



General Assembly

January Session, 2013

Raised Bill No. 1081

LCO No. 4241



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING RECYCLING AND JOBS.

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

1 Section 1. Section 22a-207a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) As used in sections 22a-208d, 22a-208q and subsection (b) of
4 section 22a-228: (1) "Composting" means a process of accelerated
5 biological decomposition of organic material under controlled
6 conditions; (2) "mixed municipal solid waste" means municipal solid
7 waste that consists of mixtures of solid wastes which have not been
8 separated at the source of generation or processed into discrete,
9 homogeneous waste streams such as glass, paper, plastic, aluminum or
10 tire waste streams provided such wastes shall not include any material
11 required to be recycled pursuant to section 22a-241b, and (3) "mixed
12 municipal solid waste composting facility" means a volume reduction
13 plant where mixed municipal solid waste is processed using
14 composting technology.

15 (b) As used in this chapter and section 7 of this act, "end user"

16 means any person who uses a material for such material's original use
17 or any manufacturer who uses a material as feedstock to make a
18 product.

19 Sec. 2. Section 22a-208f of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2013*):

21 Notwithstanding the provisions of section 22a-208a, a scrap metal
22 processor, as described in section 14-67w, shall not be required to
23 obtain a permit under [said] section 22a-208a if on or before [July 1,
24 1990] July 31, 2014, and annually [on March thirty-first] thereafter, [he]
25 such scrap metal processor submits to the Commissioner of Energy
26 and Environmental Protection, on a form prescribed by the
27 commissioner, the amount of scrap metals generated within the
28 borders of the state and purchased or received [from any municipality,
29 municipal or regional authority, the state or any political subdivision
30 of the state listed by town of origin. He shall also send to each
31 Connecticut municipality included in such listing a copy of such
32 information pertaining to the municipality] by such processor for the
33 prior state fiscal year. Such report shall identify the regional solid
34 waste facility from which such scrap metal was received or the
35 Connecticut municipality in which such scrap metal was generated
36 and the type of waste stream that generated such scrap metal. Such
37 report shall also identify the destination facility that received the scrap
38 metal or other recyclable materials from such scrap metal processor.

39 Sec. 3. Section 22a-220 of the general statutes is amended by adding
40 subsection (k) as follows (*Effective October 1, 2013*):

41 (NEW) (k) There is established the "Municipal and Regional
42 Recycling Incentive Program". The purpose of the Municipal and
43 Regional Recycling Incentive Program shall be to provide technical
44 assistance and other incentives to municipalities and regions to
45 advance the state-wide solid waste management plan adopted
46 pursuant to section 22a-228. Such technical assistance shall promote

47 the implementation of sustainable materials management practices
48 that reduce solid waste and increase recovery of designated recyclable
49 items and other recyclable materials. Any municipality or region shall
50 be eligible to participate in such incentive program, provided such
51 municipality or region: (1) Implemented a solid waste disposal pricing
52 system prior to July 1, 2013 which, as determined by the Commissioner
53 of Energy and Environmental Protection, is an effective unit-based
54 pricing system; and (2) committed, not later than October 1, 2013, to
55 participate in such incentive program by agreeing to modernize the
56 solid waste disposal pricing system used within such municipality or
57 region to a unit-based pricing system, in accordance with an
58 implementation plan approved by the commissioner.

59 Sec. 4. Subsections (d) to (g), inclusive, of section 22a-220a of the
60 general statutes are repealed and the following is substituted in lieu
61 thereof (*Effective October 1, 2013*):

62 (d) (1) Any collector hauling solid waste generated by residential,
63 business, commercial or other establishments, including, but not
64 limited to, recyclables generated within the borders of a municipality,
65 shall register annually in such municipality and disclose: (A) The name
66 and address of the collector and the owner of such collection company;
67 (B) the name of any other municipality in which such collector hauls
68 such solid waste, including recyclables; (C) whether the hauling done
69 by such collector is residential, commercial or other; (D) the types of
70 waste hauled; (E) the anticipated location of any disposal facilities or
71 end users receiving recyclable solid waste; and (F) any additional
72 information that such municipality requires to ensure the health and
73 safety of its residents. Any collector who is registered as a collector
74 pursuant to section 7 of this act shall be deemed to be in compliance
75 with the provisions of this subdivision.

