



General Assembly

February Session, 2014

Raised Bill No. 240

LCO No. 1396



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.***

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

1 Section 1. Section 8-31c of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2015*):

4 (a) (1) Wherever the term "regional planning agency" is used in the
5 following general statutes, the term "regional council of governments"
6 shall be substituted in lieu thereof; and (2) wherever the term "regional
7 planning agencies" is used in the following general statutes, the term
8 "regional councils of governments" shall be substituted in lieu thereof:
9 8-35b, 8-35c, 8-164, 8-166, 8-189, 8-336f, 8-384, 13b-38a, 13b-79ll, 16-32f,
10 16-50l, 16-358, 16a-28, 16a-35c, 22-26dd, 22a-102, 22a-118, 22a-137, 22a-
11 207, [22a-211,] 22a-352, 23-8, 25-33e to 25-33h, inclusive, 25-68d, 25-
12 102qq and 25-233.

13 (b) The Legislative Commissioners' Office shall, in codifying the
14 provisions of this section, make such technical, grammatical and

15 punctuation changes as are necessary to carry out the purposes of this
16 section.

17 Sec. 2. Subsection (g) of section 16a-48 of the 2014 supplement to the
18 general statutes is repealed and the following is substituted in lieu
19 thereof (*Effective from passage*):

20 (g) Manufacturers of new products set forth in subsection (b) of this
21 section [or designated by] for which the Commissioner of Energy and
22 Environmental Protection adopts an efficiency standard that is not
23 certified in California shall certify to the commissioner that such
24 products are in compliance with the provisions of this section, except
25 that certification is not required for single voltage external AC to DC
26 power supplies and walk-in refrigerators and walk-in freezers. All
27 single voltage external AC to DC power supplies shall be labeled as
28 described in the January 2006 California Code of Regulations, Title 20,
29 Section 1607 (9). The commissioner shall [promulgate] adopt
30 regulations, in accordance with the provisions of chapter 54, governing
31 the certification of such products. The commissioner shall publish an
32 annual list of such products on the department's Internet web site that
33 indicates those products that are certified in California and those
34 products that demonstrated compliance with the standards adopted by
35 the commissioner pursuant to subparagraph (B) of subdivision (3) of
36 subsection (d) of this section.

37 Sec. 3. Section 22a-260 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective from passage*):

39 The following terms, as used in this chapter and chapter 103b,
40 [shall] have the indicated meanings unless the context in which they
41 are used demands a different meaning and intent:

42 (1) "Authority" means the Connecticut Resources Recovery
43 Authority created and established pursuant to this chapter or any
44 board, body, commission, department, officer, agency or other
45 successor thereto;

46 [(2) "State solid waste management plan"] "State-wide solid waste
47 management plan" means the administrative and financial plan
48 developed by the Commissioner of Energy and Environmental
49 Protection for solid waste disposal and resources recovery, pursuant to
50 section [22a-211] 22a-228;

51 (3) "Resources recovery" means the processing of solid wastes to
52 reclaim energy therefrom;

53 (4) "Recycling" means the processing of solid waste to reclaim
54 material therefrom;

55 (5) "Person" means any individual, firm, partnership, association,
56 limited liability company or corporation, public or private, organized
57 or existing under the laws of the state or any other state, including
58 federal corporations, but excluding municipalities, special districts
59 having taxing powers or other political subdivisions of the state;

60 (6) "Waste management services" means actions taken to effectuate
61 the receipt, storage, transportation and processing for resources
62 recovery, recycling, reuse of recovered materials, or disposal of solid
63 wastes, including the sale of products, materials or energy on behalf of
64 the state, a region, a municipality or a person by the authority or by
65 any person or persons acting under contract with the authority,
66 pursuant to the provisions of this chapter;

67 (7) "Solid waste" means unwanted or discarded solid, liquid,
68 semisolid or contained gaseous material, including but not limited to,
69 demolition debris, material burned or otherwise processed at a
70 resources recovery facility or incinerator, material processed at a
71 recycling facility and sludges or other residue from a water pollution
72 abatement facility, water supply treatment plant or air pollution
73 control facility;

74 (8) "Solid waste facility" means any solid waste disposal area,
75 volume reduction plant, transfer station, wood burning facility, or

76 biomedical waste treatment facility;

77 (9) "Solid waste disposal area" means any location, including a
78 landfill or other land disposal site, used for the disposal of more than
79 ten cubic yards of solid waste;

80 (10) "Volume reduction plant" means any location or structure,
81 whether located on land or water, where more than two thousand
82 pounds per hour of solid waste generated elsewhere may be reduced
83 in volume, including but not limited to, resources recovery facilities
84 and other incinerators, recycling facilities, pulverizers, compactors,
85 shredders, balers and composting facilities;

86 (11) "Resources recovery facility" means a facility utilizing processes
87 aimed at reclaiming the material or energy values from solid wastes;

88 (12) "Transfer station" means any location or structure, whether
89 located on land or water, where more than ten cubic yards of solid
90 waste, generated elsewhere, may be stored for transfer or transferred
91 from transportation units and placed in other transportation units for
92 movement to another location, whether or not such waste is stored at
93 the location prior to transfer;

94 (13) "Recycling facility" or "recycling center" means land and
95 appurtenances thereon and structures where recycling is conducted,
96 including but not limited to, an intermediate processing center as
97 defined in this section;

98 (14) "Solid waste planning region" means those municipalities or
99 parts thereof within or forming an area defined in the [state] state-wide
100 solid waste management plan;

