



**Testimony of Sean Doyle, Program Associate
Connecticut Public Interest Research Group (ConnPIRG)
in support of**

Proposed Senate Bill No. 67:

An Act Concerning the Inclusion of Juices, Teas, and Sports Drinks under Connecticut's Bottle Bill

Chairperson Meyer, Chairperson Gentile and Members of the Committee: My name is Sean Doyle and I am the Program Associate of the Connecticut Public Interest Research Group (ConnPIRG). Thank you for the opportunity to testify today in support of Proposed Senate Bill No. 67: An Act Concerning the Inclusion of Juices, Teas, and Sports Drinks Under Connecticut's Bottle Bill.

ConnPIRG is a non-profit, non-partisan consumer group. Our Zero Waste Program works to protect public health and boost our economy by decreasing waste and increasing reuse, recycling, and composting to move us closer to zero waste.

Over the past few months, we have been building support for updating Connecticut's bottle bill to include all single serving beverage containers. We collected over four thousand signatures from citizens across the state, gathering support from every state legislative district. We have also received endorsements from municipal leaders, statewide and local conservation and environmental groups, and small businesses. Three towns have passed resolutions, four mayors, six first selectmen, seven directors of public works, and eight recycling/solid waste coordinators have endorsed. Over 90 small businesses have also endorsed an update. A diverse array of people and groups with a diverse array of interests, all supporting an update. A full list of endorsements is attached.

And for good reason. The bottle bill works.

- The bottle bill is the **most effective recycling program in the state**: 70% of bottles with a deposit are recycled compared to 25% of bottles without. That discrepancy has consequences: nearly 300 million bottles per year end up as litter, or in landfills and incinerators. Well over a billion bottles have been unnecessarily discarded since the last update, a wholly preventable waste of valuable material.
- The bottle bill **saves cities and towns money**. Trash collection and disposal costs weigh heavily on municipal budgets, as do litter abatement programs.
- The bottle bill **reduces litter**. Litter is not only costly to cities and towns, it's a detriment to quality of life. One of the original motivations for passing the bottle bill decades ago was to deal with the litter problem and it's been a huge success in that regard.

Now, it's time for an update. The original bottle bill was designed to cover carbonated beverages because that's what was on the market in 1980. We did not have the plethora of options now available, from juice to tea to sports and energy drinks. There is no good public policy reason to include water but

not tea, soda but not energy drinks. If we were creating the program now, there would be no reason to design it in that manner. We would design it to be holistic.

An updated bottle bill fits within the new direction of Connecticut's solid waste and recycling policy, shifting from "waste management" to "materials management". Connecticut is emerging as a leader in what is variously known as Product Stewardship or Extended Producer Responsibility (EPR). The principle of these policies is that the producers of material goods share responsibility for managing them for their entire life cycle – rather than externalizing that responsibility to consumers and taxpayers. Many of the members of this committee have played leadership roles in passing our paint, electronics, and mattress stewardship laws. If proposed Senate Bill 27 passes, we will begin the process of creating an updated Materials Management Plan, with increased emphasis on product stewardship. The Department of Energy and Environmental Protection leadership have indicated interest in EPR programs covering packaging. We fully support these efforts, but they will take a number of years to plan and design. There is no reason not to update the bottle bill now. It does not preclude, but rather complements, future action.

The committee will hear the same arguments from the bottling industry and grocery stores that we have heard for years.

They argue that the bottle bill is out of date, that single streams recycling has replaced the need for bottle bills. In fact, the bottle bill is by far the most effective recycling program in the state, achieving higher recycling rates than municipal recycling programs. Not every community in the state has single stream programs. And the home is not the only place people recycle; bottles are often consumed "on the go."

They argue that bottle bills raise prices for consumers. However, a 2011 survey done by the Massachusetts Department of Environmental Protection showed that there is no appreciable difference in prices between states with and without bottle deposits.

Finally, ConnPIRG proposes a number of measures to strengthen Senate Bill 67 and make it as effective as possible. Included in this testimony, you can find our proposed language.

- Amend the language to include all single-serving beverage containers. As written, the law would add teas, juices, and sports drinks, but neglect energy drinks and other beverages. Modifying the language will ensure that the law will not need to be updated again.
- Raise the handling fee to 3.5 cents per bottle. The current statute of 1.5 cents for beer and 2 cents for soda and water is the lowest in the region. Raising the fee would allow redemption centers and stores to cover their operating costs and match regional norms.
- Include nips (1.5 ounce servings of liquor) with a 5 cent deposit. These bottles have become large litter problems and their inclusion would significantly cut down on their appearance in city streets and in our rivers and waterways.
- Add wine and liquor bottles to the program with a 15 cent deposit. This creates a cleaner stream of glass and encourages glass recycling in Connecticut. This was done in Maine with great success.

