AN ACT AUTHORIZING CERTAIN ADVANCED RECYCLING INDUSTRY FACILITIES.

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

Section 1. Section 22a-207 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

For the purposes of this chapter and chapter 103b:

(1) "Commissioner" means the Commissioner of Energy and Environmental Protection or his authorized agent;

(2) "Department" means the Department of Energy and Environmental Protection;

(3) "Solid waste" means unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control
facility. "Solid waste" does not mean post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at an advanced recycling facility prior to conversion;

(4) "Solid waste facility" means any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility;

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

(6) "Solid waste disposal area" means any location, including a landfill or other land disposal site, used for the disposal of more than ten cubic yards of solid waste. For purposes of this subdivision, "disposal" means the placement of material at a location with the intent to leave it at such location indefinitely, or to fail to remove material from a location within forty-five days, but does not mean the placement of material required to be recycled under section 22a-241b in a location on the premises of a recycling facility, provided such facility is in compliance with all requirements of state or federal law and any permits required thereunder;

(7) "Recycling" means the processing of solid waste to reclaim material therefrom;

(8) "Recycling facility" or "recycling center" means land and appurtenances thereon and structures where recycling is conducted, including but not limited to, an intermediate processing center as defined in section 22a-260;

(9) "Resources recovery facility" means a facility that combusts municipal solid waste to generate electricity;
(10) "Waste conversion facility" means a facility that uses thermal, chemical or biological processes to convert solid waste, including, but not limited to, municipal solid waste, into electricity, fuel, gas, chemical or other products and that is not a facility that combusts mixed municipal solid waste to generate electricity;

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

(12) "Municipality" means any town, city or borough within the state;

(13) "Municipal authority" means the local governing body having legal jurisdiction over solid waste management within its corporate limits which shall be, in the case of any municipality which adopts a charter provision or ordinance pursuant to section 7-273aa, the municipal resource recovery authority;

(14) "Regional authority" means the administrative body delegated the responsibility of solid waste management for two or more municipalities which have joined together by creating a district or signing an interlocal agreement or signing a mutual contract for a definitive period of time;

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

(16) "Solid waste management plan" means an administrative and financial plan for an area which considers solid waste storage, collection, transportation, volume reduction, recycling, reclamation and disposal practices for a twenty-year period, or extensions thereof;
(17) "Municipal collection" means solid waste collection from all residents thereof by a municipal authority;

(18) "Contract collection" means collection by a private collector under a formal agreement with a municipal authority in which the rights and duties of the respective parties are set forth;

(19) "Solid waste planning region" means those municipalities within the defined boundaries of regional councils of governments or as prescribed in the state solid waste management plan;

(20) "Biomedical waste" means infectious waste, pathological waste and chemotherapy waste generated during the administration of medical care or the performance of medical research involving humans or animals and which, because of its quantity, character or composition, has been determined by the commissioner to require special handling but excluding any solid waste which has been classified by the department as a hazardous waste pursuant to section 22a-115 or is a radioactive material regulated pursuant to section 22a-148;

(21) "Generator of biomedical waste" means any person who owns or operates a facility that produces biomedical waste in any quantity, including, but not limited to the following: General hospitals, skilled nursing facilities or convalescent hospitals, intermediate care facilities, chronic dialysis clinics, free clinics, health maintenance organizations, surgical clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians' offices, veterinarians, dental offices and funeral homes. Where more than one generator is located in the same building, each individual business entity shall be considered a separate generator;

(22) "Biomedical waste treatment facility" means a solid waste facility capable of storing, treating or disposing of any amount of biomedical waste, excluding any facility where the only biomedical waste treated, stored or disposed of is biomedical waste generated at the site and any licensed acute care facility or licensed regional household hazardous waste collection facility accepting untreated solid waste generated during the administration of medical care in a single or multiple family
household by a resident of such household;

(23) "Throughput" means the amount of municipal solid waste processed by a resources recovery facility determined by dividing the average annual tonnage of municipal solid waste by three hundred sixty-five days;

(24) "Municipal solid waste" means solid waste from residential, commercial and industrial sources, excluding solid waste consisting of significant quantities of hazardous waste as defined in section 22a-115, land-clearing debris, demolition debris, biomedical waste, sewage sludge and scrap metal;

(25) "Wood-burning facility" means a facility, as defined in section 16-50i, whose principal function is energy recovery from wood for commercial purposes. "Wood-burning facility" does not mean a biomass gasification plant that utilizes land clearing debris, tree stumps or other biomass that regenerates, or the use of which will not result in a depletion of, resources;

(26) "Person" has the same meaning as in subsection (b) of section 22a-2;

