



House of Representatives

General Assembly

File No. 580

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Substitute House Bill No. 6664

House of Representatives, April 13, 2023

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MANAGING WASTE AND CREATING A WASTE AUTHORITY.

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this
2 section:

3 (1) "Break-even point" means the minimum number of reuses after
4 which a covered material designed for reuse is environmentally
5 preferable to a comparable covered material intended for discard after
6 a single use;

7 (2) "Commissioner" means the Commissioner of Energy and
8 Environmental Protection;

9 (3) "Covered materials" means packaging, packaging-like products
10 and paper materials. "Covered materials" does not include any material
11 that could become unsafe or unsanitary to recycle by virtue of the
12 anticipated use of the material or design of the material, as provided for

13 in the stewardship plan approved pursuant to this section;

14 (4) "Department" means the Department of Energy and
15 Environmental Protection;

16 (5) "Packaging" means any container or material used for the
17 containment, protection, handling, delivery or presentation of goods
18 that are intended for the consumer market, including through an
19 Internet transaction. "Packaging" does not include: (A) Any container or
20 material used for the multiyear protection or storage of a product; (B)
21 any beverage container subject to the provisions of section 22a-243 of
22 the general statutes; (C) any container for architectural paint, as defined
23 in section 22a-904 of the general statutes, that is recycled through a paint
24 stewardship program that is in operation and that has been approved
25 by the department pursuant to section 22a-904a of the general statutes;
26 or (D) any other containers or materials collected through any other
27 stewardship program;

28 (6) "Packaging-like products" means the following products that are
29 intended for the consumer market, including through an Internet
30 transaction, that are not packaging and are ordinarily discarded after a
31 single use or short-term use, whether or not they could be reused: (A)
32 Food containers, including, but not limited to, take-out food containers,
33 (B) foil and wraps, (C) bags, (D) boxes, (E) straws and items used to stir
34 beverages, (F) utensils, plates, bowls and cups, (G) party supplies, and
35 (H) objects purchased by or supplied to consumers expressly for the
36 purpose of protecting, containing or transporting commodities or
37 products;

38 (7) "Packaging stewardship program" or "program" means a program
39 implemented under this section by a responsible party or stewardship
40 organization;

41 (8) "Paper materials" means paper that is not packaging and that is
42 printed with text or graphics or intended to be printed with text or
43 graphics as a medium for communicating information, including, but
44 not limited to: (A) Newsprint and inserts; (B) magazines and catalogs;

45 (C) paper used for copying, writing or other general use; (D) telephone
46 directories; (E) flyers; (F) brochures; and (G) booklets. "Paper materials"
47 does not include bound reference, literary or textbooks;

48 (9) "Stewardship plan" or "plan" means a plan described in subsection
49 (e) of this section that describes the manner in which a packaging
50 stewardship program will be administered and operated;

51 (10) "Post-consumer recycled material" means a material or product
52 that was made or manufactured from materials that have completed
53 their intended end use and product life cycle, from households or by
54 commercial, industrial or institutional facilities and that have been
55 separated from the solid waste stream for the purposes of collection and
56 recycling;

57 (11) "Post-consumer recycled content" means the amount of post-
58 consumer recyclable material used in the manufacture or production of
59 a new product. "Post-consumer recycled content" does not include
60 preconsumer or post-industrial secondary material, including, but not
61 limited to, by-products or materials generated from, and commonly
62 used within, an original manufacturing and fabrication process;

63 (12) "Reasonable rate" means the funding rate calculated and
64 dispersed by a responsible party or stewardship organization using a
65 formula approved by the Commissioner of Energy and Environmental
66 Protection and that may vary for: (A) Any municipality that elects to
67 collect, transport, process and market covered materials through its own
68 municipal crew or fleet, (B) any municipality that elects to provide for
69 collection, transportation, processing and marketing of covered
70 materials through a contract with a service provider, or (C) a service
71 provider that collects, transports, processes and markets covered
72 materials through a subscription. "Reasonable rate" for a municipality
73 includes consideration of (i) the cost to collect, transport, process and
74 market covered materials, (ii) the cost to collect and transport covered
75 materials, container rental and fund staff at a transfer station, and (iii)
76 population density of the municipality;

77 (13) "Recycling" means the transforming or remanufacturing of a
78 covered material or a covered material's components and by-products
79 into usable or marketable materials in lieu of virgin materials.
80 "Recycling" does not include landfill disposal, incineration, energy
81 recovery or energy generation by means of combustion, or final
82 conversion to a fuel, of a covered material or covered material's
83 components and by-products. "Recycling" for plastics includes a
84 feedstock that is converted to a raw material that is used for the
85 manufacture of new products;

86 (14) "Recycled" means: (A) For sorted glass, that such material does
87 not require further processing before entering a glass furnace or before
88 use in the production of filtration media, abrasive materials, glass fiber
89 insulation or construction materials; (B) for sorted metal, that such
90 material does not require further processing before entering a smelter
91 or furnace; (C) for sorted paper, that such material does not require
92 further processing before entering a pulping operation; and (D) for
93 sorted plastic, that such material does not require further processing
94 before entering a pelletization, extrusion or molding operation or, in the
95 case of plastic flakes, that such material does not require further
96 processing before use in a final product;

97 (15) "Responsible party" means any person that is determined to be
98 the responsible party for a covered material, as described in subsection
99 (b) of this section;

100 (16) "Retailer" means any person who sells or offers for sale a product
101 to a consumer, including sales made through an Internet transaction to
102 be delivered to a consumer in this state;

103 (17) "Reuse" or "reusable" means, with respect to a covered material,
104 that the covered material (A) is capable of being refilled or reused for its
105 original purpose and the responsible party or a designated third party
106 for that covered material provides a program for the consumer to refill
107 the covered material; or (B) the responsible party or a designated third
108 party for that covered material provides a program where the covered
109 material is collected and refilled or reused by the responsible party or

110 another responsible party, provided such program meets or exceeds any
111 recovery, recycling and reuse performance goals established pursuant
112 to this section and such covered materials are designed to be reused and
113 refilled within the material's life cycle to the break-even point with a
114 comparable discarded covered material; and

115 (18) "Stewardship organization" means a nonprofit organization,
116 association or entity that assumes the responsibilities, obligations and
117 liabilities under this section of multiple responsible parties for covered
118 materials.

119 (b) The responsible party for a covered material shall be determined
120 as follows:

121 (1) For covered materials sold, offered for sale or distributed at a
122 physical retail location in the state: (A) The responsible party is the
123 person who manufactures the covered material or good sold in covered
124 material if the covered material or good is sold under the manufacturer's
125 own brand or is sold in covered materials that lack identification of a
126 brand; (B) if the covered material or good is manufactured by a person
127 other than the brand owner, the responsible party is the person that is
128 the licensee of a brand or trademark under which the covered material
129 or good is used in a commercial enterprise, sold, offered for sale or
130 distributed in or into this state, whether or not the trademark is
131 registered in this state; and (C) if there is no person described in
132 subparagraph (A) or (B) of this subdivision within the United States, the
133 responsible party is the person that imports the covered material or
134 good into the United States for use in a commercial enterprise that sells,
135 offers for sale or distributes the covered material or good into this state.

136 (2) For covered materials sold or distributed in or into this state via
137 remote sale or distribution: (A) The responsible party for a covered
138 material used to directly protect or contain a good, whether or not the
139 good is a covered material, is the same as the responsible party for
140 purposes of subdivision (1) of this subsection, and (B) the responsible
141 party for the covered material used to ship a good to a consumer,
142 whether or not the good is a covered material, is the person that offers

143 the good for sale or distribution if there is not otherwise an identified
144 brand that appears on the covered material.

145 (c) On or before January 1, 2025, any responsible party or stewardship
146 organization authorized to operate and administer a program on its
147 behalf that intends to submit a stewardship plan pursuant to subsection
148 (e) of this section shall register with the Commissioner of Energy and
149 Environmental Protection, provided any responsible party or
150 stewardship organization operating on behalf of responsible parties
151 may submit a registration for approval to the commissioner in
152 accordance with this subsection after January 1, 2025. A responsible
153 party shall only participate in one stewardship organization for each of
154 such party's type of covered material. Such registration shall be on a
155 form prescribed by the commissioner and shall: (1) Identify each
156 responsible party that intends to authorize the stewardship
157 organization to operate and administer a program on its behalf, (2)
158 provide the name, address and contact information of any person
159 responsible for ensuring the responsible party or stewardship
160 organization and the responsible parties that have authorized the
161 stewardship organization to operate a program on such parties' behalf
162 comply with the requirements of this section, and (3) describe a scope of
163 work for a study conducted by a third party that the responsible party
164 or stewardship organization intends to fund to assess recycling and
165 covered materials management needs in the state. Such scope of work
166 may build on the plan developed pursuant to section 22a-228 of the
167 general statutes to assess (A) the current rates of recycling for each
168 covered material with regard to the performance goals described in this
169 section, to the extent available, (B) current funding needs affecting
170 recycling access and availability in the state, (C) the capacity, costs and
171 needs associated with the collection, transportation and processing of
172 covered materials in the state, (D) the net cost of end-of-life management
173 of discarded covered materials, including the cost of collection,
174 transportation and processing of recyclables and municipal solid waste
175 incinerated or landfilled inside or outside the state, (E) the availability
176 of opportunities in the recycling and reuse systems for minority and
177 women-owned businesses, (F) barriers affecting recycling access and

178 availability in the state, (G) barriers to the marketability of recyclable
179 materials generated in the state, (H) opportunities for the creation of
180 packaging reuse and refill programs in the state, and (I) consumer
181 education needs in the state with respect to recycling and reducing
182 contamination in collected covered materials. The commissioner shall
183 make a determination whether to approve the scope of work required
184 by subdivision (3) of this subsection. In the event that the commissioner
185 disapproves such scope of work because it does not meet the
186 requirements of said subdivision, the commissioner shall notify, in
187 writing, the responsible party or stewardship organization of the
188 reasons for disapproval. The responsible party or stewardship
189 organization shall revise and resubmit the scope of work to the
190 commissioner not later than thirty days after receipt of notice of the
191 commissioner's disapproval notice. Not later than thirty days after
192 receipt of the revised scope of work, the commissioner shall review and
193 approve or disapprove the revised scope of work, and provide a notice
194 of determination to the responsible party or stewardship organization.
195 The responsible party or stewardship organization may resubmit a
196 revised scope of work to the commissioner for approval on not more
197 than one occasion. If the responsible party or stewardship organization
198 fails to submit a scope of work that is acceptable to the commissioner
199 because it does not meet the requirements of subdivision (3) of this
200 subsection, the commissioner shall modify a submitted scope of work to
201 make it conform to the requirements of said subdivision and approve it.
202 In deciding whether to approve any such scope of work, the
203 commissioner may consider prior registrations submitted by any
204 responsible party or stewardship organization. After the commissioner
205 approves a scope of work for a study, the responsible party or
206 stewardship organization shall cause such study to be conducted.

207 (d) (1) Not later than one hundred eighty days after a responsible
208 party or stewardship organization registers with the Commissioner of
209 Energy and Environmental Protection, the responsible party or
210 stewardship organization shall establish and nominate members to an
211 advisory committee to advise and provide comment to the responsible
212 party or stewardship organization regarding any plan prior to approval,

213 and any substantive changes to a program prior to submission in
214 accordance with the provisions of this section. Such advisory committee
215 shall meet not less than once a year or more frequently as needed, and
216 shall review any plans, revisions to a plan or substantive changes to a
217 plan prior to submission of such plan, revisions or changes to the
218 commissioner in accordance with the provisions of this section. The
219 advisory committee shall assume the responsibilities assigned to it
220 under this section for any and all subsequent responsible parties or
221 stewardship organizations.