Again, thank you for the opportunity to submit written testimony in support of SB 67.

Sean Doyle
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sean@connpirg.org

Endorsements to Update the Bottle Bill

Cities and Towns:

City of Hartford

Town of Essex

Town of Franklin

Town of Mansfield

Town of Morris

Town of Windham

Peter A. Neff
 Director of Public Works
 Town of Clinton

Ann Dunnack
 Chairwoman
 Columbia Conservation
 Commission

David Tuttle
 Asst. Public Works Director
 Town of Enfield

Michael Zembruski
 Director of Solid Waste and
 Recycling
 City of Fairfield

Robert Phillips
 Town Planner
 Town of Farmington

Scott G. Zenke
 Highway & Grounds
 Superintendent
 Town of Farmington

Lisa Pyatt
 Recycling Coordinator
 Town of Granby

Pamela Roach
 Solid Waste & Recycling
 Coordinator
 Town of Hamden

David MacDonald
 Councilman
 City of Hartford

Pedro E. Segarra
 Mayor
 City of Hartford

Tracy Mirsky
 Recycling Coordinator
 Town of Harwinton

Bruce Adams
 First Selectman
 Town of Kent

Catherine Iino
 First Selectwoman
 Town of Killingworth

Dennis Roberts
 Solid Waste Coordinator
 Town of Lebanon

Marlene LePine
 Administrative Assistant
 Town of Lisbon

Fillmore McPherson
 First Selectman
 Town of Madison

Laina Piscitelli
 Recycling Coordinator &
 Construction Manager
 Town of Madison

Virginia Walton
 Recycling Coordinator
 Town of Mansfield

Kim O'Rourke
 Recycling Coordinator
 City of Middletown

Lois Spence
 Commissioner
 Monroe Inland Wetlands
 Commission

Joyce Zukowski
 Administrative Services Officer
 City of New Britain

Beth Jones
 Selectman
 New Canaan

Municipal Officials:

John Valente
 Wetlands Agent
 Towns of Andover & Columbia

David Cassetti
 Mayor
 City of Ansonia

Andrew Morosky
 Director of Public Works
 Town of Bethel

Matthew S. Knickerbocker
 First Selectman
 Town of Bethel

Mark Piccirillo
 Director of Public Works
 Town of Bethlehem

Alice Dew
 Chairman
 Brookfield Conservation
 Commission

Paul Avery
 Sanitarian
 Town of Brookfield

Darly Justin Finizio Mayor City of New London	Steven Wlodkowski Highway Superintendent Town of Southington	<i>Connecticut Association of Conservation and Inland Wetlands Commission, Inc.</i>
Michael Passero City Councilor City of New London	Roger DalPian Jr. Department of Public Works Office Manager Town of Stafford	<i>Connecticut Citizen Action Group Connecticut Coalition for Environmental Justice</i>
Patricia Llorda First Selectman Town of Newtown	Susan Payne Chairwoman Washington Conservation Commission	<i>Connecticut Farmland Trust Connecticut Fund for the Environment</i>
Lynn K. Sadosky Director of Public Works Town of North Haven	Bart Startup Acting Supervisor, Bureau of Refuse City of Waterbury	<i>Connecticut River Coastal Conservation District East Lyme Inland Wetlands Agency Environment Connecticut</i>
Michael Freda First Selectman Town of North Haven	Neil M. O'Leary Mayor City of Waterbury	<i>Fairfield Conservation Commission Farmington River Watershed Association</i>
Bruce Kimmel Common Council Member, At Large City of Norwalk	Roy Cavanaugh Director, Department of Public Works Town of Watertown	<i>Goshen Land Trust League of Women Voters Lower Connecticut River Valley Council of Governments</i>
Chris Torre Acting Superintendent of Public Works City of Norwalk	David Muller Selectman Town of Weston	<i>Mansfield Solid Waste Advisory Committee Mansfield Sustainability Committee</i>
John Kydes Common Council Member, District C City of Norwalk	Cyril May Resourcerer Better World Magic	<i>New Haven Land Trust Orange Recycling Committee Quinnipiac River Watershed Association</i>
Mitchell R. Goldblatt Selectman Town of Orange	Margaret J. Hall Independent CT Recycling Consultant	<i>Rivers Alliance of Connecticut Toxics Action Center Westport Conservation Commission</i>
Anna M. Rycenga Zoning Enforcement Official Town of Oxford	<hr/> Conservation/Environmental Organizations:	<i>Wintonbury Land Trust</i>
Robert Lee Town Manager Town of Plainville	<i>Burlington Land Trust Citizens Campaign for the Environment</i>	
Ruth Byrnes Recycling Coordinator Town of Sherman	<i>Clean Water Action Connecticut Coalition for a Safe and Healthy Connecticut</i>	
Todd Rolland Deputy Director of Public Works Town of Somers		