(27) "Closure plan" means a comprehensive written plan, including maps, prepared by a professional engineer licensed by the state that details the closure of a solid waste disposal area and that addresses final cover design, stormwater controls, landfill gas controls, water quality monitoring, leachate controls, postclosure maintenance and monitoring, financial assurance for closure and postclosure activities, postclosure use and any other information that the commissioner determines is necessary to protect human health and the environment from the effects of the solid waste disposal areas;

(28) "Designated recyclable item" means an item designated for recycling by the Commissioner of Energy and Environmental Protection in regulations adopted pursuant to subsection (a) of section 22a-241b, or designated for recycling pursuant to section 22a-208v or 22a-256;
(29) "Composting facility" means land, appurtenances, structures or equipment where organic materials originating from another process or location that have been separated at the point or source of generation from nonorganic material are recovered using a process of accelerated biological decomposition of organic material under controlled aerobic or anaerobic conditions;

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

(31) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, liquid fuels and other products, including, but not limited to, waxes and lubricants, through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis and other similar technologies. "Advanced recycling" does not mean solid waste management, solid waste disposal, energy recovery, treatment, resource recovery, incineration or combustion;

(32) "Advanced recycling facility" means a facility that receives, stores and converts post-use polymers and recovered feedstocks using advanced recycling into recycled products including, but not limited to, monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings and other basic hydrocarbons. "Advanced recycling facility" does not mean solid waste disposal facility, solid waste disposal area, resource recovery facility, volume reduction plant, waste conversion facility, waste-to-energy facility, transfer station, combustion facility or incinerator;

(33) "Depolymerization" means a manufacturing process through which post-use polymers are broken into smaller molecules, including, but not limited to, monomers and oligomers, or raw, intermediate or
final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings and other basic hydrocarbons;

(34) "Gasification" means a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and converted into raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, diesel and gasoline blendstocks, home heating oil and other fuels, including, but not limited to, ethanol and transportation fuel, that are returned to economic utility in the form of raw materials, products or fuels;

(35) "Post-use polymer" means a plastic that (A) is derived from residential, industrial, commercial, institutional or agricultural activities, (B) is not mixed with solid waste or hazardous waste on site or during processing at an advanced recycling facility, (C) has a use or intended use as a feedstock for the manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials or other intermediate products or final products using advanced recycling, (D) has been sorted from solid waste and other regulated waste, but may contain residual amounts of solid waste, including, but not limited to, organic material, and incidental contaminants or impurities, including, but not limited to, paper labels and metal rings, and (E) is processed at an advanced recycling facility or held at an advanced recycling facility prior to processing;

(36) "Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, then cooled, condensed and converted into raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, diesel and gasoline blendstocks, home heating oil and other fuels including, but not limited to, ethanol and transportation fuel, that are returned to economic utility in the form
of raw materials, products or fuels;

(37) "Recovered feedstock" means one or more of the following materials that have been processed to be used as feedstock in an advanced recycling facility: (A) Post-use polymers, or (B) materials for which the United States Environmental Protection Agency has made a non-waste determination pursuant to 40 CFR 241.3(c) or has otherwise determined are feedstocks and not solid waste. "Recovered feedstock" does not include unprocessed municipal solid waste and is not mixed with solid waste or hazardous waste on site or during processing at an advanced recycling facility;

(38) "Solvolysis" means a manufacturing process, including, but not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis and glycolysis, through which post-use polymers are reacted with the aid of solvents while heated at low temperatures or pressurized to make products, including, but not limited to, monomers, intermediates and raw materials, while allowing additives and contaminants to be separated.

Sec. 2. Section 22a-208c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) No person shall receive, dispose of, or process solid waste or transport solid waste for disposal or processing at any solid waste facility, volume reduction plant, solid waste disposal area, recycling facility or recycling center, transfer station or biomedical waste facility unless such facility, plant, area, center or station complies with the provisions of section 22a-208a.

(b) The provisions of this section shall not apply to post-use polymers, as defined in section 22a-207, as amended by this act, or recovered feedstocks, as defined in section 22a-207, as amended by this act, that are transported to or received, disposed of, processed, converted or held prior to conversion at an advanced recycling facility, as defined in section 22a-207, as amended by this act.
Sec. 3. Section 22a-208e of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) The owner or operator of each resources recovery facility and each solid waste disposal area shall submit a report to the Commissioner of Energy and Environmental Protection quarterly with respect to the calendar quarter beginning on October 1, 1989, and each calendar quarter thereafter, on or before the last day of the month immediately following the end of each quarter. Such report shall be on a form prescribed by the commissioner and shall provide such information the commissioner deems necessary, including but not limited to, the amount of solid waste, by weight or other method acceptable to the commissioner, received from each municipal or other customer. Such report shall also include for each Connecticut municipality the total amount of solid waste originating therefrom. The owner or operator shall submit to each such municipality a copy of all such information pertaining to the municipality. If precise data are not available, the owner or operator may use a method of estimating acceptable to the commissioner.

