



# Senate

General Assembly

**File No. 455**

February Session, 2014

Substitute Senate Bill No. 27

*Senate, April 9, 2014*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING CONNECTICUT'S RECYCLING AND MATERIALS MANAGEMENT STRATEGY.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) There is established the  
2 Materials Innovation and Recycling Authority. The Materials  
3 Innovation and Recycling Authority shall constitute a successor  
4 authority to the Connecticut Resources Recovery Authority in  
5 accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the  
6 general statutes.

7 (b) Wherever the words "Connecticut Resources Recovery  
8 Authority" are used in any public or special act of 2014 or in the  
9 following sections of the general statutes, the words "Materials  
10 Innovation and Recycling Authority" shall be substituted in lieu  
11 thereof: 1-79, 1-120, 1-124, 1-125, 3-24d, 3-24f, 7-329a, 12-412, 12-459, 16-  
12 1, 16-245, 16-245b, 22a-208a, 22a-208v, 22a-209h, 22a-219b, 22a-220, 22a-  
13 241, 22a-260, 22a-261, 22a-263a, 22a-263b, 22a-268a, 22a-268b, 22a-270a,  
14 22a-272a, 22a-282, 22a-283, 22a-284, 32-1e and 32-658.

15 (c) The Legislative Commissioners' Office shall, in codifying the  
16 provisions of this section, make such conforming, technical,  
17 grammatical and punctuation changes as are necessary to carry out the  
18 purposes of this section.

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 Section 22a-241a of the general statutes is repealed and the  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

21 On or before [June 1, 1988] July 1, 2016, the Commissioner of Energy  
22 and Environmental Protection shall revise the state-wide solid waste  
23 management plan adopted pursuant to section 22a-228 to include a  
24 strategy [to recycle] for diverting, through source reduction, reuse and  
25 recycling, not less than [twenty-five] sixty per cent of the solid waste  
26 generated in the state after [January 1, 1991] January 1, 2024. Such  
27 strategy shall include, but not be limited to, modernization of the  
28 state's solid waste management infrastructure, promotion of organic  
29 materials management, the recycling of construction and demolition  
30 debris, the development of intermediate processing centers,  
31 recommendations for assigning municipalities to regional recycling  
32 programs, options for local compliance of municipalities with  
33 recycling requirements and the composting of solid waste. The  
34 commissioner shall consult with municipalities in developing any  
35 revision to the state-wide solid waste management plan and with the  
36 Connecticut Agricultural Experiment Station on issues related to  
37 composting.

38 Sec. 3. (NEW) (*Effective from passage*) On or before January 1, 2016,  
39 the Commissioner of Energy and Environmental Protection, in  
40 consultation with the Materials Innovation and Recycling Authority,  
41 shall issue a request for proposals from providers of solid waste  
42 materials management services, including, but not limited to,  
43 recycling, reuse, energy recovery, fuel recovery, organic materials  
44 processing, construction and demolition debris recycling, and bulky  
45 waste recycling, for the purpose of redeveloping the Connecticut Solid  
46 Waste Management System Project. From such proposals, the  
47 commissioner may select not more than three respondents who may

48 each conduct a feasibility study with the cooperation of the Materials  
49 Innovation and Recycling Authority. Any such feasibility study shall  
50 be completed not later than January 1, 2017, and any such respondent  
51 shall submit a final proposal to the Commissioner of Energy and  
52 Environmental Protection not later than July 1, 2017. On or before  
53 December 31, 2017, the Commissioner of Energy and Environmental  
54 Protection may select one such final proposal and direct the Materials  
55 Innovation and Recycling Authority to enter into an agreement with  
56 the applicable respondent for the redevelopment of the Connecticut  
57 Solid Waste Management System Project. In selecting such final  
58 proposal, the Commissioner of Energy and Environmental Protection  
59 shall consider the following factors: (1) Whether the proposal is  
60 consistent with the strategies developed pursuant to section 22a-241a  
61 of the general statutes, as amended by this act, (2) whether the  
62 proposal is consistent with the goals of the state-wide solid waste  
63 management plan adopted in accordance with section 22a-228 of the  
64 general statutes, (3) whether the proposal is in the best interest of the  
65 municipalities under contract with the Materials Innovation and  
66 Recycling Authority, (4) the level of investment proposed by the  
67 respondent, (5) any potential positive impacts on the state's economic  
68 development, and (6) any other factor that the Commissioner of  
69 Energy and Environmental Protection deems relevant to the  
70 redevelopment of the Connecticut Solid Waste Management System  
71 Project.

72 Sec. 4. (NEW) (*Effective from passage*) (a) There is established the  
73 Recycle CT Foundation, Inc., a nonstock, nonprofit corporation,  
74 organized under the laws of the state of Connecticut as a state  
75 chartered foundation. The Recycle CT Foundation, Inc. shall: (1) Target  
76 and promote the coordination and support of research and education  
77 activities and public information programs aimed at increasing the rate  
78 of recycling and reuse in the state, in accordance with the state-wide  
79 solid waste management plan adopted pursuant to section 22a-228 of  
80 the general statutes; and (2) receive, disburse and administer gifts,  
81 grants, endowments or other funds from any source that supports  
82 research and education activities consistent with the purposes of

83 chapter 446d of the general statutes.