Small Businesses:

Crave Restaurant 102 Main St, Ansonia, CT	Dunn's Pub 2345 Whitney Ave, Hamden, CT	Brazil Gill & Pizza 1996 Park St, Hartford, CT
Lewis Jewelers Inc. 176 Main St, Ansonia, CT	Eastern Pulse 3030 Whitney Ave, Hamden, CT	Impanema Café 1819 Park St, Hartford, CT
Massimino's Pizzeria 70 Main St, Ansonia, CT	The Everyday Gourmet 3000 Whitney Ave, Hamden, CT	La Estrella Bakery 1916 Park St, Hartford, CT
Only for her 98 Main St, Ansonia, CT	Family Music 1396 Dixwell Ave, Hamden, CT	O'Camelo Restaurant 1841 Park St, Hartford, CT
Retail Dolar Store 124 Division St, Ansonia, CT	The Fat Robin 3000 Whitney Ave, Hamden, CT	Solmar Fish Market 1860 Park St, Hartford, CT
Seccombes Mens Shop 171 Main St, Ansonia, CT	Gallery 4 2985 Whitney Ave, Hamden, CT	Altanaveigh Inn & Restaurant 957 Storrs Rd, Mansfield, CT
Spector Furniture 385 Main St, Ansonia, CT	Brian's Guitars 3000 Whitney Ave, Hamden, CT	Baja Café 134 N. Eagleville Rd, Mansfield, CT
500° on Main St. 181 Main St, Derby, CT	Hair on Broadway 3450 Whitney Ave, Hamden, CT	Dog Lane Café 1 Dog Lane, Mansfield, CT
Bar None 87 Elizabeth St, Derby, CT	Jimmy's Yogurt 2460 Dixwell Ave, Hamden, CT	Mansfield Estate Sales 543 Storrs Rd, Mansfield, CT
Bon Appetit 2979 Whitney Ave, Hamden, CT	Lucian's Greenhouse & Florist 2468 Whitney Ave, Hamden, CT	Peachwave 1232 Storrs Rd, Mansfield, CT
Bubba's BBQ 3000 Whitney Ave, Hamden, CT	Odie's Place 335 Whitney Ave, Hamden, CT	Randy's Wooster St. Pizza Shop 1232 Storrs Rd, Mansfield, CT
Bottom's Up Package Store 3540 Whitney Ave, Hamden, CT	Olde World (Pizza) 1959 Whitney Ave, Hamden, CT	Sara's Pockets 125 N. Eagleville Rd, Mansfield, CT
Cappie's Apizza 2373 Whitney Ave, Hamden, CT	Peachy Keen 3450 Whitney Ave, Hamden, CT	Storrs Wine and Spirits 1 Royce Circle, Mansfield, CT
Dava 2100 Dixwell Ave, Hamden, CT	Primo's Pizza 3000 Whitney Ave, Hamden, CT	Sweet Emotions Candy 9 Dog Ln, Mansfield, CT
Discount Wine 1980 Whitney Ave, Hamden, CT	Replay Record 2586 Whitney Ave, Hamden, CT	Ted's Restaurant and Bar 16 King Hill Rd, Mansfield, CT
DiSorbo's Bakery 1448 Dixwell Ave, Hamden, CT	Star Pizza 1380 Dixwell Ave, Hamden, CT	Villa Spirit Shoppe 591 Middle Turnpike
Droogies Pizza & Grill 3500 Whitney Ave, Hamden, CT	TASTE Restaurant 1995 Whitney Ave, Hamden, CT	Wally's Chicken Coop 134 N. Eagleville Rd, Mansfield, CT
	Thyme & Season 3040 Whitney Ave, Hamden, CT	Bean and Leaf 463 Bank St, New London, CT