101 (15) "Municipality" means any town, city or borough within the
102 state;

103 (16) "Municipal authority" means the local governing body having
104 legal jurisdiction over solid waste management within its corporate

105 limits which shall be, in the case of any municipality which adopts a
106 charter provision or ordinance pursuant to section 7-273aa, the
107 municipal resource recovery authority;

108 (17) "Region" means two or more municipalities which have joined
109 together by creating a district or signing an interlocal agreement or
110 signing a mutual contract for a definite period of time concerning solid
111 waste management within such municipalities;

112 (18) "Regional authority" means the administrative body delegated
113 the responsibility for solid waste management in a region;

114 (19) "Bonds" means bonds of the authority issued pursuant to the
115 provisions of this chapter and the authorizing resolutions of said
116 authority;

117 (20) "Notes" means notes of the authority issued pursuant to this
118 chapter and the resolutions of the authority, either in anticipation of
119 and pending the issuance of bonds by said authority or otherwise;

120 (21) "Revenues" means moneys or income received by the authority
121 in whatever form, including but not limited to fees, charges, lease
122 payments, interest payments on investments, payments due and
123 owing on account of any instrument, contract or agreement between
124 the authority and any municipality, region, state agency or person,
125 gifts, grants, bestowals or any other moneys or payments to which the
126 authority is entitled under the provisions of this chapter or any other
127 law, or of any agreement, contract or indenture of the authority;

128 (22) "Waste management project" means any solid waste disposal
129 and resources recovery area, plant, works, system, facility or
130 component of a facility, equipment, machinery or other element of a
131 facility which the authority is authorized to plan, design, finance,
132 construct, manage, operate or maintain under the provisions of this
133 chapter, including real estate and improvements thereto and the
134 extension or provision of utilities and other appurtenant facilities

135 deemed necessary by the authority for the operation of a project or
136 portion of a project, including all property rights, easements and
137 interests required;

138 (23) "Solid waste management system" means that portion of the
139 overall [state] state-wide solid waste management plan specifically
140 designed to deal with the provision of waste management services and
141 to effect resources recovery and recycling by means of a network of
142 waste management projects and resources recovery facilities
143 developed, established and operated by the authority by contract or
144 otherwise, but not embracing or including any regulatory or
145 enforcement activities of the Department of Energy and Environmental
146 Protection in accordance with applicable provisions of the general
147 statutes and as may be referred to in the [state] state-wide solid waste
148 management plan as developed and promulgated by the
149 Commissioner of Energy and Environmental Protection;

150 (24) "Costs" means the cost or fair market value, as determined by
151 the authority, of construction, lands, property rights, utility extensions,
152 disposal facilities, access roads, easements, franchises, financing
153 charges, interest, engineering and legal services, plans, specifications,
154 surveys, cost estimates, studies, transportation and other expenses
155 necessary or incidental to the design, development, construction,
156 financing, management and operation and maintenance of a waste
157 management project, and such other costs or expenses of the authority,
158 including administrative and operating costs, research and
159 development, and operating capital, including fees, charges, loans,
160 insurances, and the expense of purchasing real and personal property,
161 including waste management projects;

162 (25) "Intermediate processing facility" means a facility where glass,
163 metals, paper products, batteries, household hazardous waste,
164 fertilizers and other items are removed from the waste stream for
165 recycling or reuse;

166 (26) "Composting facility" means land, appurtenances, structures or
167 equipment where organic materials originating from another process
168 or location that have been separated at the point or source of
169 generation from nonorganic material are recovered using a process of
170 accelerated biological decomposition of organic material under
171 controlled aerobic or anaerobic conditions;

172 (27) "Source-separated organic material" means organic material,
173 including, but not limited to, food scraps, food processing residue and
174 soiled or unrecyclable paper that has been separated at the point or
175 source of generation from nonorganic material.

176 Sec. 4. Section 22a-639 of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective October 1, 2014*):

178 (a) Not later than October 1, 2010, and every three years thereafter,
179 the commissioner shall prepare an electronics recycling plan that
180 establishes state-wide per-capita collection and recycling goals and
181 identifies any necessary actions to achieve such goals. Such report shall
182 be posted on the department's Internet web site. [and a copy of such
183 report submitted, in accordance with the provisions of section 11-4a, to
184 the joint standing committee of the General Assembly having
185 cognizance of matters relating to the environment.]

186 (b) Not later than October 1, 2010, and annually thereafter, the
187 commissioner shall gather information from registrants and prepare a
188 report regarding the status of the electronics recycling program. [The
189 commissioner shall submit such report to the joint standing committee
190 of the General Assembly having cognizance of matters relating to the
191 environment, in accordance with the provisions of section 11-4a.] Such
192 report shall contain: (1) Sufficient data, as determined by the
193 commissioner, and analysis of such data to evaluate the effectiveness
194 of the state-wide recycling program and the components of such
195 program, and (2) if at any time the federal government establishes a
196 national program for the collection and recycling of electronic devices

197 and the department determines that the federal law substantially
198 meets or exceeds the requirements of sections 22a-629 to 22a-640,
199 inclusive, information on the federal law. Such report shall be posted
200 on the department's Internet web site.