84 (b) There is established a Recycle CT Foundation Council that shall  
85 consist of the following members: (1) The Commissioners of Energy  
86 and Environmental Protection and Economic and Community  
87 Development, or said commissioners' designees, (2) five appointed by  
88 the Governor, (3) one appointed by the president pro tempore of the  
89 Senate, (4) one appointed by the speaker of the House of  
90 Representatives, (5) one appointed by the minority leader of the House  
91 of Representatives, and (6) one appointed by the minority leader of the  
92 Senate. The chairperson of the council shall be appointed by the  
93 Governor and shall serve a term coterminous with that of the  
94 Governor. All other members of the council shall serve a term of two  
95 years. No member shall serve for more than three terms. Members of  
96 the council shall not receive compensation for service on such council.  
97 Any vacancy shall be filled by the appointing authority.

98 (c) The council shall undertake all requisite efforts to obtain  
99 nonprofit, tax exempt status under Section 501(c)(3) of the Internal  
100 Revenue Code of 1986, or any subsequent corresponding internal  
101 revenue code of the United States, as amended from time to time. The  
102 council shall solicit and accept funds, on behalf of the Recycle CT  
103 Foundation, Inc., to be used for the purpose of making grants to  
104 programs that are intended to increase the rate of recycling and reuse  
105 of solid waste materials in the state. The council shall establish criteria  
106 and procedures for the award of such grants, provided recipients of  
107 such grants may include: Nonprofit organizations, civic and  
108 community groups, schools, public agencies, municipalities, regional  
109 entities that represent municipalities or organizations in the private  
110 sector. Any person seeking the award of such grant shall file an  
111 application with the council on a form as prescribed by the council.

112 Sec. 5. Section 22a-262 of the general statutes is repealed and the  
113 following is substituted in lieu thereof (*Effective from passage*):

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

115 (1) The planning, design, construction, financing, management,  
116 ownership, operation and maintenance of solid waste disposal, volume  
117 reduction, recycling, intermediate processing and resources recovery  
118 facilities and all related solid waste reception, storage, transportation  
119 and waste-handling and general support facilities considered by the  
120 authority to be necessary, desirable, convenient or appropriate in  
121 carrying out the provisions of the state solid waste management plan  
122 and in establishing, managing and operating solid waste disposal and  
123 resources recovery systems and their component waste-processing  
124 facilities and equipment;

125 (2) The provision of solid waste management services to  
126 municipalities, regions and persons within the state by receiving solid  
127 wastes at authority facilities, pursuant to contracts between the  
128 authority and such municipalities, regions and persons; the recovery of  
129 resources and resource values from such solid wastes; and the  
130 production from such services and resources recovery operations of  
131 revenues sufficient to provide for the support of the authority and its  
132 operations on a self-sustaining basis, with due allowance for the  
133 redistribution of any surplus revenues to reduce the costs of authority  
134 services to the users thereof provided such surplus revenues shall  
135 include any net revenue from activities undertaken pursuant to  
136 subdivisions (18) and (19) of subsection (a) of section 22a-266 and  
137 subdivision (8) of section 22a-267;

138 (3) The utilization, through contractual arrangements, of private  
139 industry for implementation of some or all of the requirements of the  
140 state solid waste management plan and for such other activities as may  
141 be considered necessary, desirable or convenient by the authority;

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

144 [(5) Assistance in the development of industries, technologies and  
145 commercial enterprises within the state of Connecticut based upon  
146 resources recovery, recycling, reuse and treatment or processing of  
147 solid waste.]

148 (5) In consultation with the Commissioner of Energy and  
149 Environmental Protection and consistent with the state-wide solid  
150 waste management plan adopted pursuant to section 22a-228, the  
151 development of new industries, technologies and commercial  
152 enterprises on property owned by the authority based upon resource  
153 recovery, recycling, reuse and treatment or processing of solid waste.

154 (b) These purposes shall be considered to be operating  
155 responsibilities of the authority, in accordance with the state solid  
156 waste management plan, and are to be considered in all respects public  
157 purposes. [It is the intention of this chapter that the authority shall be  
158 granted all powers necessary to fulfill these purposes and to carry out  
159 its assigned responsibilities and that the provisions of this chapter,  
160 itself, are to be construed liberally in furtherance of this intention.]

161 (c) These purposes shall not include activities related to state-wide  
162 recycling education and promotion or the establishment of state-wide  
163 solid waste management or policy.

164 Sec. 6. Section 22a-264 of the general statutes is repealed and the  
165 following is substituted in lieu thereof (*Effective from passage*):

166 The activities of the authority in providing or contracting to provide  
167 solid waste management services [to the state, regions, municipalities  
168 and persons, in implementing the state resources recovery system and  
169 in planning, designing, financing, constructing, managing or operating  
170 solid waste facilities, including their location, size and capabilities,]  
171 shall be in conformity with applicable statutes and regulations and  
172 with the state solid waste management plan as [promulgated] adopted  
173 by the Commissioner of Energy and Environmental Protection. [The  
174 authority shall have power to assist in the preparation, revision,  
175 extension or amendment of the state solid waste management plan,  
176 and the Department of Energy and Environmental Protection is hereby  
177 authorized to utilize, by contract or other agreement, the capabilities of  
178 the authority for the carrying out of such planning functions. The  
179 authority shall have power to revise and update, as may be necessary  
180 to carry out the purposes of this chapter, that portion of the state solid

181 waste management plan defined as the "solid waste management  
182 system". To effect such revision and updating, the] The authority shall  
183 prepare an annual plan of operations which shall be reviewed by the  
184 Commissioner of Energy and Environmental Protection for consistency  
185 with the state solid waste management plan. Upon approval by the  
186 Commissioner of Energy and Environmental Protection and by a [two-  
187 thirds] vote of the authority's full board of directors, the annual plan of  
188 operations shall be [promulgated] adopted. Any activities of the  
189 authority carried out to assist in the development of industry and  
190 commerce based upon the availability of recovered resources for  
191 recycling and reuse shall be coordinated to the extent practicable with  
192 plans and activities of Connecticut Innovations, Incorporated, with  
193 due consideration given to the secondary materials industries  
194 operating within the state of Connecticut.