Flavours of Life
86 Bank St, New London, CT

Mi Casa Mexican Restaurant
31 Golden St, New London, CT

Muddy Waters
42 Bank St, New London, CT

Spindrift Guitars
107 State St, New London, CT

Studio 33 Art and Frame Gallery
140 Bank St, New London, CT

Sweeties Bakery and Café
191 Bank St, New London, CT

The Gallery at Firehouse Square
239 Bank St, New London, CT

The Seehund Restaurant
345 Bank St, New London, CT

The Telegraph
19 Golden St, New London, CT

Wing's N' Pies LLC
131 State St, New London, CT

Amici's Restaurant
500C Howe Ave, Shelton, CT

Cletos Wines, Spirits, & Ales
402 Howe Ave, Shelton, CT

The Donut Stop
368 Howe Ave, Shelton, CT

The Little Tomato
503 Howe Ave, Shelton, CT

Nikki's Candy Boutique
93 Center St, Shelton, CT

Sophea's Nail Studio
467 Howe Ave, Shelton, CT

Stockbridge's Gourmet
Cheesecake
509 Howe Ave, Shelton, CT 06484

Verace Pizzeria, Tavern, & Italian
Eatery
100 Center St, Shelton, CT

The Fish Market
1307 Main St, Willimantic, CT

Greg's Pizza
109 Valley St, Willimantic, CT

The Harp on Church
69 Church St, Willimantic, CT

Jamaican Me Crazy
776 Main St, Willimantic, CT

Jonathan's Café
75 Bridge St, Willimantic, CT

Kelley's Septic Tank
65 Bridge St, Willimantic, CT

The Lucky Frog Bar & Grill
600 Main St, Willimantic, CT

Nita's Restaurant
28 North St, Willimantic, CT

Papa's Roast Beef, Inc.
1555 Main St, Willimantic, CT

Paradise Nutrition
1244 Main St, Willimantic, CT

Scott's Cyclery
1171 Main St, Willimantic, CT

Willimantic Brewing Co LLC
967 Main St, Willimantic, CT
06226

Willimantic Food Co-Op
91 Valley St, Willimantic, CT

Windham Wine & Spirits
1182 Main St, Willimantic, CT

Proposed Bill Language

[Deleted]

CAPS ARE NEW LANGUAGE

Sec. 22a-243. (Formerly Sec. 22a-77). Definitions. For purposes of sections 22a-243 to 22a-245c, inclusive:

[(1) “Carbonated beverage” means beer or other malt beverages, and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption;

(2) “Noncarbonated beverage” means water, including flavored water, nutritionally enhanced water and any beverage that is identified through the use of letters, words or symbols on such beverage’s product label as a type of water, but excluding juice and mineral water;]

(3) “Beverage container” means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a [carbonated or noncarbonated] beverage, but does not include a bottle, can, jar or carton (A) three liters or more in size [if containing a noncarbonated beverage,] or (B) made of high-density polyethylene;

(4) “Consumer” means every person who purchases a beverage in a beverage container for use or consumption;

(5) “Dealer” means every person who engages in the sale of beverages in beverage containers to a consumer;

(6) “Distributor” means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sale and includes a dealer who engages in the sale of beverages in beverage containers on which no deposit has been collected prior to retail sale;

(7) “Manufacturer” means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers or, in the case of private label brands, the owner of the private label trademark;

(8) “Place of business of a dealer” means the fixed location at which a dealer sells or offers for sale beverages in beverage containers to consumers;

(9) “Redemption center” means any facility established to redeem empty beverage containers from consumers or to collect and sort empty beverage containers from dealers and to prepare such containers for redemption by the appropriate distributors;

(10) “Use or consumption” includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale;

(11) “Nonrefillable beverage container” means a beverage container which is not designed to be refilled and reused in its original shape; and

(12) "Deposit initiator" means the first distributor to collect the deposit on a beverage container sold to any person within this state.

NEW DEFINITIONS

"BEVERAGE" MEANS BEER, ALE OR OTHER DRINK PRODUCED BY FERMENTING MALT, SPIRITS, WINE, HARD CIDER, WINE COOLERS, SODA OR NONCARBONATED WATER AND ALL NONALCOHOLIC CARBONATED OR NONCARBONATED DRINKS IN LIQUID FORM AND INTENDED FOR INTERNAL HUMAN CONSUMPTION, EXCEPT FOR UNFLAVORED RICE MILK, UNFLAVORED SOYMILK, MILK AND DAIRY-DERIVED PRODUCTS.