222 (2) Any such advisory committee shall include, at a minimum (A) the
223 Commissioner of Energy and Environmental Protection, or the
224 commissioner's designee, (B) a representative from a municipal
225 association or municipal government, (C) a representative of a regional
226 or municipal waste management program, (D) an individual with
227 expertise in the development of recycling markets, (E) a representative
228 of a materials recycling facility located in the state, (F) a representative
229 of waste haulers or a regional waste management and recycling
230 organization, (G) a representative of a state-wide retail association, (H)
231 a representative of a nonprofit environmental advocacy organization, (I)
232 a representative of a community-based organization or an organization
233 representing equity and underrepresented stakeholders, (J) a
234 representative of a nonprofit organization dedicated to litter cleanup,
235 (K) an individual with expertise in environmental and human health,
236 (L) a representative of a manufacturer of packaging, (M) a
237 representative of a material supplier, and (N) a representative of
238 responsible parties.

239 (3) The Commissioner of Energy and Environmental Protection shall
240 approve all nominations to any such advisory committee and may add
241 new members to such advisory committee at the commissioner's
242 discretion. The commissioner may not approve an advisory committee
243 member to fulfill more than one of the membership categories provided
244 for in subdivision (2) of this subsection.

245 (e) On or before January 1, 2026, a responsible party or a stewardship

246 organization authorized to operate and administer a program on behalf
247 of responsible parties shall submit a stewardship plan for the
248 establishment of a packaging stewardship program described in this
249 subsection to the Commissioner of Energy and Environmental
250 Protection for approval. Any such packaging stewardship program
251 shall: (1) Minimize public sector involvement in the management of
252 covered materials, (2) to the greatest extent technologically feasible and
253 economically practical, manage covered materials in accordance with
254 the sustainable materials management priority provided for in
255 subsection (b) of section 22a-228 of the general statutes, (3) minimize
256 greenhouse gas emissions from the life cycles of covered materials and
257 from program operation, (4) negotiate and execute agreements to
258 collect, transport and process covered materials using environmentally
259 sound management practices, (5) provide for convenient and accessible
260 state-wide collection of covered materials that shall be at least as
261 convenient as the collection methods used as of the effective date of this
262 section, (6) ensure meaningful and continuous improvement of the
263 program, (7) develop and equitably assign to responsible parties a fee
264 sufficient to cover the costs of operating and administering the program
265 consistent with the requirements of this section, (8) provide technical
266 assistance to municipalities, regional associations, waste and recycling
267 collectors, transporters and processors and any other entity that
268 participates in the packaging stewardship program, as needed to
269 achieve compliance with the performance goals described in this
270 section, (9) provide for investment in existing and future reuse
271 programs, recycling infrastructure and end-market development in the
272 state, as needed to achieve compliance with the performance goals
273 described in this section, (10) provide consistent and ongoing outreach,
274 education and communication to consumers throughout the state
275 regarding participation in the program, and (11) for covered materials,
276 ensure compliance with sections 22a-255h to 22a-255m, inclusive, of the
277 general statutes and ensure continuous and meaningful reduced
278 toxicity of covered materials.

279 (f) Any stewardship plan submitted pursuant to this section shall be
280 submitted on a form prescribed by the Commissioner of Energy and

281 Environmental Protection and shall: (1) Identify each responsible party
282 that authorized the stewardship organization to operate and administer
283 the program on the party's behalf and the brands and types of covered
284 materials of the responsible parties participating in the stewardship
285 organization, (2) provide the name, address and contact information of
286 each person responsible for ensuring the stewardship organization and
287 the responsible parties that have authorized the stewardship
288 organization to operate such program on their behalf in compliance
289 with the provisions of this section, (3) include the results from the study
290 conducted pursuant to subsection (c) of this section, (4) describe how
291 the program will fund the net costs associated with the collection,
292 transportation, processing and marketing of covered materials,
293 including payments to public and private entities at a reasonable rate,
294 (5) propose state-wide performance goals, and a justification for each
295 goal, for each type of covered material sold in the state to be achieved
296 not later than five years after the implementation date of the program.
297 Such performance goals shall be technologically feasible and
298 economically practical and shall include (A) a minimum reduction rate
299 measured as the total reduction in the weight of each type of covered
300 material, (B) a minimum reuse rate measured as the total weight of each
301 type of covered material exempted from the program through transition
302 to a reuse program, (C) a minimum recovery rate measured as the total
303 weight of each type of covered material divided by the tons of such type
304 of covered material recovered through collection, (D) a minimum
305 recycling rate measured as the total weight of each type of covered
306 material divided by the tons of such type of covered material managed
307 through recycling, (E) a minimum post-consumer recycled content rate
308 measured as the percentage of total tons of each type of covered material
309 manufactured using post-consumer recycled content over a year, and
310 (F) a minimum contamination rate for recycling collection measured as
311 the percentage of total covered materials collected divided by the
312 weight of covered materials disposed after collection, (6) describe the
313 general process for state-wide, year-round convenient and accessible
314 collection and transportation of covered materials, including collection
315 from residences, multifamily apartment buildings, public spaces and

316 transfer stations and other residential recycling collection locations.
317 Such collection shall be at least as convenient as the system utilized as
318 of the effective date of this section and shall be provided at no cost to
319 residences and multifamily apartment buildings from which covered
320 materials are collected. Accessible collection of covered materials shall
321 include arrangement for the diverse physical and language needs of a
322 certain population, (7) describe how collected covered materials will be
323 marketed, including the names of contracted facilities and end markets.
324 For any covered material that will be marketed for use through a
325 method other than mechanical recycling, the plan shall describe: (A)
326 How the proposed method will affect the ability of the material to be
327 recycled into feedstock for the manufacture of new products, (B) how
328 the proposed method will affect the types and amounts of plastic
329 recycled for food and pharmaceutical-grade applications, (C) any
330 applicable air, water and waste permitting compliance requirements,
331 and (D) an analysis of the environmental impacts for the proposed
332 method compared to the environmental impacts of mechanical
333 recycling, incineration and landfill disposal as solid waste, (8) describe
334 how the program will provide technical assistance to municipalities,
335 regional associations, waste and recycling collectors, transporters and
336 processors and other entities that participate in the stewardship
337 program, (9) describe how the program will abate covered materials
338 litter in the state. Such program shall not include payments for litter
339 cleanup, but may include, but not be limited to, grants to nonprofits for
340 litter collection programs in the state, sponsorships and serving as
341 advisors to such nonprofits and litter prevention, reduction and
342 education programs, (10) describe how the program intends to provide
343 consistent and ongoing outreach, education and communication to
344 consumers throughout the state regarding participation in the program.
345 To the greatest extent feasible, the program shall ensure that any
346 educational materials developed for the program have consistent
347 branding and are consistent with RecycleCT Foundation educational
348 messaging and materials, and that educational materials are developed
349 to have applicability to all residents of the state, including, but not
350 limited to, residents with varying methods of collection of covered

351 materials, residents with multilingual needs, residents who live in
352 single-family or multifamily housing and residents who are
353 underserved by traditional methods of communication, (11) describe
354 how the program intends to provide for investment in existing and
355 future reuse programs, recycling infrastructure and end-market
356 development in the state, (12) include a description of a closure plan that
357 shall ensure that in the event the stewardship organization ceases to
358 exist or the commissioner suspends or revokes approval of an
359 implemented plan, the funds held by the stewardship organization will
360 (A) remain within a separate fund until the commissioner renews
361 approval of a plan, or (B) be transferred to a successor stewardship
362 organization, (13) if more than one responsible party or stewardship
363 organization registers with the commissioner to carry out the
364 requirements of this section, describe how each responsible party or
365 stewardship organization that submits a plan for approval intends to
366 collaborate with other responsible parties or product stewardship
367 organizations in the state, (14) describe how the responsible party or
368 stewardship organization intends to address the program needs
369 assessed through the approved study conducted pursuant to subsection
370 (c) of this section, and (15) include any other information required by
371 the commissioner.

372 (g) Nothing in this section shall preclude additional responsible
373 parties or stewardship organizations authorized to operate and
374 administer a program on behalf of responsible parties from submitting
375 plans for approval to the commissioner in accordance with this section
376 after January 1, 2025, provided a responsible party shall authorize only
377 one stewardship organization per type of covered material.

378 (h) Any stewardship organization, authorized by a responsible party
379 to operate and administer a program on its behalf, shall establish a fee
380 structure that covers, but does not exceed, the costs of (1) developing the
381 plan described in subsection (f) of this section, (2) operating and
382 administering the program described in subsection (e) of this section,
383 and (3) maintaining a financial reserve sufficient to operate the program
384 over a multiyear period of time in a fiscally prudent and responsible

385 manner. Such stewardship organization may update the fee schedule no
386 more than annually as needed, or as directed by the Commissioner of
387 Energy and Environmental Protection if the commissioner determines
388 that the modulations are insufficient to incentivize program or covered
389 materials redesign. Such fee schedule shall: (A) Reflect a responsible
390 party's share of covered materials sold in the state, (B) provide for a flat-
391 fee option to be assessed on a tiered basis such that any responsible
392 party other than a responsible party that is exempt and that generates
393 less than fifteen tons of covered materials in a calendar year, is required
394 to pay not more than five hundred dollars per ton of covered materials
395 to the stewardship organization pursuant to this subsection, regardless
396 of the type of covered material, and (C) for responsible parties that are
397 not exempt, reflect the cost to collect, process and market the type of
398 covered material sold in the state by a responsible party. Such fee
399 structure shall include, but not be limited to, modulations to payments
400 in a manner that incentivizes, through reduced fees, the following: (i)
401 The use of covered materials that have a longer life span, (ii) the use of
402 post-consumer recycled content in covered materials, (iii) increased
403 recyclability of covered materials, (iv) lower toxicity in covered
404 materials, (v) a reduction in the amount of covered materials used, (vi)
405 a reduction in the amount of a responsible party's covered materials in
406 litter, (vii) labeling of covered materials in such a way that reduces
407 consumer confusion, (viii) the use of covered materials that are recycled
408 in a country listed as a member of the Organization for Economic
409 Cooperation and Development, (ix) the use of covered materials that do
410 not disrupt recycling processes, and (x) the use of covered materials that
411 have lower associated greenhouse gas emissions.

412 (i) Nothing in this section shall prohibit a stewardship organization
413 from establishing and requiring by private agreement or contract the
414 payment of other fees associated with a covered material's supply chain
415 by third parties that are not responsible parties.