201 Sec. 5. Section 25-201 of the 2014 supplement to the general statutes
202 is repealed and the following is substituted in lieu thereof (*Effective*
203 *from passage*):

204 For the purposes of sections 25-200 to 25-210, inclusive:

205 (1) "Approved map" means a map approved by the commissioner
206 pursuant to section 25-205;

207 (2) "Approved river corridor protection plan" means a river corridor
208 protection plan approved by the commissioner pursuant to section 25-
209 205;

210 (3) "Clear cutting" means removal of all standing woody vegetation
211 greater than one inch diameter at breast height within a designated
212 river corridor;

213 (4) "Commissioner" means the Commissioner of Energy and
214 Environmental Protection or his agent;

215 (5) "Designation" means designation, by act of the General
216 Assembly, of a river corridor for protection and preservation in
217 accordance with an approved river corridor protection plan and the
218 provisions of sections 25-200 to 25-210, inclusive;

219 (6) "Designated river corridor" means that portion of a river corridor
220 defined on a map prepared in accordance with section 25-204 and
221 which has been designated by the General Assembly pursuant to
222 sections 25-200 to 25-210, inclusive;

223 (7) "Eligible river corridor" means a river corridor which is included
224 on the list adopted by the commissioner pursuant to section 25-202;

225 (8) "Local drainage basin" means a local drainage basin referenced
226 on a map entitled "Natural Drainage Basins of Connecticut", published
227 by the Department of Energy and Environmental Protection, 1981;

228 (9) "Member municipality" means a municipality which is a member
229 of a river committee established pursuant to section 25-203;

230 (10) "Major state plan" means the plan for development of outdoor
231 recreation adopted pursuant to section 22a-21, the state-wide solid
232 waste management plan adopted pursuant to section [22a-211] 22a-
233 228, the state-wide plan for the management of water resources
234 adopted pursuant to section 22a-352, the state-wide environmental
235 plan adopted pursuant to section 22a-8, the plan for the disposal of
236 dredged material for Long Island Sound, the historic preservation plan
237 adopted under the National Historic Preservation Act, as amended, the
238 state-wide facility and capital plan adopted pursuant to section 4b-23,
239 the water quality management plan adopted under the federal Clean
240 Water Act, the marine resources management plan, the plan for
241 managing forest resources, the wildlife management plans and the
242 salmon restoration plan;

243 (11) "Person" means "person" as defined in section 22a-2;

244 (12) "River corridor" means any river, river segment or river system,
245 together with its floodplains, wetlands and uplands, contributing
246 overland runoff to such river, river segment or river system;

247 (13) "River committee" means a river committee established
248 pursuant to section 25-203;

249 (14) "River system" means a river, its tributaries and any lands
250 draining into such river or its tributaries;

251 (15) "Secretary" means the Secretary of the Office of Policy and
252 Management or his agent;

253 (16) "State rivers assessment data base" means the state-wide

254 assessment of the state's rivers prepared by the commissioner pursuant
255 to subdivision (3) of subsection (c) of section 25-102qq;

256 (17) "State plan for conservation and development" means the state
257 plan for conservation and development prepared pursuant to part I of
258 chapter 297;

259 (18) "Subregional drainage basin" means a subregional drainage
260 basin as depicted on a map entitled "Natural Drainage Basins of
261 Connecticut", published by the Department of Energy and
262 Environmental Protection, 1981; and

263 (19) "Water-dependent use" means a use which, by its nature or
264 function, requires direct access to, or location in or immediately
265 adjacent to, water and which therefore cannot be located upland and
266 shall include such recreational uses as riverside trails and bicycle
267 paths.

268 Sec. 6. Section 25-231 of the 2014 supplement to the general statutes
269 is repealed and the following is substituted in lieu thereof (*Effective*
270 *from passage*):

271 As used in sections 25-230 to 25-238, inclusive:

272 (1) "Approved river corridor management plan" means a river
273 corridor management plan approved by the commissioner pursuant to
274 section 25-235;

275 (2) "Commissioner" means the Commissioner of Energy and
276 Environmental Protection or his agent;

277 (3) "Local drainage basin" means a local drainage basin as
278 referenced on a map entitled "Natural Drainage Basins of Connecticut",
279 published by the Department of Energy and Environmental Protection,
280 1981;

281 (4) "Major state plan" means any of the following: The plan for

282 development of outdoor recreation adopted pursuant to section 22a-21,
283 the state-wide solid waste management plan adopted pursuant to
284 section [22a-211] 22a-228, the state-wide plan for the management of
285 water resources adopted pursuant to section 22a-352, the state-wide
286 environmental plan adopted pursuant to section 22a-8, the historic
287 preservation plan adopted under the National Historic Preservation
288 Act, 16 USC 470 et seq., the state-wide facility and capital plan adopted
289 pursuant to section 4b-23, the state's consolidated plan for housing and
290 community development prepared pursuant to section 8-37t, the water
291 quality management plan adopted under the federal Clean Water Act,
292 33 USC 1251 et seq., any plans for managing forest resources adopted
293 pursuant to section 23-20 and the Connecticut River Atlantic Salmon
294 Compact adopted pursuant to section 26-302;

295 (5) "Member municipality" means a municipality which is a member
296 of a river commission established pursuant to section 25-232;

297 (6) "Person" means person, as defined in section 22a-2;

298 (7) "River advisory board" means any of the following: The Five
299 Mile River Commission established pursuant to section 15-26a, the
300 Connecticut River Gateway Commission established pursuant to
301 section 25-102e, the Connecticut River Assembly established pursuant
302 to section 25-102dd, the Bi-State Pawcatuck River Commission
303 established pursuant to section 25-161, the Niantic River Gateway
304 Commission established pursuant to section 25-109e, the Housatonic
305 Estuary Commission established pursuant to section 25-170, the
306 Farmington River Coordinating Committee established pursuant to the
307 National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-
308 Bantam River Board or a river committee established pursuant to
309 section 25-203;