UNFLAVORED SOYMILK. "UNFLAVORED SOYMILK" MEANS ANY LIQUID CONTAINING NO ADDITIONAL FLAVORING INGREDIENTS AND INTENDED FOR INTERNAL HUMAN CONSUMPTION, THE PRIMARY PROTEIN SOURCE OF WHICH IS SOY PROTEIN DERIVED FROM WHOLE SOYBEANS, ISOLATED SOY PROTEIN, SOY PROTEIN CONCENTRATE, SOY FLOUR, SPRAY-DRIED TOFU OR SPRAY-DRIED SOYMILK.

RICE MILK. "RICE MILK" MEANS ANY LIQUID INTENDED FOR INTERNAL HUMAN CONSUMPTION OF WHICH THE PRIMARY PROTEIN SOURCE IS RICE PROTEIN DERIVED FROM PARTIALLY MILLED BROWN RICE.

SPIRITS. "SPIRITS" HAS THE SAME MEANING AS IN CGS SECTION 30-1

WINE. "WINE" HAS THE SAME MEANING AS IN CGS 30-1 EXCEPT, THAT FOR THE PURPOSES OF THIS CHAPTER, "WINE" DOES NOT INCLUDE WINE COOLERS.

WINE COOLER. "WINE COOLER" MEANS A BEVERAGE OF LESS THAN 8% ALCOHOL CONTENT BY VOLUME CONSISTING OF WINE AND:

A. PLAIN, SPARKLING OR CARBONATED WATER; AND

B. ANY ONE OR MORE OF THE FOLLOWING:

(1) FRUIT JUICES;

(2) FRUIT ADJUNCTS;

(3) ARTIFICIAL OR NATURAL FLAVORS OR FLAVORINGS;

(4) PRESERVATIVES;

(5) COLORING; OR

(6) ANY OTHER NATURAL OR ARTIFICIAL BLENDING MATERIAL.

HARD CIDER. "HARD CIDER" MEANS A BEVERAGE PRODUCED BY FERMENTATION OF THE JUICE OF FRUIT, INCLUDING, BUT NOT LIMITED TO, FLAVORED, SPARKLING OR CARBONATED CIDER THAT CONTAINS NOT LESS THAN 1/2 OF 1% ALCOHOL BY VOLUME AND NOT MORE THAN 7% ALCOHOL BY VOLUME.

Sec. 22a-244. (Formerly Sec. 22a-78). Beverage containers: Refund value; exceptions; labeling and design requirements. (a)(1) Every beverage container containing MORE THAN 2 OUNCES OF [a carbonated beverage] wine or spirits sold or offered for sale in this state, except for any such beverage containers sold or offered for sale for consumption on an interstate passenger carrier, shall have a refund value. Such refund value shall not be less than [five] FIFTEEN cents and shall be a uniform amount throughout the distribution process in this state. (2) Every beverage container **OTHER THAN THOSE CONTAINING MORE THAN 2 OUNCES OF WINE OR SPIRITS**, containing a [noncarbonated] beverage, sold or offered for sale in this state shall have a refund value, except for beverage containers containing

a noncarbonated beverage that are (A) sold or offered for sale for consumption on an interstate passenger carrier, or (B) that comprise any dealer's existing inventory as of March 31, 2009. Such refund value shall not be less than five cents and shall be a uniform amount throughout the distribution process in this state.

(b) Every beverage container sold or offered for sale in this state, that has a refund value pursuant to subsection (a) of this section, shall clearly indicate by embossing or by a stamp or by a label or other method securely affixed to the beverage container (1) either the refund value of the container or the words "return for deposit" or "return for refund" or other words as approved by the Department of Energy and Environmental Protection, and (2) either the word "Connecticut" or the abbreviation "Ct.", provided this subdivision shall not apply to glass beverage containers permanently marked or embossed with a brand name.

(c) No person shall sell or offer for sale in this state any metal beverage container (1) a part of which is designed to be detached in order to open such container, or (2) that is connected to another beverage container by a device constructed of a material which does not decompose by photodegradation, chemical degradation or biodegradation within a reasonable time after exposure to the elements.