195 Sec. 7. Section 22a-265 of the general statutes is repealed and the  
196 following is substituted in lieu thereof (*Effective January 1, 2015*):

197 The authority shall have power to:

198 (1) Employ a staff of not to exceed [seventy] forty-five personnel,  
199 exclusive of the directors, and to fix their duties, qualifications and  
200 compensation; [provided before employing more than forty-five  
201 persons the board of directors shall, by a two-thirds vote of all the  
202 members, establish the maximum number of employees which may be  
203 employed;]

204 (2) Establish offices where necessary in the state of Connecticut;

205 (3) Make and enter into any contract or agreement necessary or  
206 incidental to the performance of its duties and execution of its powers;

207 (4) Sue and be sued;

208 (5) Have a seal and alter it at pleasure;

209 (6) Make and alter bylaws and rules and regulations with respect to  
210 the exercise of its own powers;

211 (7) Conduct such hearings, examinations and investigations as may  
212 be necessary and appropriate to the conduct of its operations and the  
213 fulfillment of its responsibilities;

214 (8) Obtain access to public records and apply for the process of  
215 subpoena if necessary to produce books, papers, records and other  
216 data;

217 (9) Charge reasonable fees for the services it performs and waive,  
218 suspend, reduce or otherwise modify such fees, provided such user  
219 fees shall apply uniformly within each municipality to all users who  
220 are provided with waste management services with respect to a given  
221 type or category of wastes, in accordance with criteria established by  
222 the authority, and provided further no change may be made in user  
223 fees without at least sixty days prior notice to the users affected  
224 thereby;

225 (10) Purchase, lease or rent such real and personal property as it  
226 may deem necessary, convenient or desirable;

227 [(11) Appoint such state and local advisory councils as it may from  
228 time to time deem advisable, including but not limited to state and  
229 local councils on the continuation and utilization of source-separation  
230 and recycling efforts to benefit the people of the state;]

231 [(12)] (11) Otherwise, do all things necessary for the performance of  
232 its duties, the fulfillment of its obligations, the conduct of its  
233 operations, the maintenance of its working relationships with  
234 municipalities, regions and persons, and the conduct of a  
235 comprehensive program for reuse, recycling, solid waste disposal and  
236 resources recovery, and for solid waste management services, in  
237 accordance with the provisions of the state solid waste management  
238 plan, applicable statutes and regulations and the requirements of this  
239 chapter;

240 [(13)] (12) Receive and accept, from any source, aid or contributions,  
241 including money, property, labor and other things of value;

242 [(14) To invest] (13) Invest any funds not needed for immediate use  
243 or disbursement in obligations issued or guaranteed by the United  
244 States of America or the state of Connecticut and in obligations that are  
245 legal investments for savings banks in this state; and

246 [(15) To adopt] (14) Adopt regular procedures for exercising its  
247 power under this chapter not in conflict with other provisions of the  
248 general statutes.

249 Sec. 8. Section 22a-265a of the general statutes is repealed and the  
250 following is substituted in lieu thereof (*Effective from passage*):

251 [If, during any fiscal year the number of employees authorized by  
252 the board pursuant to subdivision (1) of section 22a-265 exceeds forty-  
253 five, expenditures by the authority for outside consultants during such  
254 fiscal year shall be reduced below expenditures for outside consultants  
255 for the previous fiscal year by an amount equal to expenditures for  
256 such additional employees in excess of forty-five unless during such  
257 fiscal year municipalities contract with the authority for the  
258 development or operation of additional recycling, intermediate  
259 processing or resources recovery processing facilities.] Any  
260 expenditure of fifty thousand dollars or more by the authority for an  
261 outside consultant shall require a two-thirds vote of approval by the  
262 board of directors.

263 Sec. 9. Section 16a-14e of the general statutes is repealed and the  
264 following is substituted in lieu thereof (*Effective from passage*):

265 (a) The Department of Energy and Environmental Protection shall  
266 operate a purchasing pool for the purchase of electricity for state  
267 operations and the operations of any municipality in the state. In  
268 connection with the operation of such purchasing pool, the  
269 Commissioner of Energy and Environmental Protection may solicit  
270 proposals from electric suppliers, on behalf of any state agency or  
271 municipality, for electric generation services to purchase electricity for  
272 state and municipal operations and to meet the state's energy policy  
273 goals, as established in the comprehensive energy strategy adopted by

274 the commissioner. Said department shall provide the opportunity to  
275 participate in such purchasing pool to each household that includes an  
276 individual who receives means-tested assistance administered by the  
277 state or federal government. Any such household shall receive through  
278 such purchasing pool the same benefits and rate discounts available  
279 for state facilities. The Department of Energy and Environmental  
280 Protection shall use federal and state energy assistance funds to  
281 leverage the lowest practicable electric rates for households  
282 participating in such pool, provided such funds shall not be used for  
283 administrative purposes. The commissioner may make grants  
284 available to municipalities that join such pool and commit to achieving  
285 the state diversion, recycling and reuse goals in accordance with  
286 sections 22a-220 and 22a-241a, as amended by this act, and the state-  
287 wide solid waste management plan adopted and amended pursuant to  
288 section 22a-228. The provisions of section 16-245 shall not apply to the  
289 Department of Energy and Environmental Protection for purposes of  
290 this section.

