



Senate

General Assembly

File No. 126

February Session, 2014

Substitute Senate Bill No. 240

Senate, March 26, 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 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2 statutes is repealed and the following is substituted in lieu thereof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18 general statutes is repealed and the following is substituted in lieu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] that are not certified in California for which
22 the Commissioner of Energy and Environmental Protection adopts an
23 energy efficiency standard 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] the authority or
120 otherwise;

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

129 (22) "Waste management project" means any solid waste disposal
130 and resources recovery area, plant, works, system, facility or
131 component of a facility, equipment, machinery or other element of a
132 facility which the authority is authorized to plan, design, finance,
133 construct, manage, operate or maintain under the provisions of this
134 chapter, including real estate and improvements thereto and the
135 extension or provision of utilities and other appurtenant facilities
136 deemed necessary by the authority for the operation of a project or
137 portion of a project, including all property rights, easements and
138 interests required;

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

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

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

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

172 controlled aerobic or anaerobic conditions;

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

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

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

187 (b) Not later than October 1, 2010, and annually thereafter, the
188 commissioner shall gather information from registrants and prepare a
189 report regarding the status of the electronics recycling program. [The
190 commissioner shall submit such report to the joint standing committee
191 of the General Assembly having cognizance of matters relating to the
192 environment, in accordance with the provisions of section 11-4a.] Such
193 report shall contain: (1) Sufficient data, as determined by the
194 commissioner, and analysis of such data to evaluate the effectiveness
195 of the state-wide recycling program and the components of such
196 program, and (2) if at any time the federal government establishes a
197 national program for the collection and recycling of electronic devices
198 and the department determines that the federal law substantially
199 meets or exceeds the requirements of sections 22a-629 to 22a-640,
200 inclusive, information on the federal law. Such report shall be posted
201 on the department's Internet web site.

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

204 *from passage):*

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

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

208 (2) "Approved river corridor protection plan" means a river corridor
209 protection plan approved by the commissioner pursuant to section 25-
210 205;

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

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

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

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

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

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

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

231 (10) "Major state plan" means the plan for development of outdoor

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

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

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

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

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

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

254 (16) "State rivers assessment data base" means the state-wide
255 assessment of the state's rivers prepared by the commissioner pursuant
256 to subdivision (3) of subsection (c) of section 25-102qq;

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

260 (18) "Subregional drainage basin" means a subregional drainage
261 basin as depicted on a map entitled "Natural Drainage Basins of

262 Connecticut", published by the Department of Energy and
263 Environmental Protection, 1981; and

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

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

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

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

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

278 (3) "Local drainage basin" means a local drainage basin as
279 referenced on a map entitled "Natural Drainage Basins of Connecticut",
280 published by the Department of Energy and Environmental Protection,
281 1981;

282 (4) "Major state plan" means any of the following: The plan for
283 development of outdoor recreation adopted pursuant to section 22a-21,
284 the state-wide solid waste management plan adopted pursuant to
285 section [22a-211] 22a-228, the state-wide plan for the management of
286 water resources adopted pursuant to section 22a-352, the state-wide
287 environmental plan adopted pursuant to section 22a-8, the historic
288 preservation plan adopted under the National Historic Preservation
289 Act, 16 USC 470 et seq., the state-wide facility and capital plan adopted
290 pursuant to section 4b-23, the state's consolidated plan for housing and
291 community development prepared pursuant to section 8-37t, the water
292 quality management plan adopted under the federal Clean Water Act,

293 33 USC 1251 et seq., any plans for managing forest resources adopted
294 pursuant to section 23-20 and the Connecticut River Atlantic Salmon
295 Compact adopted pursuant to section 26-302;

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

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

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

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

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

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

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

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

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

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

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

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

339 (17) "Resource" means any riparian waters of the state, related
340 fisheries and wildlife habitat and adjacent shorelands, both developed
341 and undeveloped; any vegetation, fish and wildlife; endangered and
342 threatened species, species of special concern and essential habitat
343 identified by the commissioner pursuant to chapter 495; tidal and
344 inland wetlands; unique geologic features; scenic areas; forest lands, as
345 defined in section 23-65f; agricultural lands, as defined in section 22-
346 26bb; and archaeological and other historical resources.