(b) The commissioner may require the owner or operator of any other solid waste facility and, consistent with the requirements of subsection (c) of this section and section 22a-208f, the owner or operator of any recycling facility to report the information specified in subsection (a) in the manner set forth in said subsection. Such requirement shall be made by written notification to the owner or operator of the facility.

(c) The owner or operator of any recycling facility which receives for processing or sale the following items generated from within the boundaries of a Connecticut municipality: (1) Cardboard, (2) glass, food and beverage containers, (3) leaves, (4) metal food and beverage containers, (5) newspapers, (6) storage batteries, (7) waste oil, (8) plastic food and beverage containers, and (9) office paper, shall report for each such item the information specified in subsection (a) of this section in the manner set forth in said subsection. If a municipality or collector of recyclable items delivers any of the items listed in this subsection to a
recycling facility which is not located in this state, such municipality or
collector shall notify the commissioner of the name and address of the
owner or operator of such facility and shall ensure, by contract, that such
good has notice of and complies with the reporting requirements of
this section. As used in this section, "office paper" means used or
discarded white or manila paper including, but not limited to, paper
utilized for file folders, tab cards, writing, typing, printing, computer
printing and photocopying, which paper is suitable for recycling, but
does not mean office paper generated by households.

(d) The provisions of this section shall not apply to the owner or
operator of an advanced recycling facility, as defined in section 22a-207,
as amended by this act.

Sec. 4. Section 22a-208i of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2022):

(a) Notwithstanding any provision of this chapter, or chapter 446e or
446k, any facility where the sole business or activity conducted is
composting of leaves or composting of leaves with the addition of grass
clippings at a ratio of not less than 3.0 leaves to 1.0 grass clippings, shall
be exempt from the requirements of sections 22a-208a and 22a-430. The
commissioner may adopt regulations in accordance with the provisions
of chapter 54 concerning facilities for the composting of leaves or leaves
with the addition of grass clippings. Such regulations shall, without
limitation, provide for the design, operation and monitoring of and
reporting from such facilities.

(b) The commissioner may, by regulations adopted in accordance
with chapter 54, exempt categories or classes of recycling facilities from
the requirements of said section 22a-208a or 22a-430 provided such
exemption would not adversely affect the environment and would
advance the objectives of the solid waste management plan adopted and
revised under sections 22a-228 and 22a-241a and the municipal solid
waste recycling plan adopted under section 22a-241. No person or
municipality may operate or continue to operate a recycling facility
without permits issued under said section 22a-208a or 22a-430 unless such person or municipality first files with the commissioner a written request for exemption under the regulations adopted under this section.

(c) The provisions of subsection (a) of this section exempting facilities composting leaves or composting leaves with the addition of grass clippings and the provisions of subsection (b) of this section exempting recycling facilities from the requirements of section 22a-208a shall not be construed to relieve such facilities from the obligation to comply with any other provision of this chapter or chapter 446e, including, but not limited to, operational requirements and other applicable requirements of regulations adopted under section 22a-209.

(d) Notwithstanding any provision of this chapter, chapter 446e or subsection (b) of section 22a-208i, as amended by this act, an advanced recycling facility shall be exempt from the requirements of section 22a-208a. An advanced recycling facility and the products and byproducts of advanced recycling shall comply with all applicable environmental rules and regulations relating to manufacturing facilities.

Sec. 5. Section 22a-220 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) Each municipal authority shall make provisions for the safe and sanitary disposal of all solid wastes which are generated within its boundaries, including septic tank pumpings, sludge from water pollution abatement facilities and water supply treatment plants, solid residues and sludge from air pollution control facilities and solid wastes from commercial, industrial, agricultural and mining operations, and its share of the solid waste remaining after any recycling facility holding a permit has processed its solid waste, but excluding wastes which are toxic or hazardous. Solid waste generated by any recycling facility holding a permit shall be apportioned to each municipality by weight in direct proportion to the solid waste received from each municipality. No municipality shall be responsible for any hauling costs resulting from the residue from such recycling facility. The recycling facility shall be
responsible to pay tipping fees for returned residue at the uniform rate
annually established by the solid waste facility for the appropriate
category of recycling residue. Such disposal may be in areas within its
own boundaries or arrangements

may be made for disposing of these wastes in any other municipality.
The safe and sanitary disposal of toxic or hazardous wastes shall be the
responsibility of the generator and shall be accomplished in a manner
approved by the commissioner. In complying with this section, a
municipal authority may, by action of its legislative body, provide for
the levying of a charge for the disposal, processing or sale of solid wastes
brought to a disposal facility or facilities or to a facility or facilities for
the processing or sale of recyclable items designated pursuant to section
22a-241b, or pursuant to a municipal ordinance or other enforceable
legal instrument, which facilities shall be provided by said municipal
authority, by persons other than those in the employ of the municipality
while in the course of such employment.