291 (b) In connection with the operation of the purchasing pool  
292 described in subsection (a) of this section, the Commissioner of Energy  
293 and Environmental Protection may solicit, on behalf of any state  
294 agency or municipality, proposals from electric suppliers for electric  
295 generation services from Class II renewable energy sources, as defined  
296 in section 16-1, that originate from trash-to-energy facilities  
297 constructed on or before January 1, 2013, and that are permitted  
298 pursuant to section 22a-208a. Selection criteria for such services may  
299 include, but are not limited to: (1) The delivered price of such service,  
300 and (2) the supplier's practices in furtherance of the state's diversion,  
301 reduction, reuse, and recycling goals that are consistent with sections  
302 22a-220 and 22a-241a, as amended by this act, and the state-wide solid  
303 waste management plan adopted and amended pursuant to section  
304 22a-228. Any agreement for such electric generation service shall be for  
305 a period of not more than twenty years and at a price not higher than  
306 two cents per kilowatt hour above the forecasted average price for  
307 standard generation service for the term of such contract.

308 Sec. 10. Section 1-2b of the 2014 supplement to the general statutes is  
309 repealed and the following is substituted in lieu thereof (*Effective from*  
310 *passage*):

311 (a) For purposes of sections 1-100oo, 1-206, 2-71r, 4-176, 4-180, 4-183,  
312 4a-52a, 4a-60q, 4a-63, 4a-100, 4e-34, 4e-35, 7-65, 7-148w, 7-247a, 7-473c,  
313 7-478e, 8-3b, 8-3i, 8-7d, 8-26b, 8-169r, 8-293, 9-388, 9-608, 9-623, 10a-22c,  
314 10a-22i, 10a-34a, 10a-109n, 12-35, 12-157, 12-242ii, 12-242jj, 13a-80, 13a-  
315 123, 15-11a, 16-41, 16-50c, 16-50d, 17a-103b, 19a-87, 19a-87c, 19a-209c,  
316 19a-332e, 19a-343a, 19a-486a, 19a-486c, 19a-486d, 19a-497, 19a-507b, 20-  
317 205a, 20-325a, 21-63, 21-80, 22-7, 22a-6b, 22a-6u, 22a-30, 22a-42d, 22a-  
318 42f, 22a-66d, 22a-137, 22a-178, 22a-225, 22a-228, 22a-250, [22a-285b,]  
319 22a-354p, 22a-354s, 22a-354t, 22a-361, 22a-371, 22a-401, 22a-403, 22a-  
320 433, 22a-436, 22a-449f, 22a-449l, 22a-449n, 22a-504, 22a-626, 23-46, 23-  
321 65j, 23-65i, 23-65p, 25-32, 25-32e, 25-331, 25-34, 25-204, 25-234, 29-108d,  
322 31-57c, 31-57d, 31-355, 32-613, 33-663, 33-929, 33-1053, 33-1219, 34-521,  
323 35-42, 36a-50, 36a-51, 36a-52, 36a-53, 36a-82, 36a-184, 36a-493, 36b-62,  
324 36b-72, 38-323a, 38a-344, 38a-676, 38a-724, 38a-788, 42-158j, 42-161, 42-  
325 181, 42-182, 42-186, 42-271, 45a-716, 46b-115w, 46b-128, 47-42d, 47-74f,  
326 47-88b, 47-236, 47-284, 47a-11b, 47a-11d, 47a-13a, 47a-14h, 47a-56b, 49-  
327 2, 49-4a, 49-8, 49-8a, 49-10b, 49-31b, 49-51, 49-70, 51-90e, 52-57, 52-59b,  
328 52-63, 52-64, 52-195c, 52-350e, 52-351b, 52-361a, 52-362, 52-565a, 52-605,  
329 52-606, 53-401, 53a-128, 53a-128d, 53a-207 and 54-82c and chapter 965,  
330 any reference to certified mail, return receipt requested, shall include  
331 mail, electronic, and digital methods of receiving the return receipt,  
332 including all methods of receiving the return receipt identified by the  
333 Mailing Standards of the United States Postal Service in Chapter 500 of  
334 the Domestic Mail Manual or any subsequent corresponding  
335 document of the United States Postal Service.

336 (b) The Legislative Commissioners' Office shall, in codifying the  
337 provisions of this section, make such technical, grammatical and  
338 punctuation changes and statutory placements and classifications,  
339 including, but not listed in subsection (a) of this section as are  
340 necessary to carry out the purposes of this section.

341 Sec. 11. Section 16-50j of the 2014 supplement to the general statutes  
342 is repealed and the following is substituted in lieu thereof (*Effective*  
343 *from passage*):

344 (a) There is established a "Connecticut Siting Council", hereinafter  
345 referred to as the "council", which shall be within the Department of  
346 Energy and Environmental Protection for administrative purposes  
347 only.