416 (j) Not later than one hundred eighty days after submission of a plan
417 pursuant to this section, the Commissioner of Energy and
418 Environmental Protection shall make a determination whether to

419 approve such plan. Prior to making such determination, the
420 commissioner shall post the plan on the Department of Energy and
421 Environmental Protection's Internet web site and accept public
422 comments on the plan. In the event that the commissioner disapproves
423 the plan because it does not meet the requirements of this section, the
424 commissioner shall describe the reasons for the disapproval in a notice
425 of determination that the commissioner shall provide to the responsible
426 party or stewardship organization, as applicable. The responsible party
427 or stewardship organization, as applicable, shall revise and resubmit the
428 plan to the commissioner not later than sixty days after receipt of notice
429 of the commissioner's disapproval notice. Not later than forty-five days
430 after receipt of the revised plan, the commissioner shall review and
431 approve or disapprove the revised plan and notify, in writing, the
432 responsible party or stewardship organization whether the revised plan
433 was approved or disapproved, and if disapproved, indicate the reasons
434 for disapproval. The responsible party or stewardship organization may
435 resubmit a revised plan to the commissioner for approval on not more
436 than two occasions. If the responsible party or stewardship organization
437 fails to submit a plan that is acceptable to the commissioner because it
438 does not meet the requirements of this section, the commissioner shall
439 modify a submitted plan to make it conform to the requirements of this
440 section and approve it. Not later than one hundred eighty days after the
441 approval of a plan pursuant to this section, the responsible party or
442 stewardship organization, as applicable, shall implement the approved
443 plan for a packaging stewardship program. In deciding whether to
444 approve any such plan, the commissioner may consider any of the
445 following: (1) The extent to which the advice and comments provided
446 by the advisory committee to the stewardship organization regarding
447 the plan and the process by which the stewardship organization intends
448 to include advice and comments regarding future program expansions
449 and improvements and the operation of the program were included in
450 the plan, (2) the ambition and achievability of performance goals in such
451 plan subdivision, including: (A) The specificity of material types, and
452 (B) the performance goals set in other jurisdictions, (3) the timeliness
453 and effectiveness of the plan to achieve the requirements of this section,

454 (4) whether the funding mechanism described in the plan by the
455 stewardship organization is reasonable and adequate to fund the costs
456 of such program in accordance with the provisions of this section, and
457 (5) the extent to which the plan adequately promotes the sustainable
458 materials management priority set forth in subsection (b) of section 22a-
459 228 of the general statutes and moves covered materials higher up the
460 sustainable materials management prioritization.

461 (k) Each responsible party or stewardship organization, as
462 applicable, shall submit any proposed substantive changes to a program
463 to the Commissioner of Energy and Environmental Protection for
464 approval and present said substantive changes to the applicable
465 advisory committee for comment. For the purposes of this subsection,
466 "substantive change" means: (1) A change in the processing facilities to
467 be used for covered materials collected pursuant to the program, or (2)
468 a material change to the system for collecting, transporting or
469 processing covered materials.

470 (l) Not later than three years after the implementation date of a
471 program, each responsible party or stewardship organization, as
472 applicable, shall submit updated performance goals to the
473 Commissioner of Energy and Environmental Protection that are based
474 on the experience of the program during the first three years of the
475 program.

476 (m) Each responsible party or stewardship organization, as
477 applicable, shall notify the Commissioner of Energy and Environmental
478 Protection of other material changes to such program on an ongoing
479 basis, without resubmission of the plan to the commissioner for
480 approval. Such changes shall include, but not be limited to, any change
481 in the composition, officers or contact information of such responsible
482 party or stewardship organization, as applicable.

483 (n) On and after the implementation date of a stewardship program
484 pursuant to this section, a responsible party's covered materials may not
485 be sold in the state unless the covered materials are managed under an
486 approved stewardship plan and the responsible party has submitted all

487 required information and fees to any applicable stewardship
488 organization that is authorized to operate and administer a program on
489 such party's behalf. Any new covered materials sold at retail or sold or
490 distributed through remote sale after the implementation date of a
491 stewardship program pursuant to this section shall be reported to the
492 Commissioner of Energy and Environmental Protection by such
493 stewardship organization. No retailer or distributor shall be found to be
494 in violation of the provisions of this subsection if, on the date the
495 covered material was ordered from the responsible party or its agent,
496 the responsible party was listed on the Department of Energy and
497 Environmental Protection's Internet web site in accordance with the
498 provisions of this section.

499 (o) Not later than October fifteenth of each year, each responsible
500 party or stewardship organization authorized to operate and administer
501 a stewardship program pursuant to this section shall submit an annual
502 report to the Commissioner of Energy and Environmental Protection on
503 a form prescribed by the commissioner. The commissioner shall post
504 such annual report on the Department of Energy and Environmental
505 Protection's Internet web site. Such report shall include: (1) A list of
506 responsible parties and the brands and types of covered materials of the
507 responsible parties participating in any such stewardship organization,
508 (2) the tonnage, by type, of covered materials sold in the state by
509 responsible parties during the prior year, (3) progress made toward
510 achieving the performance goals and an evaluation of the effectiveness
511 of methods and processes used to achieve such performance goals of the
512 program, (4) a description of how such stewardship organization
513 intends to improve the program in line with performance goals, if such
514 evaluation demonstrates the program is not achieving the approved
515 performance goals, (5) the tonnage, by type, of covered materials
516 managed through: (A) Recycling, (B) disposal, and (C) any other
517 method, (6) a description of how the processes, methods and end-
518 markets used to manage each type of covered material promoted the
519 sustainable materials management priority in subsection (b) of section
520 22a-228 of the general statutes, including for covered material that was
521 not managed through recycling, (7) a description of the efforts taken by

522 or on behalf of responsible parties or the stewardship organization, as
523 applicable, to minimize environmental and human health impacts
524 throughout the program operation and covered material life cycle and
525 to increase reusability or recyclability at the end of the material's life
526 cycle, (8) identification of covered materials that could be designed to
527 be refillable or reusable, (9) a detailed description of any strategic
528 investment in reuse and recycling infrastructure and end-market
529 development in the state, (10) the fee schedule developed by the
530 responsible party or stewardship organization, as applicable, for the
531 prior year, and a description of how the fees incentivized collection,
532 processing or redesign of covered materials pursuant to the
533 modulations described in this section, (11) the estimated fee schedule
534 for the next year, including the expected fee rate changes based on shifts
535 in material value, (12) a description of covered material litter abatement
536 efforts taken by, on behalf of, or funded by, the responsible party or
537 stewardship organization, as applicable, (13) a description of the
538 outreach, education and communication efforts taken by, on behalf of,
539 or funded by, the responsible party or stewardship organization, as
540 applicable, (14) recommendations for changes to the program, and (15)
541 any other information requested by the commissioner.

542 (p) Two years after the implementation of a stewardship program
543 pursuant to this section and every two years thereafter, or upon the
544 request of the Commissioner of Energy and Environmental Protection
545 but not more frequently than once per year, each responsible party or
546 stewardship organization, as applicable, authorized to operate and
547 administer a stewardship program pursuant to this section shall cause
548 an audit of the program to be conducted by an independent auditor.
549 Such audit shall review the accuracy of the responsible party or
550 stewardship organization's data concerning the program and provide
551 any other information requested by the commissioner, consistent with
552 the requirements of this section. Such audit shall be paid for by the
553 responsible party or stewardship organization, as applicable. The
554 responsible party or stewardship organization, as applicable, shall
555 maintain all records relating to any such: (1) Audit, (2) annual report
556 prepared or submitted pursuant to this section, and (3) such

557 stewardship program for not less than three years.

558 (q) The Commissioner of Energy and Environmental Protection may
559 require a plan to be reviewed or revised at any time if the commissioner
560 (1) has reason to believe the performance goals set pursuant to this
561 section are not being met or followed by a responsible party or
562 stewardship organization, as applicable, (2) has reason to believe the
563 performance goals set pursuant to this section are insufficient to drive
564 increased improvement in the stewardship program, or (3) determines
565 a change in circumstances warrants revision of the plan. The
566 commissioner may rescind approval of a stewardship plan at any time.

567 (r) A responsible party is exempt from the requirements of this
568 section if the responsible party: (1) Would otherwise be considered a
569 responsible party but is responsible for less than one ton of covered
570 materials per year in the state, (2) has a gross annual revenue of less than
571 two million dollars, or (3) is a municipality.

572 (s) If a responsible party can demonstrate to the satisfaction of the
573 applicable stewardship organization that a type of covered material sold
574 in the state by such responsible party achieved an eighty-five per cent
575 or greater recycling rate in the state during the prior calendar year, the
576 stewardship organization may reduce the fees owed by the responsible
577 party under this section to an amount that represents no more than the
578 costs associated with the collection and transportation for recycling in
579 the state of that type of covered material. Any reduced fees owed by a
580 responsible party pursuant to this subsection shall remain subject to the
581 adjustments described in this section.

582 (t) The Commissioner of Energy and Environmental Protection shall
583 exempt a covered material from the fee payment established in this
584 section if a responsible party can demonstrate to the commissioner that
585 said covered material is managed through a viable reuse program. In
586 order to obtain such exemption, the responsible party shall provide the
587 commissioner, on a form prescribed by the commissioner, with
588 information that demonstrates (1) such viability, necessity and
589 environmental benefit, and (2) how the responsible party intends to

590 recover and recycle reusable covered material at the end of the
591 material's life. The responsible party shall report to the commissioner
592 any substantive changes to such reuse program. The commissioner may
593 rescind an exemption issued pursuant to this subsection if the approved
594 reuse program no longer conforms to the information submitted by the
595 responsible party pursuant to this subsection.

596 (u) The Commissioner of Energy and Environmental Protection shall
597 not require the disclosure of any information that the commissioner
598 finds to be confidential information. For purposes of this subsection,
599 "confidential information" means any information that if made public
600 would divulge competitive business information, methods or processes
601 entitled to protection as trade secrets of such responsible party or
602 stewardship organization or information that would reasonably hinder
603 the responsible party or stewardship organization's competitive
604 advantage in the marketplace.

605 (v) Not later than three years after the approval of any stewardship
606 plan pursuant to this section, the Commissioner of Energy and
607 Environmental Protection shall submit a report, in accordance with the
608 provisions of section 11-4a of the general statutes, to the joint standing
609 committee of the General Assembly having cognizance of matters
610 relating to the environment that describes the results of the applicable
611 packaging stewardship program and that recommends modifications to
612 improve the functioning and efficiency of any such program, as
613 necessary.

614 (w) Not later than the implementation date of any stewardship
615 program authorized pursuant to this section, the Department of Energy
616 and Environmental Protection shall list the names of participating
617 responsible parties and the brands covered by such stewardship
618 program on the department's Internet web site.

619 (x) The Department of Energy and Environmental Protection shall
620 maintain online public records of registered stewardship organizations,
621 stewardship plans and plan amendments approved pursuant to this
622 section, annual reports submitted by the responsible party or

623 stewardship organization, as applicable, to the department, annual
624 reports by the department to the General Assembly and any other
625 information the department determines relevant to the provisions of
626 this section.

627 (y) Each responsible party or stewardship organization authorized to
628 operate and administer a stewardship program approved pursuant to
629 this section shall maintain a public Internet web site that shall, at a
630 minimum, provide the following information: (1) Each responsible
631 party that has authorized a stewardship organization to operate and
632 administer the stewardship program on its behalf and the brands and
633 types of covered materials of the responsible parties participating in
634 such packaging stewardship organization, and (2) all applicable plans
635 approved pursuant to this section, annual reports and audit results.

636 (z) Each responsible party, retailer or stewardship organization,
637 including a responsible party's, retailer's or stewardship organization's
638 officers, members, employees and agents that organize a packaging
639 stewardship program pursuant to this section shall be immune from
640 liability for the responsible party's, retailer's or stewardship
641 organization's conduct under state laws relating to antitrust, restraint of
642 trade, unfair trade practices and any other regulation of trade or
643 commerce only to the extent necessary to plan and implement the
644 responsible party's, retailer's or stewardship organization's stewardship
645 program in accordance with the provisions of this section.

646 (aa) Not later than July 1, 2024, the Commissioner of Energy and
647 Environmental Protection shall establish reasonable fees for
648 administering the program described in this section. All fees charged
649 shall be based on factors relative to the costs of administering such
650 program and shall fully cover but not exceed expenses incurred by the
651 commissioner for the implementation of such program, including
652 administrative fees associated with sections 22a-255h to 22a-255m,
653 inclusive, of the general statutes.