76 (2) On or before [July 31, 2011] July 1, 2013, any such collector shall
77 report to the municipality (A) the types of solid waste, including
78 recyclables, as listed in subsection (c) of section 22a-208e generated

79 within the borders of a municipality and collected by such collector,
80 (B) the name, location and contact information for the first destination
81 where such solid waste, including recyclables, was delivered by the
82 collector during the previous fiscal year, and (C) the types and actual
83 or estimated amounts of such solid waste, including recyclables,
84 directly delivered to an out-of-state destination or to an end user or
85 manufacturer in the state. Such reports shall be submitted to the
86 municipality annually, on or before July thirty-first, and shall provide
87 the information specified in this subdivision for the prior state fiscal
88 year. Such reports shall be on a form prescribed by the Commissioner
89 of Energy and Environmental Protection and shall include any other
90 additional information the commissioner deems necessary. Any
91 collector who registered pursuant to section 7 of this act and who
92 submits annual reports to the commissioner pursuant to subsection (j)
93 and performs the requisite identification required pursuant to
94 subsection (k) of this section shall be deemed to be in compliance with
95 the provisions of this subdivision.

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

98 (f) Any collector who dumps more than one cubic foot in volume of
99 solid waste at one time in an area not designated for such disposal by a
100 municipality pursuant to the provisions of this section or who
101 [knowingly] mixes other solid waste with items designated for
102 recycling pursuant to section 22a-241b, or pursuant to municipal
103 ordinance shall for a first violation be liable for a civil penalty of not
104 more than two thousand five hundred dollars for each violation and
105 not more than ten thousand dollars for a subsequent violation. Any
106 municipality or the Attorney General, at the request of the
107 commissioner, may bring an action under this section. All such actions
108 shall have precedence in the order of trial as provided in section 52-
109 191. Any such action by the Attorney General shall be brought in the
110 superior court for the judicial district of Hartford.

111 (g) As used in this section, "collector" means any person who holds
112 himself out for hire to collect solid waste on a regular basis from
113 residential, business, commercial or other establishments. "Collector"
114 does not include: (1) Any person who transports solid waste that is
115 incidentally generated during professional or commercial activities
116 unrelated to the collection of solid waste, such as residential property
117 repairs, provided such solid waste is self-generated by such person's
118 professional or commercial activities and such solid waste is
119 transported to an authorized recycling facility, a permitted recycling
120 facility, or a permitted solid waste facility, and (2) any person who
121 transports used materials for the purpose of delivering such materials
122 to a charitable organization that distributes reused household items or
123 to a retail facility that sells reused household items.

124 Sec. 5. Subsection (a) of section 22a-226e of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective*
126 *October 1, 2013*):

127 (a) (1) [Not later than six months after the establishment of service
128 in the state by two or more permitted source-separated organic
129 material composting facilities, as defined in section 22a-207, that have
130 a combined capacity to service the needs of commercial food
131 wholesalers or distributors, industrial food manufacturers or
132 processors, supermarkets, resorts or conference centers that each
133 generate an average projected volume of not less than one hundred
134 four tons per year of source-separated organic materials] On and after
135 January 1, 2014, each commercial food wholesaler or distributor,
136 industrial food manufacturer or processor, supermarket, resort or
137 conference center that is located not more than twenty miles from an
138 authorized source-separated organic material composting facility and
139 that generates an average projected volume of not less than one
140 hundred four tons per year of source-separated organic materials shall:
141 [(1)] (A) Separate such source-separated organic materials from other
142 solid waste; and [(2)] (B) ensure that such source-separated organic
143 materials are recycled at [a permitted source-separated organic

144 material composting facility that is not more than twenty miles from
145 such wholesaler, distributor, manufacturer, processor, supermarket,
146 resort or conference center, as applicable] any authorized source-
147 separated organic material composting facility that has available
148 capacity and that will accept such source-separated organic material.

149 (2) On and after January 1, 2020, each commercial food wholesaler
150 or distributor, industrial food manufacturer or processor, supermarket,
151 resort or conference center that is located not more than twenty miles
152 from an authorized source-separated organic material composting
153 facility shall: (A) Separate such organic materials from other solid
154 waste; and (B) ensure that such source-separated organic materials are
155 recycled at any authorized source-separated organic material
156 composting facility that has available capacity and that will accept
157 such source-separated organic material.

158 Sec. 6. Section 22a-241 of the general statutes is amended by adding
159 subsection (d) as follows (*Effective October 1, 2013*):

160 (NEW) (d) The Commissioner of Energy and Environmental
161 Protection, in consultation with the Office of Policy and Management
162 and leaders of regional authorities, shall identify opportunities for new
163 incentives to provide for regional collaboration among municipalities
164 to achieve cost savings and standardization in recycling and solid
165 waste management. There is established a state goal to have regional
166 authorities provide a regional option for solid waste management
167 services to eighty per cent of municipalities in the state not later than
168 January 1, 2015, and to provide such regional option to all
169 municipalities in the state not later than January 1, 2017. Any
170 municipality that participates in a regional authority that provides
171 solid waste management services shall be prioritized for inclusion in
172 the Municipal and Regional Recycling Incentive Program established
173 in subsection (k) of section 22a-220, as amended by this act.