348 (b) Except for proceedings under chapter 445, this subsection and  
349 subsection (c) of this section, the council shall consist of: (1) The  
350 Commissioner of Energy and Environmental Protection, or his  
351 designee; (2) the chairperson of the Public Utilities Regulatory  
352 Authority, or the chairperson's designee; (3) one designee of the  
353 speaker of the House and one designee of the president pro tempore of  
354 the Senate; and (4) five members of the public, to be appointed by the  
355 Governor, at least two of whom shall be experienced in the field of  
356 ecology, and not more than one of whom shall have affiliation, past or  
357 present, with any utility or governmental utility regulatory agency, or  
358 with any person owning, operating, controlling, or presently  
359 contracting with respect to a facility, a hazardous waste facility, as  
360 defined in section 22a-115, or an ash residue disposal area.

361 (c) For proceedings under chapter 445, subsection (b) of this section  
362 and this subsection, the council shall consist of (1) the Commissioners  
363 of Public Health and Emergency Services and Public Protection or their  
364 designated representatives; (2) the designees of the speaker of the  
365 House of Representatives and the president pro tempore of the Senate  
366 as provided in subsection (b) of this section; (3) the five members of the  
367 public as provided in subsection (b) of this section; and (4) four ad hoc  
368 members, three of whom shall be electors from the municipality in  
369 which the proposed facility is to be located and one of whom shall be  
370 an elector from a neighboring municipality likely to be most affected  
371 by the proposed facility. The municipality most affected by the  
372 proposed facility shall be determined by the permanent members of  
373 the council. If any one of the five members of the public or of the

374 designees of the speaker of the House of Representatives or the  
375 president pro tempore of the Senate resides (A) in the municipality in  
376 which a hazardous waste facility is proposed to be located for a  
377 proceeding concerning a hazardous waste facility or in which a low-  
378 level radioactive waste facility is proposed to be located for a  
379 proceeding concerning a low-level radioactive waste facility, or (B) in  
380 the neighboring municipality likely to be most affected by the  
381 proposed facility, the appointing authority shall appoint a substitute  
382 member for the proceedings on such proposal. If any appointee is  
383 unable to perform his duties on the council due to illness, or has a  
384 substantial financial or employment interest which is in conflict with  
385 the proper discharge of his duties under this chapter, the appointing  
386 authority shall appoint a substitute member for proceedings on such  
387 proposal. An appointee shall report any substantial financial or  
388 employment interest which might conflict with the proper discharge of  
389 his duties under this chapter to the appointing authority who shall  
390 determine if such conflict exists. If any state agency is the applicant, an  
391 appointee shall not be deemed to have a substantial employment  
392 conflict of interest because of employment with the state unless such  
393 appointee is directly employed by the state agency making the  
394 application. Ad hoc members shall be appointed by the chief elected  
395 official of the municipality they represent and shall continue their  
396 membership until the council issues a letter of completion of the  
397 development and management plan to the applicant.

398 [(d) For proceedings under sections 22a-285d to 22a-285h, inclusive,  
399 the council shall consist of (1) the Commissioners of Public Health and  
400 Emergency Services and Public Protection or their designated  
401 representatives; (2) the designees of the speaker of the House of  
402 Representatives and the president pro tempore of the Senate as  
403 provided in subsection (b) of this section, and (3) five members of the  
404 public as provided in subsection (b) of this section. If any one of the  
405 five members of the public or of the designees of the speaker of the  
406 House of Representatives or the president pro tempore of the Senate  
407 resides in the municipality in which an ash residue disposal area is  
408 proposed to be located the appointing authority shall appoint a

409 substitute member for the proceedings on such proposal. If any  
410 appointee is unable to perform his duties on the council due to illness,  
411 or has a substantial financial or employment interest which is in  
412 conflict with the proper discharge of his duties under sections 22a-  
413 285d to 22a-285h, inclusive, the appointing authority shall appoint a  
414 substitute member for proceedings on such proposal. An appointee  
415 shall report any substantial financial or employment interest which  
416 might conflict with the proper discharge of his duties under said  
417 sections to the appointing authority who shall determine if such  
418 conflict exists. If any state agency is the applicant, an appointee shall  
419 not be deemed to have a substantial employment conflict of interest  
420 because of employment with the state unless such appointee is directly  
421 employed by the state agency making the application.]

422 [(e)] (d) The chairman of the council shall be appointed by the  
423 Governor from among the five public members appointed by him,  
424 with the advice and consent of the House or Senate, and shall serve as  
425 chairman at the pleasure of the Governor.

426 [(f)] (e) The public members of the council, including the chairman,  
427 the members appointed by the speaker of the House and president pro  
428 tempore of the Senate and the four ad hoc members specified in  
429 subsection (c) of this section, shall be compensated for their attendance  
430 at public hearings, executive sessions, or other council business as may  
431 require their attendance at the rate of two hundred dollars, provided in  
432 no case shall the daily compensation exceed two hundred dollars.

433 [(g)] (f) The council shall, in addition to its other duties prescribed in  
434 this chapter, adopt, amend, or rescind suitable regulations to carry out  
435 the provisions of this chapter and the policies and practices of the  
436 council in connection therewith, and appoint and prescribe the duties  
437 of such staff as may be necessary to carry out the provisions of this  
438 chapter. The chairman of the council, with the consent of five or more  
439 other members of the council, may appoint an executive director, who  
440 shall be the chief administrative officer of the Connecticut Siting  
441 Council. The executive director shall be exempt from classified service.