654 (bb) For covered materials collected, transported, processed or
655 marketed by a municipality directly or through a municipal contract

656 with a private service provider or where a municipality directly or
657 through a municipal contract with a service provider provides for
658 collection, transportation, processing or marketing of covered materials
659 from public spaces or operates a transfer station, the municipality may
660 elect to: (1) Continue provision of service without reimbursement, (2)
661 continue provision of service for a reimbursement at a reasonable rate
662 from a responsible party or stewardship organization authorized to
663 operate and administer a program pursuant to this section, or (3) if a
664 municipality does not elect to provide service, a responsible party or
665 stewardship organization authorized to operate and administer a
666 stewardship program pursuant to this section shall be responsible for
667 contracting with a private service provider for services and shall be
668 responsible for calculating and dispersing funding at a reasonable rate
669 for collection, transportation, processing and marketing by said private
670 service provider.

671 (cc) In the event that another state implements a stewardship
672 program for covered materials, or similar materials, a stewardship
673 organization authorized pursuant to this section may collaborate across
674 states to conserve efforts and resources used in carrying out a packaging
675 stewardship program, provided such collaboration is consistent with
676 the requirements of this section.

677 (dd) Packaging stewardship program costs shall not include covered
678 materials collected and managed through a municipal solid waste
679 disposal program but shall include materials collected and disposed
680 from a facility processing covered materials for recycling. Any
681 stewardship organization may establish standards for collection,
682 processing and marketing of covered materials, whether pursuant to a
683 contract or agreement with a municipality or service provider.

684 (ee) Any person who violates any provision of this section shall be
685 assessed a civil penalty not to exceed twenty-five thousand dollars, to
686 be fixed by the Superior Court, for each offense. Each violation shall be
687 a separate and distinct offense and, in the case of a continuing violation,
688 each day's continuance of such violation shall be deemed to be a

689 separate and distinct offense. The Attorney General, upon request of the
690 Commissioner of Energy and Environmental Protection, shall institute
691 a civil action in the superior court for the judicial district of Hartford to
692 recover such penalty.

693 (ff) Whenever, in the judgment of the Commissioner of Energy and
694 Environmental Protection, any person has engaged in or is about to
695 engage in any act, practice or omission that constitutes, or will
696 constitute, a violation of any provision of this section, the Attorney
697 General may, at the request of the commissioner, bring an action in the
698 superior court for the judicial district of Hartford to enjoin such act,
699 practice or omission and to seek an order of appropriate remedial
700 measures. Upon a showing by the commissioner that such person has
701 engaged in or is about to engage in such act, practice or omission, the
702 court may issue an order mandating compliance with the provisions of
703 this section, a permanent or temporary injunction, a restraining order or
704 other order, as appropriate.

705 (gg) If two or more persons are responsible for a violation of the
706 provisions of this section, such persons shall be jointly and severally
707 liable under this section.

708 (hh) Any action brought by the Attorney General pursuant to this
709 section shall have precedence in the order of trial as provided in section
710 52-191 of the general statutes.

711 (ii) Upon the effective date of a covered material's stewardship
712 program, the state intends to occupy the field of regulation for such
713 covered material's stewardship program consistent with the provisions
714 of this section. A local government may not adopt an ordinance
715 establishing, requiring the establishment of or otherwise regulating
716 stewardship programs for covered materials and, from the effective date
717 of such program, any ordinance or regulation that violates the
718 provisions of this subsection shall be void and has no force or effect.

719 (jj) Nothing in this section shall be construed to impact an entity's
720 eligibility for any state or local incentive or assistance program to which

721 such entity is otherwise eligible.

722 (kk) The Department of Energy and Environmental Protection may
723 opt in to a regional or national collaborative, in lieu of the requirements
724 in this section, if the regional or national program addresses the same or
725 similar covered materials and purpose of this section.

726 (ll) At such time as an enforceable federal covered materials
727 stewardship program is implemented, not later than one hundred
728 eighty days after the effective date of such federal program, the
729 Department of Energy and Environmental Protection shall determine
730 the applicability of such federal program with the requirements of this
731 section and may adopt participation in such federal program, in lieu of
732 the requirements of this section if the federal program addresses the
733 same or similar covered materials and purpose of this section.

734 (mm) No registered stewardship organization shall create any
735 unreasonable barrier for participation by responsible parties in such
736 stewardship organization.

737 (nn) Nothing in this section shall be construed to prohibit a person
738 who is not a responsible party from voluntarily participating in a
739 stewardship organization provided such person complies with all
740 requirements of this section.

741 (oo) The Department of Energy and Environmental Protection may
742 suspend or revoke a responsible party or stewardship organization's
743 approved plan if the department determines that (1) a violation or
744 repeated violations of this section occurred, or (2) such a violation had
745 a material impact on the implementation and administration of the
746 responsible party's or stewardship organization's plan.

747 (pp) Notwithstanding any provision of this section, the provisions of
748 this section shall not take effect until the October first following the date
749 that the Commissioner of Energy and Environmental Protection
750 recognizes the occurrence of both of the following: (1) Four states, not
751 including this state, enact a mandatory consumer packaging

752 stewardship law that is consistent with the provisions of this section,
753 provided one such state borders Connecticut; and (2) the aggregate
754 population of such states located in the northeast region of the United
755 States that have enacted a mandatory consumer packaging stewardship
756 law that is consistent with this section exceeds twenty million based on
757 2020 census figures.

758 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) For purposes of this
759 section:

760 (1) "Department" means the Department of Energy and
761 Environmental Protection;

762 (2) "Commissioner" means the Commissioner of Energy and
763 Environmental Protection;

764 (3) "Beverage" means any potable liquid for human consumption,
765 unless used, designed or otherwise intended for use as infant formula,
766 medical food, medical beverage, food for special dietary use or as
767 fortified oral nutritional supplements;

768 (4) "Food for special dietary use" has the same meaning as provided
769 in 21 USC Section 105.3;

770 (5) "Medical food" and "infant formula" have the same meanings as
771 provided in the federal Food, Drug, and Cosmetic Act, 21 USC 21
772 Section 301 et seq.;

773 (6) "Plastic" means a manufactured or synthetic material made from
774 linking monomers through a chemical reaction to create a polymer chain
775 that can be molded or extruded at high heat into various solid forms;

776 (7) "Plastic beverage container" means any individual, sealable,
777 separate bottle, can, jar, carton or other container that is made of plastic
778 and intended to contain a beverage of not more than two gallons in
779 capacity. "Plastic beverage container" does not include any refillable
780 beverage container, including any container that is sufficiently durable
781 for multiple rotations of such container's original or similar purpose and

782 that is intended to function in a system of reuse;

783 (8) "Post-consumer recyclable material" means a material or product
784 generated by households or by commercial, industrial or institutional
785 facilities in the role of an end-user of the material or product that can no
786 longer be used for its intended purpose or that was returned from the
787 distribution chain and has been separated from the solid waste stream
788 for the purpose of collection and recycling;

789 (9) "Post-consumer recycled content" means the amount of post-
790 consumer recyclable material used in the manufacture or production of
791 a new product. "Post-consumer recycled content" does not include
792 preconsumer or post-industrial secondary waste material, including,
793 but not be limited to, materials and by-products generated from and
794 commonly used within an original manufacturing and fabrication
795 process;

796 (10) "Producer" means any person responsible for compliance with
797 minimum post-consumer recycled content requirements for a plastic
798 beverage container, including: (A) Any owner or licensee of a brand or
799 trademark for a plastic beverage container that is sold under such
800 owner's or licensee's owned or licensed brand or trademark regardless
801 of whether such trademark is registered in this state; (B) the
802 manufacturer of a plastic beverage container that lacks identification of
803 a brand at the point of sale or the person who manufactures such plastic
804 beverage container; and (C) if there is no other person described in this
805 subsection over whom the state can constitutionally exercise
806 jurisdiction, the person who imports or distributes the plastic beverage
807 container in or into the state;

808 (11) "Manufacturer" means any person that produces or generates a
809 plastic beverage container. "Manufacturer" does not include: (A) Any
810 government agency, municipality or other political subdivision of the
811 state, (B) any organization registered under Section 501(c)(3) or 501(c)(4)
812 of the Internal Revenue Code, or (C) any producer that annually sells,
813 offers for sale, distributes or imports into the country for sale in this state
814 (i) less than one ton of plastic beverage containers each year, or (ii)

815 plastic beverage containers that, in aggregate, generate less than one
816 million dollars each year in sales in the state; and

817 (12) "Person" has the same meaning as provided in section 22a-2 of
818 the general statutes.

819 (b) On and after July 1, 2025, any plastic beverage container offered
820 for sale or distributed in this state shall contain not less than fifteen per
821 cent post-consumer recycled content.

822 (c) On and after July 1, 2028, any plastic beverage container offered
823 for sale or distributed in this state shall contain not less than twenty-five
824 per cent post-consumer recycled content.

825 (d) On and after July 1, 2033, any plastic beverage container offered
826 for sale or distributed in this state shall contain not less than fifty per
827 cent post-consumer recycled content.

828 (e) On or before February 1, 2027, the commissioner, in accordance
829 with section 11-4a of the general statutes, shall submit to the joint
830 standing committee of the General Assembly having cognizance of
831 matters relating to the environment a report reviewing the minimum
832 post-consumer recycled content requirements of this section. Such
833 report shall include, but need not be limited to: (1) A determination of
834 whether the requirements of this section are achievable; (2) any
835 recommendations on whether the percentages contained in this section
836 require adjustment; and (3) any recommendations for the expansion of
837 post-consumer recycled content requirements to other packaging or
838 product categories and the attendant percentage requirements
839 recommended for each packaging or product category.

840 (f) Each producer shall achieve compliance with the post-consumer
841 recycled content requirements in this section based upon the portion of
842 such content, by weight, on average for each plastic beverage container.
843 The calculation of such average may be based on a producer's entire
844 plastic beverage container product line or by the separate product lines,
845 provided all of the producer's products are accounted for in such

846 calculation and all individual products with post-consumer recycled
847 content that are used in such calculation are sold in this state. Each
848 producer may include in such calculation the weight and material
849 content of liners, bladders, caps, lids, labels and any other packaging
850 component provided the inclusion of any such component included in
851 any annual report required by this section.

852 (g) On or before July 1, 2025, and annually thereafter, each producer
853 that offers for sale, sells, or distributes plastic beverage containers in or
854 into the state shall register with the commissioner, individually, or
855 through a third-party representative that registers with the
856 commissioner on behalf of a group of producers, in a form and manner
857 prescribed by the commissioner. Each producer or representative shall
858 remit an annual registration fee in an amount to be determined by the
859 commissioner. Such fee shall be scaled to reflect the market share of any
860 such producer or representative, adequate to cover the department's
861 cost to implement, administer, monitor and enforce the provisions of
862 this section and used exclusively for such purposes. The commissioner
863 may modify the amount of such annual registration fee, as necessary, to
864 reflect updated implementation costs. The registration information
865 submitted to the commissioner pursuant to this section shall include: (1)
866 A list of the producers of plastic beverage containers and the brand
867 names of the plastic beverage containers represented in the registration
868 submittal; (2) the average percentage of post-consumer recycled content
869 for plastic beverage containers sold into the state during the previous
870 twelve-month period; and (3) proof of a third party's certification of
871 compliance with the post-consumer recycled content requirements for
872 plastic beverage containers, as described in subsection (h) of this section.