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

350 (j) The Commissioner of Energy and Environmental Protection may
351 issue an approval for a demonstration project for any activity
352 regulated by the commissioner under this chapter provided the
353 commissioner determines that such demonstration project (1) is

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

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

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

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

391 (f) On and after January 1, 1991, each municipality shall, consistent
392 with the requirements of section 22a-241b, make provisions for the
393 separation, collection, processing and marketing of items generated
394 within its boundaries as solid waste and designated for recycling by
395 the commissioner pursuant to subsection (a) of section 22a-241b. It
396 shall be the goal to recycle twenty-five per cent of the solid waste
397 generated in each municipality provided it shall be the goal to reduce
398 the weight of such waste by January 1, 2000, by an additional fifteen
399 per cent by source reduction as determined by reference to the [state]
400 state-wide solid waste management plan established in 1991, or by
401 recycling such additional percentage of waste generated, or both. The
402 provisions of this subsection shall not be construed to require
403 municipalities to enforce reduction in the quantity of solid waste. On
404 or before January 1, 1991, each municipality shall: (1) Adopt an
405 ordinance or other enforceable legal instrument setting forth measures
406 to assure the compliance of persons within its boundaries with the
407 requirements of subsection (c) of section 22a-241b and to assure
408 compliance of collectors with the requirements of subsection (a) of
409 section 22a-220c, and (2) provide the Commissioner of Energy and
410 Environmental Protection with the name, address and telephone
411 number of a person to receive information and respond to questions
412 regarding recycling from the department on behalf of the municipality.
413 The municipality shall notify the commissioner within thirty days of
414 its designation of a new representative to undertake such
415 responsibilities. A municipality may by ordinance or other enforceable
416 legal instrument provide for and require the separation and recycling
417 of other items in addition to those designated pursuant to subsection
418 (a) of section 22a-241b.

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

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

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

437 The following are declared to be policies of the state of Connecticut:
438 (1) That maximum resources recovery from solid waste and maximum
439 recycling and reuse of such resources in order to protect, preserve and
440 enhance the environment of the state shall be considered
441 environmental goals of the state; (2) that solid waste disposal and
442 resources recovery facilities and projects are to be implemented either
443 by the state of Connecticut or under state auspices, in furtherance of
444 these goals; (3) that appropriate governmental structure, processes and
445 support are to be provided so that effective state systems and facilities
446 for solid waste management and large-scale resources recovery may be
447 developed, financed, planned, designed, constructed and operated for
448 the benefit of the people and municipalities of the state; (4) that private
449 industry is to be utilized to the maximum extent feasible to perform
450 planning, design, management, construction, operation,
451 manufacturing and marketing functions related to solid waste disposal
452 and resources recovery and to assist in the development of industrial
453 enterprise based upon resources recovery, recycling and reuse; (5) that
454 long-term negotiated contracts between the state and private persons
455 and industries may be utilized as an incentive for the development of

456 industrial and commercial enterprise based on resources recovery
457 within the state; (6) that solid waste disposal services shall be provided
458 for municipal and regional authorities and private persons in the state,
459 at reasonable cost, by state systems and facilities where such services
460 are considered necessary and desirable in accordance with the state-
461 wide solid waste management plan and that any revenues received
462 from the payment of the costs of such services otherwise from the
463 operation of state systems and facilities shall be redistributed to the
464 users of such services provided that the authority has determined that
465 all contractual obligations related to such systems and facilities have
466 been met and that such revenues are surplus and not needed to
467 provide necessary support for such systems and facilities; (7) that
468 provision shall be made for planning, research and development, and
469 appropriate innovation in the design, management and operation of
470 the state's systems and facilities for solid waste management, in order
471 to permit continuing improvement and provide adequate incentives
472 and processes for lowering operating and other costs; (8) that the
473 authority established pursuant to this chapter shall have responsibility
474 for implementing solid waste disposal and resources recovery systems
475 and facilities and solid waste management services where necessary
476 and desirable throughout the state in accordance with the [state] state-
477 wide solid waste management plan and applicable statutes and
478 regulations; (9) that actions and activities performed or carried out by
479 the authority or its contractors in accordance with the provisions of
480 this chapter shall be in conformity with the [state] state-wide solid
481 waste management plan and with other applicable policies and
482 regulations of the state, as promulgated from time to time in law and
483 by action of the Department of Energy and Environmental Protection
484 and Connecticut Innovations, Incorporated; (10) that it being to the
485 best interest of the state, municipalities, individual citizens and the
486 environment to minimize the quantity of materials entering the waste
487 stream that would require collection, transportation, processing, or
488 disposal by any level of government, it is the intent of this legislation
489 to promote the presegregation of recoverable or recyclable materials
490 before they become mixed and included in the waste stream; and that