442 [(h)] (g) Prior to commencing any hearing pursuant to section 16-  
443 50m, the council shall consult with and solicit written comments from  
444 (1) the Department of Energy and Environmental Protection, the  
445 Department of Public Health, the Council on Environmental Quality,  
446 the Department of Agriculture, the Public Utilities Regulatory  
447 Authority, the Office of Policy and Management, the Department of  
448 Economic and Community Development and the Department of  
449 Transportation, and (2) in a hearing pursuant to section 16-50m, for a  
450 facility described in subdivision (3) of subsection (a) of section 16-50i,  
451 the Department of Emergency Services and Public Protection, the  
452 Department of Consumer Protection, the Department of  
453 Administrative Services and the Labor Department. In addition, the  
454 Department of Energy and Environmental Protection shall have the  
455 continuing responsibility to investigate and report to the council on all  
456 applications which prior to October 1, 1973, were within the  
457 jurisdiction of the Department of Environmental Protection with  
458 respect to the granting of a permit. Copies of such comments shall be  
459 made available to all parties prior to the commencement of the  
460 hearing. Subsequent to the commencement of the hearing, said  
461 departments and council may file additional written comments with  
462 the council within such period of time as the council designates. All  
463 such written comments shall be made part of the record provided by  
464 section 16-50o. Said departments and council shall not enter any  
465 contract or agreement with any party to the proceedings or hearings  
466 described in this section or section 16-50p that requires said  
467 departments or council to withhold or retract comments, refrain from  
468 participating in or withdraw from said proceedings or hearings.

469 Sec. 12. Section 22a-208b of the general statutes is repealed and the  
470 following is substituted in lieu thereof (*Effective from passage*):

471 (a) The Commissioner of Energy and Environmental Protection may  
472 issue a permit to construct a facility for the land disposal of solid waste  
473 pursuant to section 22a-208a, provided [(1)] the applicant submits to  
474 the commissioner a copy of a valid certificate of zoning approval,  
475 special permit, special exception or variance, or other documentation,

476 establishing that the facility complies with the zoning requirements  
477 adopted by the municipality in which such facility is located pursuant  
478 to chapter 124 or any special act. [, or (2) the council has approved a  
479 negotiated agreement or issued an arbitration award in accordance  
480 with section 22a-285g.]

481 (b) Nothing in this chapter or chapter 446e shall be construed to  
482 limit the right of a municipality to regulate, through zoning, land  
483 usage for an existing or new solid waste facility. No municipal  
484 regulation adopted pursuant to section 8-2 shall have the effect of  
485 prohibiting the construction, alteration or operation of solid waste  
486 facilities within the limits of a municipality.

487 Sec. 13. Section 51-344a of the 2014 supplement to the general  
488 statutes is repealed and the following is substituted in lieu thereof  
489 (*Effective from passage*):

490 (a) Whenever the term "judicial district of Hartford-New Britain" or  
491 "judicial district of Hartford-New Britain at Hartford" is used or  
492 referred to in the following sections of the general statutes, it shall be  
493 deemed to mean or refer to the judicial district of Hartford on and after  
494 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
495 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,  
496 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-  
497 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-  
498 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,  
499 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-  
500 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-  
501 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,  
502 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,  
503 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,  
504 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,  
505 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,  
506 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-  
507 63, 22a-66h, 22a-106a, 22a-119, 22a-180, 22a-182a, 22a-184, 22a-220a,  
508 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255l, 22a-

509 276, [22a-285a, 22a-285g, 22a-285j,] 22a-310, 22a-342a, 22a-344, 22a-  
510 361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-  
511 449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-  
512 161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8, 31-109, 31-  
513 249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a,  
514 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-587, 36a-  
515 647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71,  
516 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-  
517 147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-  
518 470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-  
519 868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5,  
520 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d  
521 and 54-211a.

522 (b) If the term "judicial district of Hartford-New Britain" or "judicial  
523 district of Hartford-New Britain at Hartford" is used or referred to in  
524 any public act of 1995, 1996, 1997 or 1998 or in any section of the  
525 general statutes which is amended in 1995, 1996, 1997 or 1998 it shall  
526 be deemed to mean or refer to the judicial district of Hartford on and  
527 after September 1, 1998.

528 (c) If the term "judicial district of Hartford-New Britain at New  
529 Britain" is used or referred to in any public act of 1995, 1996, 1997 or  
530 1998 or in any section of the general statutes which is amended in 1995,  
531 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial  
532 district of New Britain on and after September 1, 1998.

533 Sec. 14. Subsection (a) of section 51-344a of the 2014 supplement to  
534 the general statutes, as amended by section 22 of public act 09-177,  
535 section 6 of public act 10-54 and sections 3 and 4 of public act 12-60, is  
536 repealed and the following is substituted in lieu thereof (*Effective*  
537 *January 1, 2015*):

538 (a) Whenever the term "judicial district of Hartford-New Britain" or  
539 "judicial district of Hartford-New Britain at Hartford" is used or  
540 referred to in the following sections of the general statutes, it shall be  
541 deemed to mean or refer to the judicial district of Hartford on and after

542 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
 543 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,  
 544 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-  
 545 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-  
 546 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,  
 547 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-  
 548 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-  
 549 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,  
 550 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,  
 551 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,  
 552 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,  
 553 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,  
 554 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-  
 555 63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-180, 22a-182a, 22a-184, 22a-  
 556 220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255l,  
 557 22a-276, [22a-285a, 22a-285g, 22a-285j,] 22a-310, 22a-342a, 22a-344, 22a-  
 558 361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-  
 559 449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-  
 560 161z, 29-323, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-  
 561 284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-  
 562 471a, 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-  
 563 27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-  
 564 134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-  
 565 226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-  
 566 776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-  
 567 110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-  
 568 81b, 51-194, 52-146j, 53-392d and 54-211a.