873 (h) Beginning July 1, 2026, and annually thereafter, each producer
874 shall provide third-party certification of the minimum post-consumer
875 recycled content of all plastic beverage containers offered for sale in the
876 state, in writing, to the commissioner. Such certification shall be specific
877 to items sold into this state by such producer. If the commissioner
878 determines a certification is acceptable, such certification shall be
879 approved by the commissioner and published on the department's

880 Internet web site. An authorized representative of the producer shall
881 sign the certification. Each producer shall submit such certification, in
882 the form and manner determined by the commissioner, under penalty
883 of perjury. Such certification shall include the amount, in pounds, of
884 plastic, and the amount, in pounds, of post-consumer recycled material
885 used by the producer for any products subject to the requirements of
886 this section, and any other information as the commissioner deems
887 necessary.

888 (i) A producer may seek from the commissioner a waiver from the
889 requirements of this section. In seeking any such waiver, the producer
890 shall set forth the specific basis upon which the waiver is claimed,
891 indicate any applicable timeframe for such waiver request and submit
892 such proof as the commissioner determines to be necessary.

893 (j) The commissioner may participate in the establishment and
894 implementation of a multistate clearinghouse to assist in carrying out
895 the requirements of this section. Any such clearinghouse shall assist in
896 coordinating reviews of producer registrations, waiver requests and
897 certifications, recommend acceptable third-party certifications and
898 implement state reporting activities and any other related functions
899 pursuant to this section. Notwithstanding the requirements of
900 subsection (g) of this section, if the commissioner determines to
901 participate in such a clearinghouse, such participation may provide
902 producers the ability to register on a centralized portal offered by such
903 clearinghouse in lieu of a state-specific portal provided such registration
904 requirement shall not otherwise be affected by the use of any such
905 centralized portal.

906 Sec. 3. (NEW) (*Effective July 1, 2023*) The Commissioner of Energy and
907 Environmental Protection, on behalf of one or more municipalities,
908 municipal authorities or regional solid waste authorities, may issue a
909 request for proposals from providers of existing or proposed solid waste
910 materials management services, including, but not limited to, reuse,
911 recycling and composting, such as anerobic digestion, waste conversion,
912 energy and fuel recovery. From such proposals, the commissioner may

913 select one or more providers of existing or proposed solid waste
914 materials management services and, acting on behalf of and with the
915 consent of one or more municipalities, municipal solid waste authorities
916 or regional solid waste authorities, may enter into an agreement for the
917 management of solid waste from such municipalities or authorities at a
918 facility of such existing or proposed solid waste materials management
919 services. In selecting such proposal, the commissioner may consider all
920 relevant information, including, but not limited to the following factors:
921 (1) Consistency of such proposal with the state's solid waste
922 management plan; (2) the available capacity at an existing or proposed
923 facility; (3) the fee to be charged for the management of such solid waste;
924 (4) where any proposed facility is or will be located; and (5) the
925 likelihood that a proposed facility will be authorized and constructed.
926 Any agreement entered into pursuant to this section for the
927 management of solid waste at a proposed facility shall be contingent on
928 such facility receiving all required state and municipal permits and
929 authorizations and commencing operation by a date specified in such
930 agreement.

931 Sec. 4. Subsection (f) of section 22a-220 of the general statutes is
932 repealed and the following is substituted in lieu thereof (*Effective from*
933 *passage*):

934 (f) (1) On and after January 1, 1991, each municipality shall, consistent
935 with the requirements of section 22a-241b, make provisions for the
936 separation, collection, processing and marketing of items generated
937 within its boundaries as solid waste and designated for recycling by the
938 commissioner pursuant to subsection (a) of section 22a-241b. It shall be
939 the goal to recycle twenty-five per cent of the solid waste generated in
940 each municipality provided it shall be the goal to reduce the weight of
941 such waste by January 1, 2000, by an additional fifteen per cent by
942 source reduction as determined by reference to the state-wide solid
943 waste management plan established in 1991, or by recycling such
944 additional percentage of waste generated, or both. The provisions of this
945 subsection shall not be construed to require municipalities to enforce
946 reduction in the quantity of solid waste. On or before January 1, 1991,

947 each municipality shall: [(1)] (A) Adopt an ordinance or other
948 enforceable legal instrument setting forth measures to assure the
949 compliance of persons within its boundaries with the requirements of
950 subsection (c) of section 22a-241b and to assure compliance of collectors
951 with the requirements of subsection (a) of section 22a-220c, and [(2)] (B)
952 provide the Commissioner of Energy and Environmental Protection
953 with the name, address and telephone number of a person to receive
954 information and respond to questions regarding recycling from the
955 department on behalf of the municipality. The municipality shall notify
956 the commissioner within thirty days of its designation of a new
957 representative to undertake such responsibilities. A municipality may
958 by ordinance or other enforceable legal instrument provide for and
959 require the separation and recycling of other items in addition to those
960 designated pursuant to subsection (a) of section 22a-241b.

961 (2) A municipality may, by the adoption of a municipal ordinance or
962 other enforceable legal instrument to which the municipality is a party,
963 identify recyclable solid wastes not described in subdivision (1) of this
964 subsection, including, but not limited to, food scraps, food processing
965 residues, yard waste and other suitable recyclable organic material for
966 diversion to recycling facilities designed for the processing and
967 beneficial use of such wastes. For the purposes of this section and
968 section 22a-220a, as amended by this act, "food scraps" or "food
969 processing residues" does not include unused food that is suitable for
970 sale or donation for human or animal consumption.

971 Sec. 5. Section 22a-220 of the general statutes is amended by adding
972 subsection (k) as follows (*Effective October 1, 2023*):

973 (NEW) (k) On or before October 1, 2028, each municipality shall make
974 provisions for the separation and collection of food scraps. Each
975 municipality shall require any collector required to register annually
976 pursuant to section 22a-220a, as amended by this act, to separately
977 collect and transport such source separated food scraps to a facility
978 authorized to process food scraps in a manner that promotes a beneficial
979 use.

980 Sec. 6. Subsection (a) of section 22a-220a of the general statutes is
981 repealed and the following is substituted in lieu thereof (*Effective from*
982 *passage*):

983 (a) The legislative body of a municipality may designate the area
984 where solid waste generated within its boundaries by residential,
985 business, commercial or other establishments shall be disposed. The
986 disposal of such solid waste at any other area is prohibited, except that
987 a municipality may approve, in writing, disposal at another area, either
988 within or outside the boundaries of such municipality, prior to disposal.
989 A municipality may refuse to approve disposal at another area if such
990 disposal would adversely affect its solid waste disposal program. The
991 legislative body of a municipality may also designate where the
992 following items generated within its boundaries from residential
993 properties shall be taken for processing or sale: (1) Cardboard, (2) glass,
994 food and beverage containers, (3) leaves, (4) metal food and beverage
995 containers, (5) newspapers, (6) storage batteries, (7) waste oil, [and] (8)
996 plastic food and beverage containers, (9) food scraps, and (10) food
997 processing residues. The processing or sale of such items at any other
998 area shall be prohibited, except that a municipality may approve, in
999 writing, processing or sale elsewhere, either within or outside the
1000 boundaries of such municipality, prior to processing or sale. A
1001 municipality may refuse to approve processing or sale elsewhere if such
1002 processing or sale would adversely affect its recycling program. For
1003 purposes of sections 22a-208e, 22a-208f, 22a-220, as amended by this act,
1004 this section, sections 22a-220c, 22a-241b, 22a-241e, and subsection (c) of
1005 section 22a-241g, residential property means real estate containing one
1006 or more dwelling units but shall not include hospitals, motels or hotels.

1007 Sec. 7. Subdivision (3) of subsection (a) of section 22a-226e of the
1008 general statutes is repealed and the following is substituted in lieu
1009 thereof (*Effective from passage*):

1010 (3) On and after January 1, 2022, each commercial food wholesaler or
1011 distributor, industrial food manufacturer or processor, supermarket,
1012 resort or conference center that is located not more than twenty miles

1013 from either an authorized source-separated organic material
1014 composting facility, authorized transfer station or other collection
1015 location authorized to receive source-separated organic materials, and
1016 that generates an average projected volume of not less than twenty-six
1017 tons per year of source-separated organic materials, shall: (A) Separate
1018 such source-separated organic materials from other solid waste; and (B)
1019 ensure that such source-separated organic materials are recycled at any
1020 authorized source-separated organic material composting facility that
1021 has available capacity and that will accept such source-separated
1022 organic material. On and after January 1, 2025, the requirements of this
1023 subdivision shall additionally apply to each institution. For the
1024 purposes of this section "institution" means any establishment engaged
1025 in providing hospitality, entertainment or rehabilitation and health care
1026 services, and any hospital, local or regional board of education or
1027 correctional facility.

1028 Sec. 8. Section 22a-232 of the general statutes is repealed and the
1029 following is substituted in lieu thereof (*Effective July 1, 2023*):

1030 (a) There shall be paid to the Commissioner of Revenue Services by
1031 the owner of any resources recovery facility one dollar per ton of solid
1032 waste processed at the facility beginning on the date of commencement
1033 of commercial operation of the facility for calendar quarters
1034 commencing on or after October 1, 1987, until September 30, 2003. For
1035 calendar quarters commencing on and after October 1, 2003, the owner
1036 of any resources recovery facility shall pay to the Commissioner of
1037 Revenue Services one dollar and fifty cents per ton of solid waste
1038 processed at such facility.

1039 (b) Each owner of a resources recovery facility subject to the
1040 assessment as provided by this section shall submit a return quarterly
1041 to the Commissioner of Revenue Services, applicable with respect to the
1042 calendar quarter beginning October 1, [1987] 2023, and each calendar
1043 quarter thereafter, on or before the last day of the month immediately
1044 following the end of each such calendar quarter, on a form prescribed
1045 by the commissioner, together with payment of the quarterly

1046 assessment determined and payable in accordance with the provisions
1047 of subsection (a) of this section.

1048 (c) Whenever such assessment is not paid when due, a penalty of ten
1049 per cent of the amount due or fifty dollars, whichever is greater, shall be
1050 imposed, and such assessment shall bear interest at the rate of one per
1051 cent per month or fraction thereof until the same is paid. The
1052 Commissioner of Revenue Services shall cause copies of a form
1053 prescribed for submitting returns as required under this section to be
1054 distributed throughout the state. Failure to receive such form shall not
1055 be construed to relieve anyone subject to assessment under this section
1056 from the obligations of submitting a return, together with payment of
1057 such assessment within the time required.

1058 (d) Any person or municipality liable for the service fee for solid
1059 waste delivered to a facility whose owner is subject to [the] an
1060 assessment imposed by subsection (a) of this section shall reimburse the
1061 owner for any assessment paid for the solid waste delivered by such
1062 person or municipality. [The] Such an assessment shall be a debt from
1063 the person or municipality responsible for paying such service fee to the
1064 owner.

1065 (e) The provisions of sections 12-548 to 12-554, inclusive, and section
1066 12-555a shall apply to the provisions of this section in the same manner
1067 and with the same force and effect as if the language of said sections 12-
1068 548 to 12-554, inclusive, and section 12-555a had been incorporated in
1069 full in this section, except that to the extent that any such provision is
1070 inconsistent with a provision in this section and except that the term
1071 "tax" shall be read as "solid waste assessment".