491 this intent shall be reflected in the policy of the resources recovery
492 authority and that no provision of this chapter or action of this
493 authority shall either discourage or prohibit either voluntary or locally
494 ordained solid waste segregation programs or the sale of such
495 segregated materials to private persons, unless the authority has
496 determined based upon a feasibility report filed with the applicable
497 municipal authority that the reduced user fees charged to it should
498 result in its total cost of solid waste management including user fees
499 paid to the authority to be less without pre-segregation than with it;
500 and (11) that these policies and purposes are hereby declared to be in
501 the public interest and the provisions of this chapter to be necessary
502 and for the public benefit, as a matter of legislative determination.

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

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

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

516 (2) The provision of solid waste management services to
517 municipalities, regions and persons within the state by receiving solid
518 wastes at authority facilities, pursuant to contracts between the
519 authority and such municipalities, regions and persons; the recovery of
520 resources and resource values from such solid wastes; and the
521 production from such services and resources recovery operations of
522 revenues sufficient to provide for the support of the authority and its
523 operations on a self-sustaining basis, with due allowance for the

524 redistribution of any surplus revenues to reduce the costs of authority
525 services to the users thereof provided such surplus revenues shall
526 include any net revenue from activities undertaken pursuant to
527 subdivisions (18) and (19) of subsection (a) of section 22a-266 and
528 subdivision (8) of section 22a-267;

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

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

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

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

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

550 The activities of the authority in providing or contracting to provide
551 solid waste management services to the state, regions, municipalities
552 and persons, in implementing the state resources recovery system and
553 in planning, designing, financing, constructing, managing or operating
554 solid waste facilities, including their location, size and capabilities,

555 shall be in conformity with applicable statutes and regulations and
556 with the [state] state-wide solid waste management plan as
557 promulgated by the Commissioner of Energy and Environmental
558 Protection. The authority shall have power to assist in the preparation,
559 revision, extension or amendment of the [state] state-wide solid waste
560 management plan, and the Department of Energy and Environmental
561 Protection is hereby authorized to utilize, by contract or other
562 agreement, the capabilities of the authority for the carrying out of such
563 planning functions. The authority shall have power to revise and
564 update, as may be necessary to carry out the purposes of this chapter,
565 that portion of the [state] state-wide solid waste management plan
566 defined as the "solid waste management system". To effect such
567 revision and updating, the authority shall prepare an annual plan of
568 operations which shall be reviewed by the Commissioner of Energy
569 and Environmental Protection for consistency with the [state] state-
570 wide solid waste management plan. Upon approval by the
571 Commissioner of Energy and Environmental Protection and by a two-
572 thirds vote of the authority's full board of directors, the annual plan of
573 operations shall be promulgated. Any activities of the authority carried
574 out to assist in the development of industry and commerce based upon
575 the availability of recovered resources for recycling and reuse shall be
576 coordinated to the extent practicable with plans and activities of
577 Connecticut Innovations, Incorporated with due consideration given to
578 the secondary materials industries operating within the state of
579 Connecticut.