310 (8) "River corridor" means any river, river segment or river system,
311 together with its floodplains, wetlands and uplands, contributing
312 overland runoff to such river, river segment or river system;

313 (9) "River commission" means a river commission established
314 pursuant to section 25-232;

315 (10) "River system" means a river, its tributaries and any lands
316 draining into such river or its tributaries;

317 (11) "Secretary" means the Secretary of the Office of Policy and
318 Management or his agent;

319 (12) "State rivers assessment database" means the state-wide
320 assessment of the state's rivers prepared by the commissioner pursuant
321 to subdivision (3) of subsection (c) of section 25-102qq;

322 (13) "State plan for conservation and development" means the state
323 plan for conservation and development prepared pursuant to part I of
324 chapter 297;

325 (14) "Subregional drainage basin" means a subregional drainage
326 basin as referenced on a map entitled "Natural Drainage Basins of
327 Connecticut", published by the Department of Energy and
328 Environmental Protection, 1981;

329 (15) "Water-dependent use" means a use which, by its nature or
330 function, requires direct access to, or location in or immediately
331 adjacent to, water and which therefore cannot be located upland, and
332 includes such recreational uses as riverside trails and bicycle paths;

333 (16) "Use" means agriculture, public and private water supply,
334 power generation, waste assimilation, transportation, recreation,
335 including, but not limited to, boating, swimming, fishing, camping and
336 hiking and residential, commercial, industrial and other water-
337 dependent uses; and

338 (17) "Resource" means any riparian waters of the state, related
339 fisheries and wildlife habitat and adjacent shorelands, both developed
340 and undeveloped; any vegetation, fish and wildlife; endangered and
341 threatened species, species of special concern and essential habitat

342 identified by the commissioner pursuant to chapter 495; tidal and
343 inland wetlands; unique geologic features; scenic areas; forest lands, as
344 defined in section 23-65f; agricultural lands, as defined in section 22-
345 26bb; and archaeological and other historical resources.

346 Sec. 7. Subsection (j) of section 22a-208a of the general statutes is
347 repealed and the following is substituted in lieu thereof (*Effective from*
348 *passage*):

349 (j) The Commissioner of Energy and Environmental Protection may
350 issue an approval for a demonstration project for any activity
351 regulated by the commissioner under this chapter provided the
352 commissioner determines that such demonstration project (1) is
353 necessary to research, develop or promote methods and technologies
354 of solid waste management which are consistent with the goals of the
355 [state] state-wide solid waste management plan; (2) does not pose a
356 significant risk to human health or the environment; and (3) is not
357 inconsistent with the federal Water Pollution Control Act, the federal
358 Rivers and Harbors Act, the federal Clean Air Act or the federal
359 Resource Conservation and Recovery Act. An application for such
360 approval shall be on a form prescribed by the commissioner, be
361 accompanied by a fee of one thousand dollars and shall provide such
362 information as the commissioner deems necessary. Any person
363 applying for such approval shall not commence the project prior to the
364 commissioner's written approval. The commissioner may impose
365 conditions upon such approval as deemed necessary to adequately
366 protect human health and the environment or to ensure project success
367 and such approval shall be valid for a period of not more than two
368 years. The commissioner may renew such approval provided the total
369 period of approval does not exceed five years. The commissioner may
370 order summary suspension of any such approval in accordance with
371 subsection (c) of section 4-182. Notwithstanding the renewal process,
372 any person may seek, or the commissioner may require, that the
373 project obtain a general or individual permit pursuant to this chapter.

374 Sec. 8. Subsection (b) of section 22a-219b of the general statutes is
375 repealed and the following is substituted in lieu thereof (*Effective from*
376 *passage*):

377 (b) No grant shall be made under this section to a municipality
378 unless the solid waste generated within such municipality is delivered
379 to a facility that has been approved by the Commissioner of Energy
380 and Environmental Protection for consistency with the [state] state-
381 wide solid waste management plan and has not less than seventy-five
382 per cent of its design capacity committed under long-term contractual
383 agreements on the date of commercial operation. No grant shall be
384 made unless the municipality has executed, on or before the date of
385 commercial operation of such facility or system, a long-term
386 contractual agreement to participate in the facility.

387 Sec. 9. Subsection (f) of section 22a-220 of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective from*
389 *passage*):

390 (f) On and after January 1, 1991, each municipality shall, consistent
391 with the requirements of section 22a-241b, make provisions for the
392 separation, collection, processing and marketing of items generated
393 within its boundaries as solid waste and designated for recycling by
394 the commissioner pursuant to subsection (a) of section 22a-241b. It
395 shall be the goal to recycle twenty-five per cent of the solid waste
396 generated in each municipality provided it shall be the goal to reduce
397 the weight of such waste by January 1, 2000, by an additional fifteen
398 per cent by source reduction as determined by reference to the [state]
399 state-wide solid waste management plan established in 1991, or by
400 recycling such additional percentage of waste generated, or both. The
401 provisions of this subsection shall not be construed to require
402 municipalities to enforce reduction in the quantity of solid waste. On
403 or before January 1, 1991, each municipality shall: (1) Adopt an
404 ordinance or other enforceable legal instrument setting forth measures
405 to assure the compliance of persons within its boundaries with the

406 requirements of subsection (c) of section 22a-241b and to assure
407 compliance of collectors with the requirements of subsection (a) of
408 section 22a-220c, and (2) provide the Commissioner of Energy and
409 Environmental Protection with the name, address and telephone
410 number of a person to receive information and respond to questions
411 regarding recycling from the department on behalf of the municipality.
412 The municipality shall notify the commissioner within thirty days of
413 its designation of a new representative to undertake such
414 responsibilities. A municipality may by ordinance or other enforceable
415 legal instrument provide for and require the separation and recycling
416 of other items in addition to those designated pursuant to subsection
417 (a) of section 22a-241b.