1072 (f) Two million eight hundred thousand dollars of the proceeds from
1073 the assessments imposed pursuant to subsection (a) of this section shall
1074 be deposited by the Commissioner of Revenue Services into the General
1075 Fund and any remaining funds from such assessments shall be
1076 deposited by the commissioner into the sustainable materials
1077 management account established in section 16-244bb, as amended by
1078 this act.

1079 Sec. 9. Subsection (a) of section 22a-241l of the general statutes is
1080 repealed and the following is substituted in lieu thereof (*Effective from*
1081 *passage*):

1082 (a) For the purposes of this section, ["customer" means a business
1083 and] "collector" means any person offering collection services for solid
1084 waste or designated recyclable [item collection services] items and
1085 "designated recyclable items" means any items designated for recycling
1086 or to be recycled pursuant to: (1) Subsection (a) of section 22a-241b, (2)
1087 section 22a-208v or 22a-256a, or (3) a municipal ordinance or other
1088 enforceable legal instrument to which a municipality is a party.

1089 Sec. 10. (NEW) (*Effective July 1, 2023*) (a) There is established the
1090 Connecticut Waste Authority. The Connecticut Waste Authority shall
1091 constitute a successor authority to the Materials Innovation and
1092 Recycling Authority in accordance with the provisions of sections 4-38d,
1093 4-38e and 4-39 of the general statutes.

1094 (b) Wherever the words "Materials Innovation and Recycling
1095 Authority" are used in any public or special act of 2023 or in the
1096 following sections of the general statutes, the words "Connecticut Waste
1097 Authority" shall be substituted in lieu thereof: 1-79, 1-120, 1-124, 1-125,
1098 3-24d, 3-24f, 7-329a, 12-412, 12-459, 16-1, 16-245, 16-245b, 22a-208a, 22a-
1099 208v, 22a-209h, 22a-219b, 22a-220, as amended by this act, 22a-241, 22a-
1100 260, 22a-263a, 22a-263b, 22a-268a, 22a-268b, 22a-268g, 22a-270a, 22a-
1101 272a, 22a-282, 22a-283, 22a-284, 32-1e and 32-658.

1102 (c) The Legislative Commissioners' Office shall, in codifying the
1103 provisions of this section, make such conforming, technical,
1104 grammatical and punctuation changes as are necessary to carry out the
1105 purposes of this section.

1106 Sec. 11. (NEW) (*Effective July 1, 2023*) (a) In addition to the purposes,
1107 powers and responsibilities vested in the Connecticut Waste Authority
1108 pursuant to chapter 446e of the general statutes, the Connecticut Waste
1109 Authority shall: (1) Identify the immediate environmental needs and
1110 knowledge necessary for future redevelopment of the authority's

1111 properties located at 300 Maxim Road in Hartford and 100 Reserve Road
1112 in Hartford, (2) continue to operate the authority's transfer stations until
1113 acceptable alternatives, operated by entities other than the authority,
1114 become available, as determined by the Commissioner of Energy and
1115 Environmental Protection, and (3) wind down the authority's
1116 operations and activities in an orderly and responsible manner, that
1117 may include, but is not limited to, the marketing and sale of the
1118 authority's surplus real and personal property.

1119 (b) Not later than January 1, 2024, the authority shall submit a report,
1120 in accordance with the provisions of section 11-4a of the general statutes
1121 to the Secretary of the Office of Policy and Management and the joint
1122 standing committees of the General Assembly having cognizance of
1123 matters relating to the environment and planning and development.
1124 Such report shall include a plan and timeline for the activities set forth
1125 in subdivisions (1) to (3), inclusive, of subsection (a) of this section.

1126 (c) The authority and any other state agency may enter into one or
1127 more memoranda of understanding that will facilitate the authority's
1128 purposes, powers and responsibilities under chapter 446e of the general
1129 statutes and subsection (a) of this section, provided any such
1130 memorandum of understanding shall terminate as of June 30, 2025.

1131 Sec. 12. (NEW) (*Effective from passage*) (a) Notwithstanding any
1132 provision of the general statutes, the provisions of sections 10 to 17,
1133 inclusive, of this act shall not be construed to modify the liability of any
1134 person who: (1) Established a resources recovery facility, (2) created a
1135 condition or who is maintaining any such facility or condition that may
1136 reasonably be expected to create a source of pollution to the waters of
1137 the state, or (3) is the certifying party to the transfer of such a facility.

1138 (b) Notwithstanding the requirements of sections 22a-134a to 22a-
1139 134e, inclusive, 22a-134h and 22a-134i of the general statutes, any
1140 conveyance of real property or business operations authorized or
1141 required by the provisions of sections 10 to 17, inclusive, of this act, from
1142 the Materials Innovation and Recycling Authority to the Connecticut
1143 Waste Authority, or from the Connecticut Waste Authority to the

1144 Department of Administrative Services shall not constitute the transfer
1145 of an establishment for purposes of chapter 445 of the general statutes.

1146 (c) (1) Notwithstanding the requirements of section 22a-60 of the
1147 general statutes, upon transfer of ownership or oversight of a permitted
1148 facility owned or operated by the Materials Innovation and Recycling
1149 Authority to the Connecticut Waste Authority any permits or licenses
1150 held by the Materials Innovation and Recycling Authority shall be
1151 deemed to be transferred to the Connecticut Waste Authority and shall
1152 continue in full force and effect.

1153 (2) Notwithstanding the requirements of section 22a-60 of the general
1154 statutes, upon transfer of ownership or oversight of a permitted facility
1155 owner or operated by the Connecticut Waste Authority to the
1156 Department of Administrative Services, any permits or licenses held by
1157 the Connecticut Waste Authority shall be deemed to be transferred to
1158 the Department of Administrative Services and shall continue in full
1159 force and effect.

1160 Sec. 13. (NEW) (*Effective from passage*) The funds possessed by the
1161 Materials Innovation and Recycling Authority, established pursuant to
1162 section 22a-260a of the general statutes, shall not constitute surplus
1163 revenues and shall be deemed necessary to provide support for the
1164 authority's properties systems and facilities, including any
1165 environmental remediation of such properties, systems and facilities.
1166 Such funds shall not be distributed or redistributed to the users of the
1167 authority's services. Users of the authority's services shall be liable for
1168 the environmental remediation costs of the authority's properties,
1169 systems and facilities if, and to the extent, any funds were distributed or
1170 redistributed by the authority to such users on or after January 1, 2023.

1171 Sec. 14. (*Effective July 1, 2023*) Notwithstanding any provision of the
1172 general statutes, the sum of two million dollars shall be transferred from
1173 the resources of the Connecticut Waste Authority and shall be deposited
1174 into a nonlapsing account of the General Fund established by the
1175 Secretary of the Office of Policy and Management. Moneys in the
1176 account shall be allocated in such amounts and at such times as

1177 determined by the Secretary of the Office of Policy and Management to
1178 fund activities related to the provisions of sections 10 to 17, inclusive, of
1179 this act.

1180 Sec. 15. Section 22a-261 of the general statutes is repealed and the
1181 following is substituted in lieu thereof (*Effective July 1, 2023*):

1182 (a) There is hereby established and created a body politic and
1183 corporate, constituting a public instrumentality and political
1184 subdivision of the state of Connecticut established and created for the
1185 performance of an essential public and governmental function, to be
1186 known as the [Materials Innovation and Recycling] Connecticut Waste
1187 Authority. The authority shall not be construed to be a department,
1188 institution or agency of the state.

1189 (b) On and after [June 1, 2002, the] July 1, 2023, the terms of the board
1190 of the Materials Innovation and Recycling Authority shall terminate and
1191 the powers of the [authority] Connecticut Waste Authority shall be
1192 vested in and exercised by a board of directors, which shall consist of
1193 eleven directors as follows: [Three appointed by the Governor, one of
1194 whom is a municipal official of a municipality having a population of
1195 fifty thousand or less and one of whom has extensive, high-level
1196 experience in the energy field; two appointed by the president pro
1197 tempore of the Senate, one of whom is a municipal official of a
1198 municipality having a population of more than fifty thousand and one
1199 of whom has extensive high-level experience in public or corporate
1200 finance or business or industry; two appointed by the speaker of the
1201 House of Representatives, one of whom is a municipal official of a
1202 municipality having a population of more than fifty thousand and one
1203 of whom has extensive high-level experience in public or corporate
1204 finance or business or industry; two appointed by the minority leader
1205 of the Senate, one of whom is a municipal official of a municipality
1206 having a population of fifty thousand or less and one of whom has
1207 extensive high-level experience in public or corporate finance or
1208 business or industry; two appointed by the minority leader of the House
1209 of Representatives, one of whom is a municipal official of a municipality

1210 having a population of fifty thousand or less and one of whom has
1211 extensive, high-level experience in the environmental field. No director
1212 may be a member of the General Assembly. The appointed directors
1213 shall serve for terms of four years each, provided, of the directors first
1214 appointed for terms beginning on June 1, 2002, (1) two of the directors
1215 appointed by the Governor, one of the directors appointed by the
1216 president pro tempore of the Senate, one of the directors appointed by
1217 the speaker of the House of Representatives, one of the directors
1218 appointed by the minority leader of the Senate and one of the directors
1219 appointed by the minority leader of the House of Representatives shall
1220 serve an initial term of two years and one month, and (2) the other
1221 appointed directors shall serve an initial term of four years and one
1222 month. The appointment of each director for a term beginning on or
1223 after June 1, 2004, shall be made with the advice and consent of both
1224 houses of the General Assembly. The Governor shall designate one of
1225 the directors to serve as chairperson of the board, with the advice and
1226 consent of both houses of the General Assembly. The chairperson of the
1227 board shall serve at the pleasure of the Governor. Any appointed
1228 director who fails to attend three consecutive meetings of the board or
1229 who fails to attend fifty per cent of all meetings of the board held during
1230 any calendar year shall be deemed to have resigned from the board. Any
1231 vacancy occurring other than by expiration of term shall be filled in the
1232 same manner as the original appointment for the balance of the
1233 unexpired term. As used in this subsection, "municipal official" means
1234 the first selectman, mayor, city or town manager or chief financial officer
1235 of a municipality, or a municipal employee with extensive public works
1236 or waste management and recycling experience that has entered into a
1237 solid waste disposal services contract with the authority and pledged
1238 the municipality's full faith and credit for the payment of obligations
1239 under such contract.] (1) The Governor, or the Governor's designee, (2)
1240 the Secretary of the Office of Policy and Management, or the secretary's
1241 designee, (3) the Commissioner of Administrative Services, or the
1242 commissioner's designee, (4) the Commissioner of Energy and
1243 Environmental Protection, or the commissioner's designee, (5) the
1244 Commissioner of Economic and Community Development, or the

1245 commissioner's designee, (6) the Commissioner of Public Health, or the
1246 commissioner's designee, (7) one appointed by the president pro
1247 tempore of the Senate, (8) one appointed by the speaker of the House of
1248 Representatives, (9) one appointed by the minority leader of the Senate,
1249 (10) one appointed by the minority leader of the House of
1250 Representatives, and (11) one appointed by the mayor of Hartford.

1251 (c) The Governor, or the Governor's designee, shall serve as the
1252 chairperson and shall, with the approval of the other directors, appoint
1253 a president of the authority who shall be an employee of the authority
1254 and be paid a salary prescribed by the directors. The president shall
1255 supervise the administrative affairs and technical activities of the
1256 authority in accordance with the directives of the board.

1257 (d) Each appointed director shall be entitled to reimbursement for
1258 such director's actual and necessary expenses incurred during the
1259 performance of such director's official duties.