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

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

589 state-wide solid waste management plan, applicable statutes and
590 regulations and the requirements of this chapter;

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

594 (6) The directors of the authority may by resolution, in accordance
595 with the provisions and stipulations of this chapter and the authority's
596 general and other bond resolutions, authorize both the segregation of
597 such authority revenues as may at any time be adjudged by said
598 directors to be surplus to the needs of the authority to meet its
599 contractual and other obligations and to provide for its operations or
600 other business purposes, and the equitable redistribution of such
601 segregated surplus revenues to some or all of the users of the system in
602 accordance with applicable provisions of the [state] state-wide solid
603 waste management plan;

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

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

622 management services and capabilities of authority projects available by
623 contract to any municipal or regional authority or private person or
624 institution at reasonable fees or charges to be established by the
625 authority for such services.

626 (b) Any municipal or regional authority having a solid waste
627 management plan that is required, pursuant to the provisions of
628 chapter 446b, to be in conformity with the [state] state-wide solid
629 waste management plan, and which municipal or regional plan
630 provides that the disposition of the solid wastes of said municipality or
631 region shall be accomplished through the use of state or regional
632 facilities providing adequate resources recovery and large-scale waste
633 disposal processing, is hereby authorized to enter into a long-term
634 contract for such services with the authority, to pay any reasonable
635 fees and charges established by the authority for such services, and,
636 further, to pledge the full faith and credit of the municipal or regional
637 authority for the payment of such fees and charges.

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

647 (d) Prior to the adoption, amendment or repeal of any procedure
648 prescribed in subsection (c) of this section, or of any procedure that
649 would adversely affect the operations or affairs of any municipality or
650 municipal or regional authority, the authority shall provide notice of
651 and opportunity for a hearing on such intended action in accordance
652 with subsection (e) of this section. Any municipality or municipal or
653 regional authority may petition the authority with respect to the
654 promulgation, amendment or repeal of such procedure, in accordance

655 with a form and procedure prescribed by the authority for the
656 submission, consideration and disposition of such petition, including
657 adequate provision for notice and hearing. Within thirty days after the
658 submission of such a petition the directors of the authority shall either
659 deny said petition in writing, stating the reasons for such denial, or
660 shall order the initiation of proceedings in accordance with subsection
661 (e) of this section.

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

677 (f) Any municipal or regional authority is also authorized [hereby]
678 under this section to borrow from the authority such sums of money as
679 may be necessary to establish a solid waste management project or
680 projects, or a disposal facility, volume reduction plant or disposal area
681 whenever such municipal or regional authority, in accordance with its
682 approved local plan conforming to the [state] state-wide solid waste
683 management plan, is not required to utilize the services of a state or
684 regional waste management project for the disposal of its wastes. Any
685 such loan may be made on the basis of a long-term loan agreement or
686 service contract between such municipal or regional authority and the
687 solid waste authority, and as collateral for such loan a municipal or
688 regional authority may pledge its full faith and credit, or an applicable

689 portion of the charges levied or revenues received for municipal or
690 regional waste disposal, or both. Any municipal or regional authority
691 is also [hereby] under this section authorized to contract with the
692 authority for planning, design, financing, construction and operation
693 and maintenance services by the authority or by any person under
694 contract with the authority, of a waste management project, facility or
695 disposal area to be used to provide for the disposal of wastes and the
696 recovery of resources within said municipality or region and to
697 contract for any payment in lieu of taxes to be made with respect to
698 such project, facility or disposal area in accordance with the intentions
699 and provisions of this chapter and the [state] state-wide solid waste
700 management plan. All required payments of fees and charges, interest
701 on loans, principal of loans and necessary fees and assessments related
702 thereto required under any contract or agreement entered into
703 pursuant to the provisions of this section, are considered expenditures
704 for public purposes by a municipal or regional authority and,
705 notwithstanding the provisions of any other law, any necessary
706 general or special taxes or cost-sharing or other assessments may be
707 levied or collected by [said] such municipal or regional authority for
708 the purpose of making such required payments.

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

720 (h) The authority, when performing services on behalf of or
721 providing a waste management project for any municipal or regional
722 authority pursuant to this section, shall be considered eligible to

723 receive on behalf of such municipal or regional authority any state
724 grants for which [said] such municipal or regional authority may be
725 ordinarily eligible under chapter 446d, or any other law, rule or
726 regulation of the state. The proceeds of any such grant shall be applied
727 by the authority to reduce the costs of the services or project being
728 provided.