Sec. 22a-245. (Formerly Sec. 22a-79). Registration of redemption centers. Payment of refund value by dealers and distributors. Handling fee. Regulations. (a) No person shall establish a redemption center without registering with the commissioner on a form provided by the commissioner with such information as the commissioner deems necessary including (1) the name of the business principals of the redemption center and the address of the business; (2) the name and address of the sponsors and dealers to be served by the redemption center; (3) the types of beverage containers to be accepted; (4) the hours of operation; and (5) whether beverage containers will be accepted from consumers. The operator of the redemption center shall report any change in procedure to the commissioner within forty-eight hours of such change. Any person establishing a redemption center shall have the right to determine what kind, size and brand of beverage container shall be accepted. Any redemption center may be established to serve all persons or to serve certain specified dealers.

(b) A dealer shall not refuse to accept at such dealer's place of business, from any person any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to such person the refund value of a beverage container unless (1) such container contains materials which are foreign to the normal contents of the container; (2) such container is not labeled in accordance with subsection (b) of section 22a-244; (3) such dealer sponsors, solely or with others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business; or (4) there is established by others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business. A dealer shall redeem an empty container of a kind, size or brand the sale of which has been discontinued by such dealer for not less than sixty days after the last sale by the dealer of such kind, size or brand of beverage container. Sixty days before such date, the dealer shall post, at the point of sale, notice of the last date on which the discontinued kind, size or brand of beverage container shall be redeemed.

(c) A distributor shall not refuse to accept from a dealer or from an operator of a redemption center, located and operated exclusively within the territory of the distributor or whose operator certifies to the distributor that redeemed containers were from a dealer located within such territory, any empty beverage containers of the kind, size and brand sold by the distributor, or refuse to pay to such dealer

or redemption center operator the refund value of a beverage container unless such container contains materials which are foreign to the normal contents of the container or unless such container is not labeled in accordance with subsection (b) of section 22a-244. A distributor shall remove any empty beverage container from the premises of a dealer serviced by the distributor or from the premises of a redemption center sponsored by dealers serviced by the distributor, provided such premises are located within the territory of the distributor. The distributor shall pay the refund value to dealers in accordance with the schedule for payment by the dealer to the distributor for full beverage containers and shall pay such refund value to operators of redemption centers not more than twenty days after receipt of the empty container. For the purposes of this subsection, a redemption center shall be considered to be sponsored by a dealer if (1) the dealer refuses to redeem beverage containers and refers consumers to the redemption center, or (2) there is an agreement between the dealer and the operator of the redemption center requiring the redemption center to remove empty beverage containers from the premises of the dealer. A distributor shall redeem an empty container of a kind, size or brand of beverage container the sale of which has been discontinued by the distributor for not less than one hundred fifty days after the last delivery of such kind, size or brand of beverage container. Not less than one hundred twenty days before the last date such containers may be redeemed, the distributor shall notify such dealer who bought the discontinued kind, size or brand of beverage container that such distributor shall not redeem an empty beverage container of such kind, size or brand of beverage containers.

(d) In addition to the refund value of a beverage container, a distributor shall pay to any dealer or operator of a redemption center a handling fee of at least [one] **THREE** and one-half cents for each **BEVERAGE** container [of beer or other malt beverage and two cents for each beverage container of mineral waters, soda water and similar carbonated soft drinks or noncarbonated beverage] returned for redemption. A distributor shall not be required to pay to a manufacturer the refund value of a nonrefillable beverage container.

(e) The Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of sections 22a-243 to 22a-245, inclusive. Such regulations shall include, but not be limited to, provisions for the redemption of beverage containers dispensed through automatic vending machines, the use of vending machines that dispense cash to consumers for redemption of beverage containers, scheduling for redemption by dealers and distributors and for exemptions or modifications to the labeling requirement of section 22a-244.

(f) For the purposes of this section, "refund value" means the refund value established by subsection (a) of section 22a-244.

Sec. 22a-245a. Special account of deposit initiator. Reimbursement payment. Reports. Deposit in General Fund. Subtraction of deficiency. Examination. Enforcement. Treatment as tax. Credit for containers donated for charitable purpose. (a) Each deposit initiator shall open a special interest-bearing account at a Connecticut branch of a financial institution, as defined in section 45a-557a, to the credit of the deposit initiator. Each deposit initiator shall deposit in such account an amount equal to the refund value established pursuant to subsection (a) of section 22a-244, for each beverage container sold by such deposit initiator. Such deposit shall be made not more than one month after the date such beverage container is sold, provided for any beverage container sold during the period from December 1, 2008, to December 31, 2008, inclusive, such deposit shall be made not later than January 5, 2009. All interest, dividends and returns earned on the special account shall be paid directly into such account. Such moneys shall be kept separate and apart from all other moneys in the possession of the deposit

initiator. The amount required to be deposited pursuant to this section, when deposited, shall be held to be a special fund in trust for the state.