418 Sec. 10. Subsection (a) of section 22a-222 of the general statutes is
419 repealed and the following is substituted in lieu thereof (*Effective from*
420 *passage*):

421 (a) The Commissioner of Energy and Environmental Protection
422 shall make a grant for financial assistance to any resources recovery
423 authority from the proceeds of the sale of any bonds authorized for
424 such purpose for feasibility studies and development expenses as are
425 determined to be appropriate by said commissioner which are
426 incurred prior to permanent financing of a resource recovery system or
427 an incinerator. Eligible activities shall include, but not be limited to,
428 the costs of the preparation of financial, technical, legal and
429 engineering information for the system or incinerator and analysis of
430 the impact of recycling on such system or incinerator. To be eligible for
431 a grant, the system or incinerator shall be under study or proposed for
432 a study and shall be consistent with the [state] state-wide solid waste
433 management plan.

434 Sec. 11. Section 22a-259 of the general statutes is repealed and the
435 following is substituted in lieu thereof (*Effective from passage*):

436 The following are declared to be policies of the state of Connecticut:

437 (1) That maximum resources recovery from solid waste and maximum
438 recycling and reuse of such resources in order to protect, preserve and
439 enhance the environment of the state shall be considered
440 environmental goals of the state; (2) that solid waste disposal and
441 resources recovery facilities and projects are to be implemented either
442 by the state of Connecticut or under state auspices, in furtherance of
443 these goals; (3) that appropriate governmental structure, processes and
444 support are to be provided so that effective state systems and facilities
445 for solid waste management and large-scale resources recovery may be
446 developed, financed, planned, designed, constructed and operated for
447 the benefit of the people and municipalities of the state; (4) that private
448 industry is to be utilized to the maximum extent feasible to perform
449 planning, design, management, construction, operation,
450 manufacturing and marketing functions related to solid waste disposal
451 and resources recovery and to assist in the development of industrial
452 enterprise based upon resources recovery, recycling and reuse; (5) that
453 long-term negotiated contracts between the state and private persons
454 and industries may be utilized as an incentive for the development of
455 industrial and commercial enterprise based on resources recovery
456 within the state; (6) that solid waste disposal services shall be provided
457 for municipal and regional authorities and private persons in the state,
458 at reasonable cost, by state systems and facilities where such services
459 are considered necessary and desirable in accordance with the state-
460 wide solid waste management plan and that any revenues received
461 from the payment of the costs of such services otherwise from the
462 operation of state systems and facilities shall be redistributed to the
463 users of such services provided that the authority has determined that
464 all contractual obligations related to such systems and facilities have
465 been met and that such revenues are surplus and not needed to
466 provide necessary support for such systems and facilities; (7) that
467 provision shall be made for planning, research and development, and
468 appropriate innovation in the design, management and operation of
469 the state's systems and facilities for solid waste management, in order
470 to permit continuing improvement and provide adequate incentives

471 and processes for lowering operating and other costs; (8) that the
472 authority established pursuant to this chapter shall have responsibility
473 for implementing solid waste disposal and resources recovery systems
474 and facilities and solid waste management services where necessary
475 and desirable throughout the state in accordance with the [state] state-
476 wide solid waste management plan and applicable statutes and
477 regulations; (9) that actions and activities performed or carried out by
478 the authority or its contractors in accordance with the provisions of
479 this chapter shall be in conformity with the [state] state-wide solid
480 waste management plan and with other applicable policies and
481 regulations of the state, as promulgated from time to time in law and
482 by action of the Department of Energy and Environmental Protection
483 and Connecticut Innovations, Incorporated; (10) that it being to the
484 best interest of the state, municipalities, individual citizens and the
485 environment to minimize the quantity of materials entering the waste
486 stream that would require collection, transportation, processing, or
487 disposal by any level of government, it is the intent of this legislation
488 to promote the presegregation of recoverable or recyclable materials
489 before they become mixed and included in the waste stream; and that
490 this intent shall be reflected in the policy of the resources recovery
491 authority and that no provision of this chapter or action of this
492 authority shall either discourage or prohibit either voluntary or locally
493 ordained solid waste segregation programs or the sale of such
494 segregated materials to private persons, unless the authority has
495 determined based upon a feasibility report filed with the applicable
496 municipal authority that the reduced user fees charged to it should
497 result in its total cost of solid waste management including user fees
498 paid to the authority to be less without presegregation than with it;
499 and (11) that these policies and purposes are hereby declared to be in
500 the public interest and the provisions of this chapter to be necessary
501 and for the public benefit, as a matter of legislative determination.