174 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) For the purposes of this

175 section:

176 (1) "Collector" has the same meaning as provided in subsection (g)
177 of section 22a-220a of the general statutes, as amended by this act.

178 (2) "Solid waste" has the same meaning as provided in section 22a-
179 207 of the general statutes.

180 (3) "Business entity" means any firm, partnership, association,
181 syndicate, company, trust, corporation, limited liability company, or
182 other form of commercial organization.

183 (4) "Equity" means a financial interest or ownership right in
184 property.

185 (5) "Solid waste facility" has the same meaning as provided in
186 section 22a-207 of the general statutes.

187 (6) "Vehicle" means any motor vehicle designed, used or maintained
188 primarily for the transportation of solid waste.

189 (b) No person shall act as a collector of solid waste, including
190 designated recyclable items, without a solid waste collector
191 registration issued by the Commissioner of Energy and Environmental
192 Protection, provided the provisions of this section shall not apply to
193 any state, municipal or quasi-public agency.

194 (c) Any request for registration pursuant to subsection (b) of this
195 section shall be filed with the commissioner on a form prescribed by
196 the commissioner. Such application shall include, but need not be
197 limited to, the items required by subdivision (1) of subsection (d) of
198 section 22a-220a of the general statutes, as amended by this act, and
199 the following:

200 (1) The full name and business address of the applicant, or if the
201 applicant is a business entity, such business entity's full name,
202 including any other name by which such business entity was known

203 during the ten year period preceding the filing of such application,
204 such applicant's or business entity's business address, such business
205 entity's state of incorporation and the name and address of each
206 officer, director, manager or partner of such business entity and the
207 name of any person or business entity that directly, or indirectly
208 through another business entity, holds five per cent or more of equity
209 or debt liability in such business entity;

210 (2) The full name and address of any collector for which the
211 applicant was an officer, director, manager or partner, or in which such
212 applicant held directly, or indirectly through another business entity,
213 five per cent or more of equity or debt liability in the applicant, during
214 the five-year period preceding the filing of such application;

215 (3) A description of the experience and credentials possessed by the
216 applicant, or if the applicant is a business entity, the experience and
217 credentials possessed by such business entity's officers, directors,
218 managers or partners in the collection of solid waste. Such description
219 shall include past and present registrations, permits and approvals for
220 the collection of solid waste;

221 (4) Information regarding any notices of violations, administrative
222 orders, civil proceedings or registration revocations by any municipal,
223 state or federal authority that occurred not more than ten years
224 preceding the filing of such application and that relate to a violation of
225 any environmental protection law, rule or regulation by the applicant,
226 or if the applicant is a business entity, concerning such a violation by
227 any officer, director, partner thereof, or any person or business entity,
228 that directly, or indirectly through another business entity, holds five
229 per cent or more of equity or debt liability in such business entity;

230 (5) Information regarding any pending charges in any state
231 involving violations of, or civil judgments of liability or criminal
232 convictions of, any municipal, state or federal law against the
233 applicant, or if the applicant is a business entity, such judgments or

234 convictions against any officer, director or partner or any person or
235 business entity, that directly, or indirectly through another business
236 entity, holds five per cent or more of equity or debt liability in such
237 business entity;

238 (6) The name and address of any solid waste facility operated by the
239 applicant or business entity;

240 (7) A narrative description identifying how the applicant or
241 business entity will assure compliance with chapter 446d of the general
242 statutes, including but not limited to, sections 22a-241b, 22a-241j and
243 22a-241l of the general statutes;

244 (8) A certification that all federal, state and local taxes for the five-
245 year period preceding the date of the application are paid; and

246 (9) Any other information the commissioner deems necessary.

247 (d) Any collector who registers as a collector pursuant to this section
248 shall pay to the applicable municipality the municipal registration fee
249 associated with the registration required pursuant to subsection (d) of
250 section 22a-220a of the general statutes, as amended by this act.

251 (e) The Commissioner of Energy and Environmental Protection shall
252 require the applicant or, if the applicant is a business entity, any
253 director, officer, partner or owner of more than five per cent of the
254 total outstanding stock of any class of such business entity to submit to
255 state and national criminal history records checks in accordance with
256 section 29-17a of the general statutes.

257 (f) The Commissioner of Energy and Environmental Protection may
258 issue, deny, modify, renew, suspend, revoke or transfer a solid waste
259 collector registration issued pursuant to this section, in accordance
260 with the provisions of chapter 54 of the general statutes and this
261 section.