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

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

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

755 Sec. 17. Section 22a-212 of the general statutes is repealed and the

756 following is substituted in lieu thereof (*Effective from passage*):

757 The commissioner shall make grants for providing financial
758 assistance to municipal and regional authorities for the preparation of
759 solid waste management [plan] plans. The grant to each municipal
760 authority shall equal ten per cent of the nonfederal portion of the cost
761 of preparing the plans. An additional ten per cent shall be paid for
762 each additional municipality included in the plan, but not more than
763 seventy per cent of the total cost of the nonfederal portion being
764 granted by the commissioner to a regional authority.

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
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

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:*** None***Municipal Impact:*** None***Explanation***

The bill eliminates various certification and reporting requirements that are not anticipated to result in a fiscal impact to the Department of Energy and Environmental Protection (DEEP).

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 240****AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.****SUMMARY:**

This bill eliminates:

1. an energy efficiency certification requirement for manufacturers of certain new products already certified in California (§ 2),
2. a requirement that the Department of Energy and Environmental Protection (DEEP) commissioner identify solid waste facilities available for municipalities without landfills or certain disposal contracts (§ 20), and
3. two requirements that DEEP submit reports on the state's electronics recycling program to the Environment Committee (§ 4).

The bill also repeals an obsolete statute that (1) requires the preparation of a temporary state solid waste management plan and solid waste management plans in certain municipalities with closed landfills and (2) allows the DEEP commissioner to issue guidelines to help municipalities develop solid waste management plans (§ 20).

It also makes technical and conforming changes (§§ 1-19).

EFFECTIVE DATE: Upon passage, except for the electronics recycling program provision, which takes effect October 1, 2014 and a conforming change, which takes effect January 1, 2015.

§ 2 — ENERGY EFFICIENT PRODUCT CERTIFICATION

By law, manufacturers of certain new products (e.g., electronics and appliances) must certify to the DEEP commissioner that the products meet state energy efficiency standards. The bill removes this requirement for products certified in California with the California Energy Commission.

The law requires the commissioner to publish an annual list of certified products. Under the bill, this list must (1) be published on the department's website and (2) indicate the products certified in California and those that comply with the commissioner's adopted energy efficiency standards.

§ 20 — IDENTIFYING SOLID WASTE FACILITIES

The bill eliminates a requirement that the DEEP commissioner identify solid waste facilities with capacity to accept solid waste from a municipality without a landfill or certain disposal contracts. Current law requires him to do this when the chief executive officer of a municipality without a landfill or contract for disposal at a waste-to-energy plant or incinerator requests it.

§ 4 — ELECTRONICS RECYCLING PROGRAM REPORTS

Current law requires the DEEP commissioner to, every three years, prepare an electronics recycling plan (1) establishing collection and recycling goals and (2) identifying actions needed to achieve them. He must also prepare an annual report on the electronics recycling program's status.

The bill eliminates the requirement that a copy of the plan and report be submitted to the Environment Committee. It requires the annual report to be posted on the department's website as is currently required for the recycling plan.

§§ 1, 3, 5-16, 18-20 — SOLID WASTE MANAGEMENT PLANS

Temporary State Solid Waste Management Plan

Current law requires the DEEP commissioner to prepare a temporary state solid waste management plan that is effective until a

subsequent statewide plan is adopted. The statewide solid waste management plan was adopted in 1991 and amended in 2006. The bill repeals the temporary plan requirement and replaces references to the temporary plan with ones to the current statewide plan.

Municipal Solid Waste Management Plans

The bill also repeals a requirement that municipalities with landfills to be closed by October 1, 1986 submit solid waste management plans to the DEEP commissioner and regional planning agencies for review and approval.

BACKGROUND

Related Bill

sSB 357, favorably reported by the Energy and Technology Committee, contains a similar provision removing the certification requirement for certain products already certified as energy efficient in California.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/07/2014)