recycling
125 pursuant to section 22a-241b, as amended by this act, or pursuant to
126 municipal ordinance shall for a first violation be liable for a civil
127 penalty of not more than two thousand five hundred dollars for each
128 violation and not more than ten thousand dollars for a subsequent
129 violation. Any municipality or the Attorney General, at the request of
130 the commissioner, may bring an action under this section. All such
131 actions shall have precedence in the order of trial as provided in
132 section 52-191. Any such action by the Attorney General shall be
133 brought in the superior court for the judicial district of Hartford.

134 (g) As used in this section, "collector" means any person who holds
135 himself out for hire to collect solid waste from residential, business,
136 commercial or other establishments.

137 (h) The legislative body of a municipality may prohibit the
138 scavenging of solid waste.

139 (i) Any person, other than a collector, who: (1) Dumps more than
140 one cubic foot in volume of solid waste at one time in a solid waste or
141 refuse collection container without the authorization of the owner of

142 such container or (2) dumps any material into a recycling collection
143 container used to collect another type of material for purposes of
144 disposal by a collector shall be guilty of an infraction as provided for in
145 chapter 881b. Any owner or lessor of a solid waste or refuse collection
146 container may post signs on or near such container which indicate the
147 penalties provided for in this section for unauthorized disposal of
148 waste in such container. Any municipal police officer may issue a
149 summons for the commission of an infraction for any violation of this
150 subsection.

151 (j) On or before January 15, 2011, and each year thereafter, each
152 municipality shall provide a list of registered collectors and any
153 information supplied by such collector pursuant to subsection (d) of
154 this section to the Commissioner of Environmental Protection in such
155 format as the commissioner prescribes. Not more than ninety days
156 after receipt of such information, the Commissioner of Environmental
157 Protection shall post such information on the Department of
158 Environmental Protection's web site. Any municipality that fails to
159 provide such information to the commissioner in a timely manner shall
160 be ineligible for the flexible recycling program pursuant to chapter
161 446d.

162 Sec. 5. (*Effective from passage*) The Commissioner of Environmental
163 Protection shall study the economic feasibility of the state purchase
164 and ownership of solid waste disposal areas. In conducting such study,
165 the commissioner shall examine the following issues: (1) Whether the
166 state or a private entity is better suited to acquire and maintain such
167 areas, (2) any costs associated with the acquisition, maintenance and
168 permitting of such areas that will not be put into use, and (3) the
169 conditions that would be necessary to put such areas into use,
170 including, but not limited to, the presence of uncompetitive disposal
171 practices or other unreasonably high disposal costs and the minimum
172 and maximum amount of time such areas should be owned by the
173 state prior to use or sale of such areas. Not later than July 1, 2011, the
174 commissioner, in accordance with section 11-4a of the general statutes,

175 shall report the findings of such study and any concomitant
176 recommendations to the joint standing committee of the General
177 Assembly having cognizance of matters relating to the environment.

178 Sec. 6. Section 22a-208e of the general statutes is repealed and the
179 following is substituted in lieu thereof (*Effective from passage*):

180 (a) The owner or operator of each resources recovery facility and
181 each solid waste disposal area shall submit a report to the
182 Commissioner of Environmental Protection quarterly with respect to
183 the calendar quarter beginning on October 1, 1989, and each calendar
184 quarter thereafter, on or before the last day of the month immediately
185 following the end of each quarter. Such report shall be on a form
186 prescribed by the commissioner and shall provide such information
187 the commissioner deems necessary, including but not limited to, the
188 amount of solid waste, by weight or other method acceptable to the
189 commissioner, received from each municipal or other customer. Such
190 report shall also include for each Connecticut municipality the total
191 amount of solid waste originating therefrom. The owner or operator
192 shall submit to each such municipality a copy of all such information
193 pertaining to the municipality. If precise data are not available, the
194 owner or operator may use a method of estimating acceptable to the
195 commissioner.

196 (b) For each load of waste that weighs one ton or more, the
197 commissioner shall require the owner or operator of any solid waste
198 facility that receives such load of waste to report to the commissioner
199 the name and address of the applicable solid waste collector for such
200 load of waste. The commissioner may require the owner or operator of
201 any other solid waste facility and, consistent with the requirements of
202 subsection (c) of this section and section 22a-208f, the owner or
203 operator of any recycling facility to report the information specified in
204 subsection (a) in the manner set forth in said subsection. Such
205 requirement shall be made by written notification to the owner or
206 operator of the facility.

207 (c) The owner or operator of any recycling facility which receives for
208 processing or sale the following items generated from within the
209 boundaries of a Connecticut municipality: (1) Cardboard, (2) glass,
210 food and beverage containers, (3) leaves, (4) metal food and beverage
211 containers, (5) newspapers, (6) storage batteries, (7) waste oil, (8)
212 plastic food and beverage containers, and (9) office paper, shall report
213 for each such item the information specified in subsection (a) of this
214 section in the manner set forth in said subsection. If a municipality or
215 collector of recyclable items delivers any of the items listed in this
216 subsection to a recycling facility which is not located in this state, such
217 municipality or collector shall notify the commissioner of the name
218 and address of the owner or operator of such facility and shall ensure,
219 by contract, that such facility has notice of and complies with the
220 reporting requirements of this section. As used in this section, "office
221 paper" means used or discarded white or manila paper including, but
222 not limited to, paper utilized for file folders, tab cards, writing, typing,
223 printing, computer printing and photocopying, which paper is suitable
224 for recycling, but does not mean office paper generated by households.