1260 (e) [Directors] Appointed directors may engage in private
1261 employment, or in a profession or business, subject to any applicable
1262 laws, rules and regulations of the state or federal government regarding
1263 official ethics or conflict of interest.

1264 (f) Six directors of the authority shall constitute a quorum for the
1265 transaction of any business or the exercise of any power of the authority.
1266 [, provided, two directors from municipal government shall be present
1267 in order for a quorum to be in attendance.] For the transaction of any
1268 business or the exercise of any power of the authority, and except as
1269 otherwise provided in this chapter, the authority may act by a majority
1270 of the directors present at any meeting at which a quorum is in
1271 attendance. [If the legislative body of a municipality that is the site of a
1272 facility passes a resolution requesting the Governor to appoint a
1273 resident of such municipality to be an ad hoc member, the Governor
1274 shall make such appointment upon the next vacancy for the ad hoc
1275 members representing such facility. The Governor shall appoint, with
1276 the advice and consent of the General Assembly, ad hoc members to
1277 represent each facility operated by the authority provided at least one-

1278 half of such members shall be chief elected officials of municipalities, or
1279 their designees. Each such facility shall be represented by two such
1280 members. The ad hoc members shall be electors from a municipality or
1281 municipalities in the area to be served by the facility and shall vote only
1282 on matters concerning such facility. The terms of the ad hoc members
1283 shall be four years.]

1284 [(g) The board may delegate to three or more directors such board
1285 powers and duties as it may deem necessary and proper in conformity
1286 with the provisions of this chapter and its bylaws. At least one of such
1287 directors shall be a municipal official, as defined in subsection (b) of this
1288 section, and at least one of such directors shall not be a state employee.]

1289 [(h)] (g) Appointed directors may not designate a representative to
1290 perform in their absence their respective duties under this chapter.

1291 [(i) As used in this section, "director" includes such persons so
1292 designated, as provided in this section, and such designation shall be
1293 deemed temporary only and shall not affect any applicable civil service
1294 or retirement rights of any person so designated.]

1295 [(j)] (h) The appointing authority for any director may remove such
1296 director for inefficiency, neglect of duty or misconduct in office after
1297 giving the director a copy of the charges against the director and an
1298 opportunity to be heard, in person or by counsel, in the director's
1299 defense, upon not less than ten days' notice. If any director shall be so
1300 removed, the appointing authority for such director shall file in the
1301 office of the Secretary of the State a complete statement of charges made
1302 against such director and the appointing authority's findings on such
1303 statement of charges, together with a complete record of the
1304 proceedings.

1305 [(k)] (i) The authority shall [continue as long as it has bonds or other
1306 obligations outstanding and until its existence is terminated by law]
1307 terminate on July 1, 2025. Upon the termination of the existence of the
1308 authority, all its rights and properties shall pass to and be vested in the
1309 state of Connecticut in accordance with the provisions of section 17 of

1310 this act.

1311 [(l)] (j) The directors, members and officers of the authority and any
1312 person executing the bonds or notes of the authority shall not be liable
1313 personally on such bonds or notes or be subject to any personal liability
1314 or accountability by reason of the issuance thereof, nor shall any
1315 director, member or officer of the authority be personally liable for
1316 damage or injury, not wanton or wilful, caused in the performance of
1317 such person's duties and within the scope of such person's employment
1318 or appointment as such director, member or officer.

1319 [(m) Notwithstanding any other provision of the general statutes, it
1320 shall not constitute a conflict of interest for a trustee, director, partner or
1321 officer of any person, firm or corporation, or any individual having a
1322 financial interest in a person, firm or corporation, to serve as a director
1323 of the authority, provided such trustee, director, partner, officer or
1324 individual shall abstain from deliberation, action or vote by the
1325 authority in specific respect to such person, firm or corporation.]

1326 Sec. 16. Subsection (b) of section 22a-262 of the general statutes is
1327 repealed and the following is substituted in lieu thereof (*Effective July 1,*
1328 *2023*):

1329 (b) [These] The purposes of this section and subsection (a) of section
1330 11 of this act shall be considered to be operating responsibilities of the
1331 authority, in accordance with the state-wide solid waste management
1332 plan, and are to be considered in all respects public purposes.

1333 Sec. 17. (NEW) (*Effective July 1, 2025*) The Department of
1334 Administrative Services shall constitute a successor agency to the
1335 Connecticut Waste Authority in accordance with the provisions of
1336 subsections (a) to (d), inclusive, and subsection (f) of section 4-38d and
1337 section 4-38e of the general statutes.

1338 Sec. 18. Subsections (a) and (b) of section 16-244bb of the general
1339 statutes are repealed and the following is substituted in lieu thereof
1340 (*Effective from passage*):

1341 (a) There is established an account to be known as the sustainable
1342 materials management account which shall be a separate, nonlapsing
1343 account within the General Fund. The account shall contain moneys
1344 collected by the alternative compliance payment for Class II renewable
1345 portfolio standards pursuant to subsection (h) of section 16-244c and
1346 subsection (k) of section 16-245 and moneys deposited pursuant to
1347 subsection (f) of section 22a-232, as amended by this act. The
1348 Commissioner of Energy and Environmental Protection shall expend
1349 moneys from the account for the purposes of the program established
1350 under this section, provided the commissioner may also pledge such
1351 moneys for revenue bonds the proceeds of which shall be used to
1352 support waste infrastructure projects described in this section.

1353 (b) On and after January 1, 2023, the Commissioner of Energy and
1354 Environmental Protection shall establish and administer a sustainable
1355 materials management program to support solid waste reduction in the
1356 state through the provision of funding from the sustainable materials
1357 management account for purposes, including, but not limited to, grants,
1358 revolving loans, technical assistance, consulting services and waste
1359 characterization studies, to support programs and projects
1360 implemented by entities, including, but not limited to, municipalities,
1361 nonprofits and regional waste authorities. Funding from such program
1362 may be used to support the development of infrastructure necessary for
1363 the management of solid waste materials at upgraded, expanded or
1364 proposed facilities selected pursuant to section 3 of this act. Such
1365 programs and projects shall promote affordable, sustainable and self-
1366 sufficient management of waste within the state by reducing solid waste
1367 generation or diverting solid waste from disposal, consistent with the
1368 state-wide solid waste management plan established pursuant to
1369 section 22a-228.

1370 Sec. 19. Section 22a-265a of the general statutes is repealed. (*Effective*
1371 *July 1, 2023*)

1372 Sec. 20. Sections 22a-260 to 22a-284, inclusive, of the general statutes
1373 and sections 10 and 11 of this act are repealed. (*Effective July 1, 2025*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section
Sec. 4	<i>from passage</i>	22a-220(f)
Sec. 5	<i>October 1, 2023</i>	22a-220(k)
Sec. 6	<i>from passage</i>	22a-220a(a)
Sec. 7	<i>from passage</i>	22a-226e(a)(3)
Sec. 8	<i>July 1, 2023</i>	22a-232
Sec. 9	<i>from passage</i>	22a-2411(a)
Sec. 10	<i>July 1, 2023</i>	New section
Sec. 11	<i>July 1, 2023</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>July 1, 2023</i>	New section
Sec. 15	<i>July 1, 2023</i>	22a-261
Sec. 16	<i>July 1, 2023</i>	22a-262(b)
Sec. 17	<i>July 1, 2025</i>	New section
Sec. 18	<i>from passage</i>	16-244bb(a) and (b)
Sec. 19	<i>July 1, 2023</i>	Repealer section
Sec. 20	<i>July 1, 2025</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 24 \$	FY 25 \$
Department of Energy and Environmental Protection	GF - Sustainable Materials Management Account - Revenue Gain	2.4 million	2.4 million
Department of Revenue Services	GF - Revenue Loss	2.4 million	2.4 million
Office of Policy and Management	GF - Revenue Gain	2.0 million	None
Department of Energy and Environmental Protection	GF - Revenue Gain/Cost	See Below	See Below
Various State Agencies	Various - Potential Savings	None	See Below

Note: GF=General Fund; Various=Various

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Potential Savings	See Below	See Below

Explanation

The bill changes various solid waste management laws and results in the fiscal impacts described below.

Section 1 establishes a stewardship program for handling packaging materials, but only when at least four other states enact a similar stewardship program law and the total population among these states (and including Connecticut) exceeds 20 million. It requires the stewardship program to develop a plan and to charge fees to the

packaging manufacturers, except municipalities, to cover the costs of operating and administering the program. It is unclear if the packaging manufacturers would be required to register with the Department of Energy and Environmental Protection (DEEP) in either FY 24 or FY 25 under this trigger clause; however, there is no fiscal impact to the agency under this provision since the fees would flow to the stewardship organization.

This section also requires DEEP to set fees to fully cover, but not exceed, the department's stewardship program management costs. To the extent the trigger clause in the bill requires the stewardship program to form, the bill is anticipated to result in a revenue gain to DEEP, beginning in FY 25, the revenue from which would be used to cover the department's related costs. There could be an additional revenue gain to DEEP, starting in FY 25, as it subjects violators of this section to a civil penalty of up to \$25,000 per offense, and requires the attorney general to bring action in court to recover the penalty when DEEP requests to do so.

Additionally, **Section 1** includes provisions intended to ensure the cost of recycling packaging materials is borne by the stewardship program participants, not by municipalities.

Section 3 allows DEEP to issue an RFP for proposals from providers of existing or proposed solid waste management services on behalf of municipalities. To the extent this results in a better rate, there is a potential savings to certain municipalities, beginning in FY 24.

Sections 4 - 6 allow municipalities to adopt an ordinance for identifying organics including food scraps and yard waste for diversion to recycling facilities. Currently, municipalities must provide for the disposal of all solid waste generated within their boundaries, including the separation, collection, and processing of recyclable items. Any fiscal impact to municipalities in either of FY 24 or FY 25 would depend on the ordinance adopted by each municipality.

The bill requires each municipality, by October 1, 2028, to: (1) provide

for food scrap separation and collection, and (2) require the solid waste collectors to transport separated food scraps to a facility authorized to process them. This has no fiscal impact to the state or municipalities in either FY 24 or FY 25 but may result in costs to municipalities in the outyears.

It is estimated that organic waste (i.e., food scraps) makes up 22% of all municipal solid waste (MSW) generated annually. In FY 22, the average tip fee was \$102 per ton across all waste management facilities, according to DEEP.

Section 7 expands current law for certain organics generators, by also including hospitality, entertainment, health care, local or regional school district, and correctional institutions in the requirement to recycle separated materials, as of January 1, 2025. Public entities subject to the bill's requirements that currently pay tipping fees to waste management companies would realize savings starting in the second half of FY 25, as a certain amount of organic waste would no longer be disposed of by those companies and subject to the tip fees.

Sections 8 and 18 transfer any solid waste assessment revenue in excess of \$2.8 million to DEEP's sustainable materials management account. This results in an estimated \$2.4 million General Fund revenue loss and a commensurate revenue gain to the sustainable materials management account annually, beginning in FY 24. In FY 22, the General Fund received \$5,156,088 through the solid waste assessment. The account currently receives funding from certain energy compliance payments (when particular renewable energy requirements are not met).

Section 9 broadens the scope of the current law concerning solid waste collector contracts and, as of July 1, 2025, expands these requirements to contracts with any customers, not just business clients. It also increases items that must be collected under these contracts to include nickel-cadmium batteries, grass clippings, and other recyclable items. While this has no fiscal impact in either FY 24 or FY 25, this may result in a municipal savings in the outyears, to the extent some volume

of MSW is removed from the solid waste stream and is no longer subject to tipping fees.