(b) Each recycling facility shall maintain records necessary to make
the determinations required under subsection (a) of this section. Such
records shall include, but not be limited to, the amount of solid waste
derived from each municipality and the amount of residue apportioned
to each municipality.

(c) Any municipality, or its agent, whose solid waste is processed at
a recycling facility, or any solid waste facility which accepts residue
from a recycling facility may, at any reasonable time, inspect the
recycling facility, including any records concerning the amount of solid
waste received and residue returned.

(d) If any municipality, regional authority or regional solid waste
facility fails to receive proper residue allocation, it may institute and
maintain a civil action for injunctive relief in any court of competent
jurisdiction to require proper residue allocation. The court shall have the
power to grant such injunctive relief upon notice and hearing.

(e) Nothing in this section shall be construed to abrogate or in any
way interfere with any agreement entered into by any municipal
authority with another municipality prior to April 9, 1976.

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

(g) A municipality may contract with a municipal authority, another
municipality, a regional entity, the Materials Innovation and Recycling
Authority, a nonprofit organization, a private contractor or any
combination thereof for assistance in complying with the requirements
of this section.
(h) On or before September 30, 2010, and annually thereafter, each municipality, or its designated regional agent, shall provide a report to the Commissioner of Energy and Environmental Protection describing the measures taken during the preceding year to meet its obligations under this section. The commissioner shall provide each municipality with a form for such report by July 1, 2010. Such form may be amended from time to time. Such report shall include, but not be limited to, (1) a description of the efforts made by the municipality to promote recycling, (2) a description of its efforts to ensure compliance with separation requirements, (3) an identification of the first destinations that received solid waste, including recyclable material generated in the municipality's borders, and (4) the actual or estimated amount of such disposed solid waste and recyclable material that has been delivered to a first destination that is out of state or a Connecticut end user. If such amounts of recyclable material or solid waste are unknown to the municipality, the municipality shall provide the commissioner with the contact information of the collector who transported such recyclable material or municipal solid waste. For the purposes of this subsection, "collector" has the same meaning as in section 22a-220a.

(i) Each municipality shall designate a municipal or regional agent to receive from collectors of solid waste and recyclable items and from operators of resources recovery facilities and solid waste facilities the notices required to be sent to the municipality pursuant to section 22a-220c.

(j) On and after January 1, 1991, the commissioner may issue an order, in accordance with the procedures set forth in section 22a-225, to enforce the requirements of this section and section 22a-241e. If the commissioner determines that a municipality is making insufficient progress in implementing a recycling program he may issue a notice of recycling program deficiency. Thirty days after issuance of said notice the commissioner shall meet with the chief executive officer of the municipality to discuss the deficiency, the municipality's explanations thereof and remedial steps. The municipality at such meeting may cite impediments to the accomplishment of recycling program goals.
including, but not limited to, the following: The availability of markets; the availability of local processing systems; the availability of regional processing centers; the desirability of alternate utilization techniques; impacts on public health or the environment associated with recycling; or severe economic impact. If the commissioner, after considering such impediments, determines deficiencies still exist which should be remedied, he shall give the municipality further notice and an opportunity to implement remedial steps within ninety days of the receipt of such notice. If after expiration of the ninety-day remedial period, the commissioner determines that the municipal recycling program remains deficient in meeting statutory requirements he may hold a hearing and issue an order. No such order which imposes a duty on the municipality to appropriate funds for the budget of such municipality so as to comply with the order shall be effective earlier than the first fiscal year beginning after five months following the date of issuance of such order.

(k) The provisions of this section shall not apply to an advanced recycling facility, as defined in section 22a-207, as amended by this act, post-use polymers, as defined in section 22a-207, as amended by this act, or recovered feedstocks, as defined in section 22a-207, as amended by this act.

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

| Section 1 | October 1, 2022 | 22a-207 |
| Sec. 2    | October 1, 2022 | 22a-208c |
| Sec. 3    | October 1, 2022 | 22a-208e |
| Sec. 4    | October 1, 2022 | 22a-208i |
| Sec. 5    | October 1, 2022 | 22a-220 |

**Statement of Purpose:**
To authorize certain advanced recycling facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]