(b) (1) Any reimbursement of the refund value for a redeemed beverage container shall be paid from the deposit initiator's special account, with such payment to be computed, subject to the provisions of subdivision (2) of this subsection, under the cash receipts and disbursements method of accounting, as described in Section 446(c)(1) of the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as amended from time to time.

(2) A deposit initiator may petition the Commissioner of Revenue Services for an alternate method of accounting by filing with such deposit initiator's return a statement of objections and other proposed alternate method of accounting, as such deposit initiator believes proper and equitable under the circumstances, that is accompanied by supporting details and proof. The Commissioner of Revenue Services shall promptly notify such deposit initiator whether the proposed alternate method is accepted as reasonable and equitable and, if so accepted, shall adjust such deposit initiator's return and payment of reimbursement accordingly.

(c) (1) Each deposit initiator shall submit a report on March 15, 2009, for the period from December 1, 2008, to February 28, 2009, inclusive. Each deposit initiator shall submit a report on July 31, 2009, for the period from March 1, 2009, to June 30, 2009, inclusive, and thereafter shall submit a quarterly report for the immediately preceding calendar quarter one month after the close of such quarter. Each such report shall be submitted to the Commissioner of Energy and Environmental Protection, on a form prescribed by the commissioner and with such information as the commissioner deems necessary, including, but not limited to: (A) The balance in the special account at the beginning of the quarter for which the report is prepared; (B) a list of all deposits credited to such account during such quarter, including all refund values paid to the deposit initiator and all interest, dividends or returns received on the account; (C) a list of all withdrawals from such account during such quarter, all service charges and overdraft charges on the account and all payments made pursuant to subsection (d) of this section; and (D) the balance in the account at the close of the quarter for which the report is prepared.

(2) Each deposit initiator shall submit a report on October 31, 2010, for the calendar quarter beginning July 1, 2010. Subsequently, each deposit initiator shall submit a quarterly report for the immediately preceding calendar quarter, on or before the last day of the month next succeeding the close of such quarter. Each such report shall be submitted to the Commissioner of Revenue Services, on a form prescribed by the Commissioner of Revenue Services, and with such information as the Commissioner of Revenue Services deems necessary, including, but not limited to, the following information: (A) The balance in the special account at the beginning of the quarter for which the report is prepared, (B) all deposits credited to such account during such quarter, including all refund values paid to the deposit initiator and all interest, dividends or returns received on such account, (C) all withdrawals from such account during such quarter, including all service charges and overdraft charges on such account and all payments made pursuant to subsection (d) of this section, and (D) the balance in such account at the close of the quarter for which the report is prepared. Such quarterly report shall be filed electronically with the Commissioner of Revenue Services, in the manner provided by chapter 228g.

(d) (1) On or before April 30, 2009, each deposit initiator shall pay the balance outstanding in the special account that is attributable to the period from December 1, 2008, to March 31, 2009, inclusive, to the Commissioner of Energy and Environmental Protection for deposit in the General Fund. Thereafter, the balance outstanding in the special account that is attributable to the immediately

preceding calendar quarter shall be paid by the deposit initiator one month after the close of such quarter to the Commissioner of Energy and Environmental Protection for deposit in the General Fund. If the amount of the required payment pursuant to this subdivision is not paid by the date seven days after the due date, a penalty of ten per cent of the amount due shall be added to the amount due. The amount due shall bear interest at the rate of one and one-half per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in the special account.

(2) On or before October 31, 2010, each deposit initiator shall pay the balance outstanding in the special account that is attributable to the period from July 1, 2010, to September 30, 2010, inclusive, to the Commissioner of Revenue Services for deposit in the General Fund. Subsequently, the balance outstanding in the special account that is attributable to the immediately preceding calendar quarter shall be paid by the deposit initiator on or before the last day of the month next succeeding the close of such quarter to the Commissioner of Revenue Services for deposit in the General Fund. If the amount of the required payment pursuant to this subdivision is not paid on or before the due date, a penalty of ten per cent of the amount due and unpaid, or fifty dollars, whichever is greater, shall be imposed. The amount due and unpaid shall bear interest at the rate of one per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in such special account. Such required payment shall be made by electronic funds transfer to the Commissioner of Revenue Services, in the manner provided by chapter 228g.