569 Sec. 15. Sections 22a-285 to 22a-285k, inclusive, of the general  
 570 statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	22a-241a
Sec. 3	<i>from passage</i>	New section

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Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	22a-262
Sec. 6	<i>from passage</i>	22a-264
Sec. 7	<i>January 1, 2015</i>	22a-265
Sec. 8	<i>from passage</i>	22a-265a
Sec. 9	<i>from passage</i>	16a-14e
Sec. 10	<i>from passage</i>	1-2b
Sec. 11	<i>from passage</i>	16-50j
Sec. 12	<i>from passage</i>	22a-208b
Sec. 13	<i>from passage</i>	51-344a
Sec. 14	<i>January 1, 2015</i>	51-344a(a)
Sec. 15	<i>from passage</i>	Repealer section

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Department of Energy and Environmental Protection	GF - Cost	At least 600,000	Potential

**Municipal Impact:**

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Revenue Gain	Potential	Potential

**Explanation**

**Explanation**

**Section 1** of the bill dissolves the Connecticut Resources Recovery Authority (CRRA) and establishes the Materials Innovation and Recycling Authority (MIRA) as a successor authority. It transfers CRRA's functions, powers, and duties to MIRA. This does not result in a fiscal impact to the state or municipalities.

**Section 2** requires the Department of Energy and Environmental Protection (DEEP) to revise the state's solid waste management plan to (1) expand the strategies covered by the plan and (2) increase the state's solid waste diversion rate. sHB 5030, the FY 15 revised budget bill, as favorably reported by the Appropriations Committee, carried forward \$600,000 in FY 15 for this purpose.

**Sections 3-8** make changes that are not anticipated to result in a fiscal impact to the state or municipalities.

**Section 9** allows the commissioner to make grants to municipalities

that participate in the electricity purchasing pool and commit to the state's revised diversion goals. This may result in costs to DEEP and a revenue gain to various municipalities, in the same amount, to the extent DEEP awards to municipalities who commit to the state's revised diversion goals.

**Sections 10** through **Section 15** repeal the authority's ability to establish ash residue disposal sites. As there are currently no ash residue disposal sites, this does not result in a fiscal impact.

Additionally, the bill makes other technical and conforming changes which do not result in a fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact described above would continue into the future subject to any grants made by DEEP to various municipalities for their commitment to achieving the state's revised waste diversion goals.

**OLR Bill Analysis****sSB 27*****AN ACT CONCERNING CONNECTICUT'S RECYCLING AND MATERIALS MANAGEMENT STRATEGY.*****SUMMARY:**

This bill dissolves the Connecticut Resources Recovery Authority (CRRA) and establishes the Materials Innovation and Recycling Authority (MIRA) as a successor authority. It transfers CRRA's functions, powers, and duties to MIRA (see BACKGROUND).

By January 1, 2016, the bill requires the Department of Energy and Environmental Protection (DEEP) commissioner, with MIRA, to seek proposals from solid waste management providers to redevelop the Connecticut Solid Waste Management System Project. It authorizes him to (1) select a provider and (2) direct MIRA to contract with the provider.

The bill also:

1. decreases, from 75 to 45 people, the statutory cap on how many people the authority may employ;
2. requires a two-thirds vote of the authority's board of directors before spending \$50,000 or more for an outside consultant; and
3. repeals the authority's ability to establish ash residue disposal sites, and related statutes.

The bill establishes a nonprofit foundation to (1) coordinate and support educational activities that focus on increasing recycling and reuse and (2) administer funds for these purposes. It also creates an 11-member nonprofit council to support the foundation.

Under the bill, the DEEP commissioner must, by July 1, 2016, revise the state's solid waste management plan to (1) expand the strategies covered by the plan and (2) increase the state's solid waste diversion rate. He must consult with municipalities when revising it.

The bill also expands the purposes of an existing DEEP-operated electricity purchasing pool to include purchasing electricity for municipal operations. It allows the commissioner to make grants to municipalities that participate in the pool and commit to the state's revised diversion goals.

Finally, the bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except for the staffing reduction provision and a technical change, which take effect January 1, 2015.

### **§§ 1, 3, 5-7 — CRRR SUCCESSION**

#### ***Connecticut Solid Waste Management System Project Redevelopment***

The bill requires the DEEP commissioner, by January 1, 2016, to request proposals from solid waste materials management services providers to redevelop the Connecticut Solid Waste Management System Project. It must do this in consultation with MIRA. The types of services involved may include such things as recycling, reuse, energy recovery, fuel recovery, organic materials processing, construction and demolition debris recycling, and bulky waste recycling.

Of the submitted proposals, the commissioner may select up to three providers that may then conduct a feasibility study with MIRA's cooperation. The feasibility studies must be finished by January 1, 2017, and final proposals must be submitted to the commissioner by July 1, 2017. By December 31, 2017, the commissioner must choose one final proposal and direct MIRA to enter into an agreement with the selected provider to redevelop the project.

The bill requires the commissioner to consider the following factors when choosing the final proposal:

1. consistency with the waste management goals and strategies provided in the state's solid waste management plan (see below),
2. if the proposal is in the best interest of municipalities contracting with MIRA,
3. level of investment proposed by the provider,
4. positive impacts on the state's economic development, and
5. other factors the commissioner considers relevant to the redevelopment of the Connecticut Solid Waste Management System Project.