502 Sec. 12. Section 22a-262 of the general statutes is repealed and the
503 following is substituted in lieu thereof (*Effective from passage*):

504 (a) The purposes of the authority shall be:

505 (1) The planning, design, construction, financing, management,
506 ownership, operation and maintenance of solid waste disposal, volume
507 reduction, recycling, intermediate processing and resources recovery
508 facilities and all related solid waste reception, storage, transportation
509 and waste-handling and general support facilities considered by the
510 authority to be necessary, desirable, convenient or appropriate in
511 carrying out the provisions of the [state] state-wide solid waste
512 management plan and in establishing, managing and operating solid
513 waste disposal and resources recovery systems and their component
514 waste-processing facilities and equipment;

515 (2) The provision of solid waste management services to
516 municipalities, regions and persons within the state by receiving solid
517 wastes at authority facilities, pursuant to contracts between the
518 authority and such municipalities, regions and persons; the recovery of
519 resources and resource values from such solid wastes; and the
520 production from such services and resources recovery operations of
521 revenues sufficient to provide for the support of the authority and its
522 operations on a self-sustaining basis, with due allowance for the
523 redistribution of any surplus revenues to reduce the costs of authority
524 services to the users thereof provided such surplus revenues shall
525 include any net revenue from activities undertaken pursuant to
526 subdivisions (18) and (19) of subsection (a) of section 22a-266 and
527 subdivision (8) of section 22a-267;

528 (3) The utilization, through contractual arrangements, of private
529 industry for implementation of some or all of the requirements of the
530 [state] state-wide solid waste management plan and for such other
531 activities as may be considered necessary, desirable or convenient by
532 the authority;

533 (4) Assistance with and coordination of efforts directed toward
534 source separation for recycling purposes; and

535 (5) Assistance in the development of industries, technologies and
536 commercial enterprises within the state of Connecticut based upon
537 resources recovery, recycling, reuse and treatment or processing of
538 solid waste.

539 (b) These purposes shall be considered to be operating
540 responsibilities of the authority, in accordance with the [state] state-
541 wide solid waste management plan, and are to be considered in all
542 respects public purposes. It is the intention of this chapter that the
543 authority shall be granted all powers necessary to fulfill these
544 purposes and to carry out its assigned responsibilities and that the
545 provisions of this chapter, itself, are to be construed liberally in
546 furtherance of this intention.

547 Sec. 13. Section 22a-264 of the general statutes is repealed and the
548 following is substituted in lieu thereof (*Effective from passage*):

549 The activities of the authority in providing or contracting to provide
550 solid waste management services to the state, regions, municipalities
551 and persons, in implementing the state resources recovery system and
552 in planning, designing, financing, constructing, managing or operating
553 solid waste facilities, including their location, size and capabilities,
554 shall be in conformity with applicable statutes and regulations and
555 with the [state] state-wide solid waste management plan as
556 promulgated by the Commissioner of Energy and Environmental
557 Protection. The authority shall have power to assist in the preparation,
558 revision, extension or amendment of the [state] state-wide solid waste
559 management plan, and the Department of Energy and Environmental
560 Protection is hereby authorized to utilize, by contract or other
561 agreement, the capabilities of the authority for the carrying out of such
562 planning functions. The authority shall have power to revise and
563 update, as may be necessary to carry out the purposes of this chapter,
564 that portion of the [state] state-wide solid waste management plan
565 defined as the "solid waste management system". To effect such
566 revision and updating, the authority shall prepare an annual plan of

567 operations which shall be reviewed by the Commissioner of Energy
568 and Environmental Protection for consistency with the [state] state-
569 wide solid waste management plan. Upon approval by the
570 Commissioner of Energy and Environmental Protection and by a two-
571 thirds vote of the authority's full board of directors, the annual plan of
572 operations shall be promulgated. Any activities of the authority carried
573 out to assist in the development of industry and commerce based upon
574 the availability of recovered resources for recycling and reuse shall be
575 coordinated to the extent practicable with plans and activities of
576 Connecticut Innovations, Incorporated with due consideration given to
577 the secondary materials industries operating within the state of
578 Connecticut.

579 Sec. 14. Subdivision (12) of section 22a-265 of the general statutes is
580 repealed and the following is substituted in lieu thereof (*Effective from*
581 *passage*):

582 (12) Otherwise, do all things necessary for the performance of its
583 duties, the fulfillment of its obligations, the conduct of its operations,
584 the maintenance of its working relationships with municipalities,
585 regions and persons, and the conduct of a comprehensive program for
586 solid waste disposal and resources recovery, and for solid waste
587 management services, in accordance with the provisions of the [state]
588 state-wide solid waste management plan, applicable statutes and
589 regulations and the requirements of this chapter;

590 Sec. 15. Subdivision (6) of section 22a-267 of the general statutes is
591 repealed and the following is substituted in lieu thereof (*Effective from*
592 *passage*):

593 (6) The directors of the authority may by resolution, in accordance
594 with the provisions and stipulations of this chapter and the authority's
595 general and other bond resolutions, authorize both the segregation of
596 such authority revenues as may at any time be adjudged by said
597 directors to be surplus to the needs of the authority to meet its

598 contractual and other obligations and to provide for its operations or
599 other business purposes, and the equitable redistribution of such
600 segregated surplus revenues to some or all of the users of the system in
601 accordance with applicable provisions of the [state] state-wide solid
602 waste management plan;

603 Sec. 16. Section 22a-275 of the general statutes is repealed and the
604 following is substituted in lieu thereof (*Effective from passage*):