(e) If moneys deposited in the special account are insufficient to pay for withdrawals authorized pursuant to subsection (b) of this section, the amount of such deficiency shall be subtracted from the next succeeding payment or payments due pursuant to subsection (d) of this section until the amount of the deficiency has been subtracted in full.

(f) The Commissioner of Revenue Services may examine the accounts and records of any deposit initiator maintained under this section or sections 22a-243 to 22a-245, inclusive, and any related accounts and records, including receipts, disbursements and such other items as the Commissioner of Revenue Services deems appropriate.

(g) The Attorney General may, independently or upon complaint of the Commissioner of Energy and Environmental Protection or the Commissioner of Revenue Services, institute any appropriate action or proceeding to enforce any provision of this section or any regulation adopted pursuant to section 22a-245 to implement the provisions of this section.

(h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and 12-555a shall be deemed to apply to the provisions of this section, except any provision of sections 12-548, 12-550 to 12-554, inclusive, and 12-555a that is inconsistent with the provision in this section.

(i) Any payment required pursuant to this section shall be treated as a tax for purposes of sections 12-30b, 12-33a, 12-35a, 12-39g and 12-39h.

(j) Not later than July 1, 2010, the Department of Energy and Environmental Protection or successor agency shall establish a procedure that allows each such deposit initiator to take a credit against any payment made pursuant to subsection (d) of this section in the amount of the deposits refunded on beverage containers which such deposit initiator donated for any charitable purpose.

Sec. 22a-245b. Exemption for small manufacturers re beverage containers containing noncarbonated beverages. Application. Approval. Any manufacturer who bottles and sells two hundred

fifty thousand or fewer beverage containers containing a noncarbonated beverage that are twenty ounces or less in size each calendar year may apply to the Commissioner of Energy and Environmental Protection for an exemption from the requirements of sections 22a-244 to 22a-245a, inclusive, with regard to such beverage containers containing noncarbonated beverages. Such application shall be accompanied by a sworn affidavit signed by such manufacturer or such manufacturer's authorized agent certifying such manufacturer bottles and sells two hundred fifty thousand or fewer of such beverage containers per calendar year. Any such application filed on or before April 1, 2009, shall be deemed automatically approved and such exemption shall remain valid until December 31, 2009. Not later than November 1, 2009, and each year thereafter, each such manufacturer or such manufacturer's authorized agent may apply to the commissioner for an exemption in accordance with this section on a form prescribed by the commissioner. The commissioner shall approve each such application not later than thirty days after the receipt of the application by the commissioner, provided the applicant satisfies the requirements of this section.

[Sec. 22a-245c. Implementation delay re beverage containers containing noncarbonated beverages. Any manufacturer, dealer or distributor of beverage containers containing noncarbonated beverages may apply to the Governor or the Secretary of the Office of Policy and Management for a delay in the implementation of the requirements imposed by the provisions of sections 22a-244 to 22a-245a, inclusive, with regard to such beverage containers containing noncarbonated beverages. Such application may be on a form prescribed by the Governor or the secretary. The Governor or the secretary may delay the implementation of such requirements upon the showing of undue hardship to the industries affected by such requirements, but in no case shall such requirements be implemented later than October 1, 2009.]

Sec. 22a-245d. Regulations. The Commissioner of Revenue Services, in consultation with the Commissioner of Energy and Environmental Protection, may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of section 22a-245a.

Sec. 22a-246. Penalties. Any person who violates any provision of section 22a-244, 22a-245 or 22a-245a shall be fined not less than fifty dollars nor more than one hundred dollars, and for a second offense shall be fined not less than one hundred dollars nor more than two hundred dollars and for a third or subsequent offense shall be fined not less than two hundred fifty dollars or more than five hundred dollars.

Sec. 22a-247. (Formerly Sec. 22a-80). Legislative findings and declaration of policy. The General Assembly finds that in order to create and maintain a healthful, clean and beautiful environment, it is necessary to implement a comprehensive litter control program that will serve to collect and remove litter and supplement recycling programs designed to process discarded packaging materials as well as other energy rich components of solid waste and to establish a program under the responsibility of the Department of Energy and Environmental Protection to reduce litter and littering and to recover and recycle waste materials with the consequent conservation of resources designed to promote and maintain the environmental quality and the economic productivity of the state, and the public health and welfare of its citizens.