225 (d) Not later than July 1, 2011, the commissioner shall require any
226 data submitted pursuant to this section to be submitted electronically.
227 The commissioner shall notify any owner or operator of any resources
228 recovery facility, solid waste disposal area, solid waste facility or
229 recycling facility who is required to submit data pursuant to this
230 section that any submission made after the effective date of this section
231 may be made electronically. The commissioner shall notify any such
232 owner or operator of any resources recovery facility, solid waste
233 disposal area, solid waste facility or recycling facility of the electronic
234 format that is acceptable to the commissioner, provided any data
235 submitted electronically shall be clearly labeled with easily identifiable
236 categories. The commissioner shall develop an electronic verification
237 system that enables any such owner or operator of any resources
238 recovery facility, solid waste disposal area, solid waste facility or
239 recycling facility to make such an electronic submission without the
240 need to submit a concomitant paper copy that is signed by such owner

241 or operator.

242 (e) Not later than one month after the submission of any data
243 pursuant to this section, the commissioner shall post such data on the
244 department's web site. The commissioner shall indicate, at the time of
245 such posting, whether such data is verified. On or before January
246 fifteenth of each year, the commissioner shall verify and post on the
247 department's web site any information submitted pursuant to this
248 section.

249 Sec. 7. Section 22a-228 of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective from passage*):

251 (a) The Commissioner of Environmental Protection shall adopt
252 regulations in accordance with the provisions of chapter 54
253 establishing procedures for adopting and amending a state-wide solid
254 waste management plan and for granting temporary variances from
255 the provisions of the plan. Such regulations shall require notice to each
256 affected municipality by certified mail, return receipt requested, and
257 an opportunity for public comment, including regional hearings, and
258 shall assure full consideration of and response to any comments
259 received by the commissioner. The state-wide solid waste management
260 plan shall be adopted and amended in accordance with such
261 regulations, but shall not be deemed to be a regulation for purposes of
262 chapter 54.

263 (b) On or after January 1, 1987, the Commissioner of Environmental
264 Protection shall adopt a state-wide solid waste management plan
265 which shall incorporate each municipal solid waste management plan
266 approved pursuant to section 22a-227. The plan shall establish specific
267 goals for source reduction, bulky waste recycling and composting. The
268 plan shall establish the following order of priority for managing solid
269 waste: Source reduction; recycling; composting of yard waste or
270 vegetable matter; bulky waste recycling; resource recovery or waste-to-
271 energy plants; incineration and landfilling.

272 (c) The commissioner shall amend said plan to include an
273 assessment of the amount of landfill capacity needed in the state for
274 landfills for residue from resources recovery facilities, ash from
275 municipal incinerators and for bulky waste. Such assessment shall
276 include (1) a projection of the annual capacity needed for the twenty-
277 year period commencing on July 1, 1989, and (2) a minimum and
278 maximum number of landfills in simultaneous operation required to
279 dispose of such residue, ash or waste. Such amendment shall be
280 available to the public on or before January 1, 1989.

281 (d) On or before January 1, 1990, the Commissioner of
282 Environmental Protection shall revise the state-wide solid waste
283 management plan to include a source reduction component that
284 outlines specific strategies to reduce the solid waste generated in this
285 state by an amount not less than the amount required to maintain until
286 the year 2010 the annual per capita solid waste generation rate at the
287 rate estimated by the commissioner in 1988. Such strategies shall
288 include measures to reduce waste from packaging materials and
289 disposable products.

290 (e) On or before July 1, 2016, and every ten years thereafter, the
291 commissioner shall revise the state-wide solid waste management
292 plan. Not later than July 1, 2011, and every ten years thereafter, the
293 commissioner shall prepare and publish an addendum to the solid
294 waste management plan that is in effect. Such addendum shall include,
295 but not be limited to, a comparison of the state's actual performance
296 with the projections contained in such plan, any revised projections for
297 the remaining duration of such plan and the status of the state's
298 accomplishment in achieving any goals contained in such plan.

299 Sec. 8. (*Effective from passage*) Not later than January 1, 2011, the
300 Commissioner of Environmental Protection, in accordance with the
301 provisions of section 11-4a of the general statutes, shall submit to the
302 joint standing committee of the General Assembly having cognizance
303 of matters relating to the environment a report on the Department of

304 Environmental Protection's landfill monitoring practices. Such report
305 shall include, but not be limited to: (1) An assessment of the
306 department's efficacy in monitoring landfills at a level that adequately
307 protects the environment and public health, (2) recommendations
308 concerning any changes that should be made in the department's
309 landfill monitoring practices, including any proposed increase or
310 decrease in monitoring and whether a third party should perform such
311 monitoring, and (3) an estimate of the costs associated with any
312 proposed changes in the department's landfill monitoring practices.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-241b
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	22a-220a
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	22a-208e
Sec.	<i>from passage</i>	22a-228
Sec. 8	<i>from passage</i>	New section

Statement of Purpose:

To implement the recommendations of the Legislative Program Review and Investigations Committee concerning municipal solid waste management services in Connecticut.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]