605 (a) The authority shall have the power to purchase, in accordance
606 with the requirements of the [state] state-wide solid waste
607 management plan, at such costs or prices as are mutually deemed
608 agreeable by the authority and the seller, any solid waste disposal
609 facility, volume reduction plant or solid waste disposal areas owned
610 by a municipality or regional authority or by a person and to own and
611 operate such facilities and plants when and as deemed necessary,
612 convenient or desirable, by the authority, and in accordance with the
613 state plan, to carry out its purposes in accordance with this chapter; it
614 may alter, reconstruct, improve, enlarge or extend any such facility,
615 plant or disposal area at its own discretion to carry out the
616 requirements of the state solid waste management plan; it may
617 contract to plan, design, finance, construct and operate and maintain
618 any solid waste management project, processing facility or disposal
619 area on behalf of a municipal or regional authority, in accordance with
620 such state plans; and may otherwise make the waste management
621 services and capabilities of authority projects available by contract to
622 any municipal or regional authority or private person or institution at
623 reasonable fees or charges to be established by the authority for such
624 services.

625 (b) Any municipal or regional authority having a solid waste
626 management plan that is required, pursuant to the provisions of
627 chapter 446b, to be in conformity with the [state] state-wide solid
628 waste management plan, and which municipal or regional plan
629 provides that the disposition of the solid wastes of said municipality or

630 region shall be accomplished through the use of state or regional
631 facilities providing adequate resources recovery and large-scale waste
632 disposal processing, is hereby authorized to enter into a long-term
633 contract for such services with the authority, to pay any reasonable
634 fees and charges established by the authority for such services, and,
635 further, to pledge the full faith and credit of the municipal or regional
636 authority for the payment of such fees and charges.

637 (c) Prior to negotiating any such contract with a municipal or
638 regional authority, the authority shall adopt procedures governing
639 such contract negotiations and contracting processes in accordance
640 with subsection (d) of this section. Such procedures shall include but
641 not be limited to (1) specific procedures for resolving impasses,
642 disputes or other controversies that may arise during contract
643 negotiations, and (2) such other information, standards, analyses and
644 procedures as will facilitate the negotiation and establishment of
645 equitable contracts.

646 (d) Prior to the adoption, amendment or repeal of any procedure
647 prescribed in subsection (c) of this section, or of any procedure that
648 would adversely affect the operations or affairs of any municipality or
649 municipal or regional authority, the authority shall provide notice of
650 and opportunity for a hearing on such intended action in accordance
651 with subsection (e) of this section. Any municipality or municipal or
652 regional authority may petition the authority with respect to the
653 promulgation, amendment or repeal of such procedure, in accordance
654 with a form and procedure prescribed by the authority for the
655 submission, consideration and disposition of such petition, including
656 adequate provision for notice and hearing. Within thirty days after the
657 submission of such a petition the directors of the authority shall either
658 deny said petition in writing, stating the reasons for such denial, or
659 shall order the initiation of proceedings in accordance with subsection
660 (e) of this section.

661 (e) In adopting, amending or repealing any procedure referred to in

662 this section, the directors of the authority shall, at least sixty days prior
663 to the effective date of such action, pass a resolution expressing their
664 intent to adopt, amend or repeal such procedure, and shall within ten
665 days cause a copy of such resolution to be printed in one daily and one
666 weekly newspaper published within the state and the Connecticut Law
667 Journal. Thereupon, any interested party so desiring may, within thirty
668 days, petition the directors with respect to such action and offer
669 evidence in support of such petition before a referee appointed by the
670 chairman. Said referee shall not be an employee of the authority, and
671 shall report his findings with respect to such petition and evidence to
672 the directors at least ten days prior to the date established by the
673 directors as the effective date of their action. Due consideration shall
674 be given to such findings by the directors in determining their final
675 action with respect to such procedural adoption, amendment or repeal.

676 (f) Any municipal or regional authority is also authorized hereby to
677 borrow from the authority such sums of money as may be necessary to
678 establish a solid waste management project or projects, or a disposal
679 facility, volume reduction plant or disposal area whenever such
680 municipal or regional authority, in accordance with its approved local
681 plan conforming to the state solid waste management plan, is not
682 required to utilize the services of a state or regional waste management
683 project for the disposal of its wastes. Any such loan may be made on
684 the basis of a long-term loan agreement or service contract between
685 such municipal or regional authority and the solid waste authority,
686 and as collateral for such loan a municipal or regional authority may
687 pledge its full faith and credit, or an applicable portion of the charges
688 levied or revenues received for municipal or regional waste disposal,
689 or both. Any municipal or regional authority is also hereby authorized
690 to contract with the authority for planning, design, financing,
691 construction and operation and maintenance services by the authority
692 or by any person under contract with the authority, of a waste
693 management project, facility or disposal area to be used to provide for
694 the disposal of wastes and the recovery of resources within said

695 municipality or region and to contract for any payment in lieu of taxes
696 to be made with respect to such project, facility or disposal area in
697 accordance with the intentions and provisions of this chapter and the
698 [state] state-wide solid waste management plan. All required
699 payments of fees and charges, interest on loans, principal of loans and
700 necessary fees and assessments related thereto required under any
701 contract or agreement entered into pursuant to the provisions of this
702 section, are considered expenditures for public purposes by a
703 municipal or regional authority and, notwithstanding the provisions of
704 any other law, any necessary general or special taxes or cost-sharing or
705 other assessments may be levied or collected by said municipal or
706 regional authority for the purpose of making such required payments.