262 (1) The commissioner may deny an application for a new solid

263 waste collector registration, the renewal or transfer of such registration
264 or revoke such registration, if (A) the commissioner determines that
265 the applicant does not exhibit expertise or competence in the area of
266 collection of solid waste; (B) any person listed in the registration
267 application was convicted by a court of competent jurisdiction of any
268 the following crimes: murder, robbery, bribery, extortion, criminal
269 usury, arson, burglary, tax evasion, tax fraud, felonious acts of larceny,
270 forgery, fraud in the offering, alteration of motor vehicle identification
271 numbers, any violation of any provision of chapter 420b of the general
272 statutes, racketeering or any violation of any criminal or civil provision
273 of the federal or state environmental protection or antitrust law, rule or
274 regulation; or (C) the applicant fails to submit any of the information
275 required in the registration application pursuant to this section.

276 (2) If the commissioner denies, suspends, revokes or refuses to grant
277 a request to modify, renew or transfer a solid waste collector
278 registration, the commissioner shall notify the applicant of such
279 decision, the reason for such decision and inform such applicant of
280 such applicant's right to request a hearing not later than ten days after
281 receipt of the notice of the commissioner's decision. If the applicant or
282 registrant requests a hearing not later than ten days after the receipt of
283 such notice, the commissioner shall conduct a hearing concerning such
284 refusal, in accordance with the provisions of chapter 54 of the general
285 statutes.

286 (g) Any contract for the collection and transportation of solid waste
287 from such waste's location within Connecticut to a solid waste facility
288 or authorized recycling facility or end user shall:

289 (1) Ensure that solid waste collectors provide adequate and separate
290 collection containers that allow for separate collection of designated
291 recyclable items from other solid waste and ensure that such
292 containers are marked with clear written or pictorial instructions on
293 how to separate designated recyclable items from other solid waste;

294 (2) Provide for the inclusion of educational materials to be provided
295 to the consumer that describe what recyclable items are collected,
296 including at a minimum, a list of designated recyclable items;

297 (3) Ensure that the pricing system used in such contract meets any
298 performance standards specified by the commissioner;

299 (4) Authorize the consumer, upon thirty days written notice to the
300 registrant, to terminate such contract during a renewal period if such
301 contract previously was extended by an automatic renewal of such
302 contract;

303 (5) Allow a consumer to terminate such contract by providing notice
304 to the registrant not more than thirty days prior to the extension of
305 such contract;

306 (6) Not include any requirement that the consumer notify the
307 registrant of competitive offers for the collection and transportation of
308 such consumer's solid waste or otherwise limit the ability of such
309 consumer to select a registrant of the consumer's choosing;

310 (7) Require the registrant to provide the consumer with: (A) Written
311 notice of any increase in the amount charged for such collection and
312 transportation services not less than thirty days prior to the effective
313 date of such increase, (B) notice of any subcontract or assignment of
314 contractual duties by the registrant not less than sixty days prior to the
315 effective date of such subcontract or assignment, and (C) not less than
316 fourteen days to terminate such contract prior to any such increase,
317 subcontract or assignment; and

318 (8) Not require such consumer to pay liquidated damages in the
319 event such contract is terminated prior to the end of the initial or
320 extended contract term.

321 Sec. 8. (NEW) (*Effective October 1, 2013*) The Commissioner of
322 Energy and Environmental Protection, in consultation with other state

323 agencies or quasi-public agencies, shall identify opportunities for the
 324 establishment of a new, or the expansion of any existing, recycling
 325 infrastructure investment program.

326 Sec. 9. (NEW) (*Effective October 1, 2013, and applicable to assessment*
 327 *years commencing on or after said date*) (a) For the purposes of this
 328 section:

329 (1) "Municipality" has the same meaning as provided in section 12-
 330 129r of the general statutes.

331 (2) "Recycling" has the same meaning as provided in section 22a-207
 332 of the general statutes.

333 (b) Any municipality may, by ordinance adopted by its legislative
 334 body, provide an exemption from property tax for any machinery or
 335 equipment used in connection with recycling that is installed on or
 336 after October 1, 2013. Any such exemption shall apply only to: (1) The
 337 increased value of the commercial or industrial property that is
 338 attributable to such machinery or equipment, and (2) the first fifteen
 339 assessment years following installation of such machinery or
 340 equipment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22a-207a
Sec. 2	<i>October 1, 2013</i>	22a-208f
Sec. 3	<i>October 1, 2013</i>	22a-220
Sec. 4	<i>October 1, 2013</i>	22a-220a(d) to (g)
Sec. 5	<i>October 1, 2013</i>	22a-226e(a)
Sec. 6	<i>October 1, 2013</i>	22a-241
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>October 1, 2013</i>	New section
Sec. 9	<i>October 1, 2013, and applicable to assessment years commencing on or after said date</i>	New section

Statement of Purpose:

To prioritize and increase the incentive for solid waste reduction and recycling in order to save costs to municipalities, businesses and the state and to create jobs in the recovery of recyclable materials.

[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.]