***Authority Activities, Powers, and Purposes***

The bill also revises the authority's activities, powers, and purposes by:

1. eliminating its ability to appoint advisory councils on things such as source-separation and recycling;
2. expanding on its ability to do anything necessary to conduct its comprehensive solid waste disposal and resources recovery program by including reuse and recycling;
3. removing its power to help develop or revise the state's solid waste management plan;
4. reducing the number of votes needed, from two-thirds to a simple majority of the board, to approve the authority's annual operations plan; and
5. specifying that its purposes exclude activities on statewide recycling education and promoting or establishing statewide solid waste management or policy.

The bill also limits the authority's current purpose of helping develop industry, technology, and commercial enterprise related to

certain solid waste processes in the state. It does so by requiring the development to be (1) on the authority's property, (2) in consultation with the DEEP commissioner, and (3) according to the statewide solid waste management plan.

### **§§ 10-15 — CRRA ASH RESIDUE DISPOSAL AREAS**

The bill repeals CRRA's authority to establish up to four ash residue disposal sites in the state. CRRA has not established an ash disposal site in the state, and in 2009 it resolved to indefinitely suspend efforts to develop one.

### **§ 4 — NONPROFIT RECYCLING FOUNDATION**

#### ***Purpose***

The bill establishes a nonstock, nonprofit corporation called Recycle CT Foundation, Inc., as a state-chartered foundation organized under Connecticut law. It requires the foundation to:

1. target and promote coordination and support of research and education activities and public information programs to increase the state's reuse and recycling rate, according to the state's solid waste management plan and
2. receive, administer, and disburse gifts, grants, endowments, or other funds to support solid waste management research and education activities.

#### ***Supporting Council***

***Purpose.*** The bill creates a nonprofit council, the Recycling CT Foundation Council, and requires it to seek tax-exempt status. The council must solicit and accept funds for Recycling CT Foundation, Inc., which must be used for grants to programs that seek to increase solid waste material reuse and recycling in Connecticut.

The council must (1) set the criteria and procedures for awarding the grants and (2) prescribe the form grant applicants must use. Possible grant recipients apply to the council and may include nonprofits, civic and community groups, schools, public agencies,

municipalities and regional entities that represent them, and private-sector organizations.

**Membership.** The council consists of the following 11 members:

1. the DEEP and economic and community development commissioners or their designees;
2. five gubernatorial appointees; and
3. four members, one each appointed by the House speaker, Senate president pro tempore, and the House and Senate minority leaders.

The governor appoints the council chairperson whose term is coterminous with the governor. The other council members serve up to three two-year terms. Council vacancies must be filled by appointing authorities and members receive no compensation for their service.

## § 2 — SOLID WASTE MANAGEMENT PLAN

By law, the state's solid waste management plan provides goals and strategies and establishes a priority order for managing solid waste generated in the state. The bill requires the DEEP commissioner to revise the plan by July 1, 2016 and consult with municipalities when doing so. Current law requires the plan to include a strategy to recycle at least 25% of the state's solid waste. The bill (1) includes source reduction and reuse in the strategy and (2) increases the percentage to at least 60% of the solid waste generated after January 1, 2024.

The bill also requires the new strategy to include (1) modernizing the state's solid waste management infrastructure, (2) promoting organic materials management, and (3) recycling construction and demolition debris. Existing law, unchanged by the bill, requires the strategy to include (1) development of intermediate processing centers, (2) recommendations for assigning municipalities to regional recycling programs, (3) options for local compliance with recycling requirements, and (4) composting.

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**§ 9 — ELECTRICITY PURCHASING POOL*****Pool Purpose***

By law, DEEP operates a purchasing pool to buy electricity for state operations and certain low-income households. The bill expands the pool's purpose to include buying electricity for municipal operations.

***Electric Supplier Proposals***

When operating the pool, the bill allows the commissioner, on behalf of any state agency or municipality, to solicit proposals from electric suppliers for electric generation services to (1) buy electricity for state and municipal operations and (2) meet the state's energy policy goals described in the commissioner's comprehensive energy strategy. He may also solicit, for the same entities, proposals from electric suppliers for electric generation services from Class II renewable sources originating from permitted trash-to-energy facilities built by January 1, 2013.

The bill allows the commissioner to choose the electric service based on such things as the (1) delivered price and (2) supplier's practices to further the state's diversion, reduction, reuse, and recycling goals and the solid waste management plan. The bill caps the (1) term of the electric generation service at 20 years and (2) price at two cents per kilowatt hour above the forecasted average price for standard generation service for the contract's term.

***Municipal Grants***

The bill also authorizes the DEEP commissioner to provide grants to municipalities that join the pool and commit to achieve the state's diversion, recycling, and reuse goals, including those provided in the state's solid waste management plan.

**BACKGROUND*****Connecticut Resources Recovery Authority (CRRA)***

CRRA is a quasi-public agency that plans, designs, builds, and operates solid waste disposal, volume reduction, recycling, intermediate processing, and resources recovery facilities. Among

other things, CRRA's powers include:

1. employing staff and setting staff responsibilities and compensation;
2. entering into contracts or agreements;
3. making and altering bylaws, rules, and regulations;
4. charging reasonable fees for its services;
5. investing funds not needed for immediate use; and
6. adopting regular procedures (CGS § 22a-265a).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 4 (03/21/2014)