707 (g) Whenever the authority, by resolution of its board of directors,
708 distributes surplus revenues of the authority to any municipal or
709 regional authority or person who by virtue of the provisions of the
710 [state] state-wide solid waste management plan or any contract or
711 agreement with the authority may be entitled to participate in such
712 distribution, such municipal or regional authority or person is entitled
713 to receive and to have and to hold the proceeds of such distribution
714 and to use the same for any lawful purpose, including but not limited
715 to the reduction of local taxes or assessments levied or to be levied for
716 the purpose of raising revenues to pay authority fees or service
717 charges.

718 (h) The authority, when performing services on behalf of or
719 providing a waste management project for any municipal or regional
720 authority pursuant to this section, shall be considered eligible to
721 receive on behalf of such municipal or regional authority any state
722 grants for which said municipal or regional authority may be
723 ordinarily eligible under chapter 446d, or any other law, rule or
724 regulation of the state. The proceeds of any such grant shall be applied
725 by the authority to reduce the costs of the services or project being
726 provided.

727 (i) When performing work at the direction of the Department of
728 Energy and Environmental Protection, in furtherance of the objectives
729 of the [state] state-wide solid waste management plan and pursuant
730 thereto, the authority shall be entitled to receive any state grants or
731 other assistance to which a municipal or regional authority would be
732 entitled had the work been performed by such municipal or regional
733 authority.

734 (j) Notwithstanding the provisions of any local law, ordinance or
735 regulation, the authority, in carrying out its purposes according to this
736 chapter and in fulfilling the requirements of the state plan, shall have
737 power to transport or to provide for the transportation of solid wastes
738 and recovered resources anywhere within the state.

739 (k) Nothing in this chapter shall be deemed or interpreted to
740 preclude or prohibit state financial assistance to municipal and
741 regional authorities according to the provisions of chapter 446d, or of
742 any other law, rule or regulation of the state relating to solid waste
743 management planning, solid waste reduction and disposal operations,
744 approved solid waste disposal facilities and equipment, per capita
745 grants and the distribution of federal funds for the acquisition and
746 development of lands by municipalities. Such assistance shall be
747 provided to any municipal or regional authority having a solid waste
748 management plan which has been adopted and approved pursuant to
749 chapter 446d, and is in conformity with the [state] state-wide solid
750 waste management plan, until such time as such municipal or regional
751 authority contracts with the authority for and receives resource
752 recovery or solid waste processing services.

753 Sec. 17. Section 22a-212 of the general statutes is repealed and the
754 following is substituted in lieu thereof (*Effective from passage*):

755 The commissioner shall make grants for providing financial
756 assistance to municipal and regional authorities for the preparation of
757 solid waste management [plan] plans. The grant to each municipal

758 authority shall equal ten per cent of the nonfederal portion of the cost
759 of preparing the plans. An additional ten per cent shall be paid for
760 each additional municipality included in the plan but not more than
761 seventy per cent of the total cost of the nonfederal portion being
762 granted by the commissioner to a regional authority.

763 Sec. 18. Subdivision (12) of subsection (a) of section 7-273bb of the
764 general statutes is repealed and the following is substituted in lieu
765 thereof (*Effective from passage*):

766 (12) Otherwise, do all things necessary for the performance of its
767 duties, the fulfillment of its obligations, the conduct of its operations,
768 the maintenance of its working relationships with the state, other
769 municipalities, regions and persons, and the conduct of a
770 comprehensive program for solid waste disposal and resources
771 recovery, and for solid waste management services, in accordance with
772 the provisions of the [state] state-wide or local solid waste
773 management plan, applicable statutes and regulations and the
774 requirements of this chapter;

775 Sec. 19. Subdivision (15) of subsection (a) of section 7-273bb of the
776 general statutes is repealed and the following is substituted in lieu
777 thereof (*Effective from passage*):

778 (15) Purchase, receive by gift or otherwise, lease, exchange, or
779 otherwise acquire and construct, reconstruct, improve, maintain, equip
780 and furnish such waste management projects of the authority as are
781 called for by the [state] state-wide or local solid waste management
782 plan;

783 Sec. 20. Sections 22a-208h and 22a-211 of the general statutes are
784 repealed. (*Effective from passage*)

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>January 1, 2015</i>	8-31c
Sec. 2	<i>from passage</i>	16a-48(g)
Sec. 3	<i>from passage</i>	22a-260
Sec. 4	<i>October 1, 2014</i>	22a-639
Sec. 5	<i>from passage</i>	25-201
Sec. 6	<i>from passage</i>	25-231
Sec. 7	<i>from passage</i>	22a-208a(j)
Sec. 8	<i>from passage</i>	22a-219b(b)
Sec. 9	<i>from passage</i>	22a-220(f)
Sec. 10	<i>from passage</i>	22a-222(a)
Sec. 11	<i>from passage</i>	22a-259
Sec. 12	<i>from passage</i>	22a-262
Sec. 13	<i>from passage</i>	22a-264
Sec. 14	<i>from passage</i>	22a-265(12)
Sec. 15	<i>from passage</i>	22a-267(6)
Sec. 16	<i>from passage</i>	22a-275
Sec. 17	<i>from passage</i>	22a-212
Sec. 18	<i>from passage</i>	7-273bb(a)(12)
Sec. 19	<i>from passage</i>	7-273bb(a)(15)
Sec. 20	<i>from passage</i>	Repealer section

Statement of Purpose:

To make certain revisions to Department of Energy and Environmental Protection statutes in furtherance of said agency's LEAN efforts.

[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.]