Sections 10 - 17 establishes the Connecticut Waste Authority (CWA) as the successor quasi-public authority to the Materials Innovation and Recycling Authority (MIRA). It requires CWA to continue to operate MIRA's transfer stations until DEEP determines that acceptable alternatives are available. Additionally, it makes the Department of Administrative Services (DAS) the successor agency to CWA on July 1, 2025, which has no fiscal impact to DAS.

Section 14 results in a revenue gain of \$2 million in FY 24 to the Office of Policy and Management (OPM) from CWA to a nonlapsing General Fund account that OPM must establish to be used towards MIRA's closure and the operation of CWA.

The bill makes other changes that are not anticipated to result in a fiscal impact to the state or municipalities in FY 24 or FY 25.

The Out Years

The annualized ongoing fiscal impacts described above would continue into the future subject to inflation, except for the \$2 million revenue gain to OPM, which would occur in FY 24 only.

Section 2 requires, starting by July 1, 2025, that certain beverage container producers that sell or distribute plastic beverage containers register yearly with DEEP. As the bill requires each producer pay a fee to cover DEEP's cost associated with implementing, administering, and enforcing the recycled content requirements, there would be a cost and revenue gain to DEEP, starting in FY 26 and continuing, for this purpose.

Sections 4 - 6 may result in costs to municipalities, starting in FY 29, since it requires each municipality, by October 1, 2028, to provide for the separation and collection of organics waste, including the collection and transportation to a facility that is authorized to process this material.

OLR Bill Analysis**sHB 6664*****AN ACT CONCERNING MANAGING WASTE AND CREATING A WASTE AUTHORITY.*****SUMMARY**

This bill creates the Connecticut Waste Authority (CWA) as a successor to the Materials Innovation and Recycling Authority (MIRA) through June 30, 2025, after which the Department of Administrative Services (DAS) becomes the successor to CWA.

The bill tasks CWA with (1) identifying the needs related to redeveloping certain MIRA properties, (2) temporarily operating MIRA's transfer stations, and (3) winding down MIRA's operations and activities. It establishes a new operating board for CWA and requires \$2 million of CWA resources to be used for the above purposes.

On behalf of, and with consent from, one or more municipalities, municipal authorities, or regional solid waste authorities, the bill allows the Department of Energy and Environmental Protection (DEEP) commissioner to (1) issue a request for proposals (RFP) from solid waste materials management services providers and (2) select and enter into agreements to manage the municipalities or authorities' solid waste (§ 3).

The bill increases funding for the state's sustainable materials management program by transferring to its associated account certain proceeds from the fee resources recovery facility owners pay and, among other things, explicitly allows funding for the program to support developing the infrastructure needed to manage solid waste materials at the facilities the commissioner selects through the RFP process (§§ 8-18).

Among other things, the bill does the following related to organic materials and food scraps:

1. expands the scope of the law requiring certain organic materials generators to separate the materials and recycle them by including applying its requirements to hospitality, entertainment, health care, public education, and correctional institutions (§ 7);
2. allows municipalities to identify additional recyclable solid wastes for diversion (e.g., food scraps or processing residues, and yard waste) in an ordinance or other legal instrument (§ 4); and
3. requires municipalities, by October 1, 2028, to provide for food scrap separation and collection (§ 5).

Lastly, the bill (1) broadens the scope of a law on solid waste collector contracts (§ 9) and (2) establishes the following:

1. beginning July 1, 2025, post-consumer recycled content requirements for plastic beverage containers offered for sale or distributed in Connecticut (§ 2) and
2. a statewide stewardship program for managing packaging, packaging-like products, and paper materials, but not until a certain number of states with a total population of at least 20 million enact similar programs (§ 1).

EFFECTIVE DATE: July 1, 2023, except provisions on (1) municipal food scraps, the plastic beverage container recycled content requirements, and the packaging stewardship program take effect October 1, 2023; (2) CWA's termination are effective July 1, 2025; and (3) municipal recyclables, including food scraps and residues; liability and the transfer of permit or licenses related to the end of MIRA and CWA; MIRA funds; and changes to the sustainable materials management fund and program, are effective upon passage.

§§ 10-17 & 19-20 — MIRA WINDDOWN

Connecticut Waste Authority (§§ 10-11, 15-17 & 20)

The bill creates CWA as a successor quasi-public authority to MIRA. In addition to the duties and powers inherited from MIRA, the bill requires CWA to do the following:

1. identify the immediate environmental needs and knowledge needed for future redevelopment of the authority's properties at 300 Maxim Road and 100 Reservoir Road in Hartford;
2. continue to operate MIRA's transfer stations until DEEP determines that acceptable non-CWA operated alternatives have become available; and
3. orderly and responsibly wind down operations and activities, including marketing and selling surplus real and personal property.

The bill requires CWA to submit a report to the Office of Policy and Management (OPM) secretary and the Environment and Planning and Development committees, by January 1, 2024, that includes a plan and timeline for the above tasks. It allows CWA and any other state agency to enter memoranda of understanding (MOUs) to facilitate the duties and powers CWA assumes from MIRA. These MOUs terminate June 30, 2025.

The CWA terminates on July 1, 2025. On that date, its rights and properties are assumed by the state. The bill specifically makes DAS the successor agency to CWA and repeals the statutes and provisions in the bill creating and empowering MIRA and CWA, respectively, on that date.

CWA Board of Directors (§ 15)

Membership. Beginning July 1, 2023, the bill ends the terms of MIRA's board of directors and creates a new board.

Under current law, MIRA's board has 11 appointed members, three appointed by the governor and eight by the legislative leaders, generally

each being a municipal official or someone with expertise in energy, finance, industry, or an environmental field. CWA's board instead includes the following 11 members:

1. the governor or his designee;
2. the OPM secretary or his designee;
3. the commissioners of DAS, DEEP, Department of Economic and Community Development, and Department of Public Health, or their designees;
4. one each appointed by the Senate president pro tempore, House speaker, and the Senate and House minority leaders; and
5. one appointed by Hartford's mayor.

Under current law, the governor may appoint ad hoc members to MIRA's board to represent facilities operated by the authority. The bill eliminates this provision for CWA.

Like with MIRA, CWA board members are not paid, but are entitled to reimbursement for actual and necessary expenses when fulfilling their duties.

The governor or his designee serves as the board chairperson, who must, with the other directors' approval, appoint a CWA president. Like MIRA's president, the CWA president is a paid employee responsible for supervising CWA's administrative affairs and technical activities.

Under current law, it is not a conflict of interest for a trustee, director, partner, or officer of a person, firm, or corporation (or an individual having a financial interest in the person, firm, or corporation) to serve as a director. The bill eliminates this provision for CWA's board.

Director Removal. The bill allows an appointing authority to remove a director for inefficiency, neglect, or misconduct, after giving the director notice of the charges and an opportunity for a hearing. If a director is removed, the appointing authority must file with the

secretary of the state a complete statement of the charges and proceeding record and the appointing authority's findings. Unlike for MIRA board members, the bill does not have a mechanism for refilling an appointment.

Operations & Liability. Under the bill, six directors make a quorum to transact CWA business and the board acts by a majority of directors present at a meeting in which there is a quorum. The bill prohibits directors from designating representatives to perform in their absence.

The bill extends to CWA directors, members, and officers the personal immunity on bonds or notes that currently applies to MIRA directors, members, and officers (and those who execute the bonds or notes on their behalf). It similarly makes them immune from personal liability for damage or injury caused in the performance of their role, excluding wanton or willful damage or injury.

Outside Consultants (§ 19)

The bill repeals a law requiring any expenditure of at least \$50,000 for an outside consultant by MIRA (CWA, under the bill) to be approved by a two-thirds vote of the board, thus discontinuing the requirement for the CWA board actions.

Environmental Liabilities (§ 12)

The bill specifies that the assumption of MIRA's authority by CWA does not alter the liability of a person who (1) established a resources recovery facility, (2) created a condition or is maintaining a resources recovery facility or condition that may reasonably be expected to create a pollution source to the waters of the state, or (3) is the certifying party to a facility's transfer.

It also provides that any conveyance of real property or business operations under the bill's provisions from MIRA to CWA, or from CWA to DAS, is not considered a transfer of an establishment under the state's Transfer Act (i.e., property remediation law for locations involving hazardous waste or certain business operations).

Transfer of Permits or Licenses (§ 12)

Under the bill, when MIRA's ownership or oversight of a permitted facility transfers to CWA, the permits or licenses it holds are correspondingly transferred to CWA and remain in effect. The same occurs when DAS takes over for CWA on July 1, 2025. The bill requires this notwithstanding existing law requiring the registration and acceptance of proposed transfers with DEEP.

Authority Funds (§§ 13 & 14)

The bill specifies that MIRA funds are not surplus revenues and requires them to be used to support its properties systems and facilities, including for environmental remediation. It also prohibits the funds from being distributed or redistributed to users of MIRA's services and makes the users liable for the environmental remediation costs if, and to the extent, funds were distributed or redistributed by MIRA to the users on or after January 1, 2023.

The bill transfers \$2 million from the CWA to a nonlapsing General Fund account the OPM secretary must establish to fulfill the bill's requirements related to MIRA's wind down.

§ 3 — SOLID WASTE MANAGEMENT RFP

The bill allows the DEEP commissioner, on behalf of one or more municipalities, municipal authorities, or regional solid waste authorities, to issue an RFP for proposals from providers of existing or proposed solid waste management services like reuse, recycling, and composting (e.g., anaerobic digestion, waste conversion, energy and fuel recovery).

From the proposals she receives, the bill allows the commissioner to select one or more providers and enter into agreement for the management of the municipalities' or authorities' solid waste at a facility of the existing or proposed services. The bill requires her to get consent from the municipalities and authorities when entering into these agreements for them.

The commissioner must consider all relevant information when

considering whether to select a proposal, including the following:

1. the proposal's consistency with the state's solid waste management plan,
2. available capacity at an existing or proposed facility,
3. the fee charged for managing the waste, and
4. the proposed facility's location and likelihood that it will be authorized and constructed.

The bill requires that an agreement to manage solid waste at a proposed facility is contingent on the facility getting all necessary state and local permits authorizations and beginning operation by a date set in the agreement.

Under the bill, the selected project may be funded through the existing sustainable materials management program, for which the bill increases funding and allows the commissioner to pledge funds for revenue bonds (see § 18, below).

§§ 8 & 18 — SUSTAINABLE MATERIALS MANAGEMENT ACCOUNT & PROGRAM

By law, resources recovery facility owners pay a \$1.50 per ton fee for the solid waste they process, which are remitted quarterly to the revenue services commissioner. Beginning July 1, 2023, the bill requires \$2.8 million of the fees to be deposited by the revenue services commissioner into the General Fund, with the remainder to be deposited into the sustainable materials management account. (The bill appears to create a remitting gap for the calendar quarter beginning July 1, 2023, by changing the start of the reporting to October 1, 2023.)

PA 22-118, § 167, established the sustainable materials management account as a separate, nonlapsing General Fund account to be used for an associated program for solid waste reduction in the state. It already receives funding from energy alternative compliance payments (i.e., payments for failing to meet renewable energy requirements). The

program must provide funding for programs and projects that promote affordable, sustainable, and self-sufficient waste management by reducing solid waste generation or diverting it from disposal.

In addition to using account funds for the above projects, the bill allows the DEEP commissioner to pledge the funds for revenue bonds and use the proceeds to support waste infrastructure projects of the same type (but it is unclear if the bill provides, or DEEP has existing, bonding authority for this purpose). It specifically allows the program's funding to support the development of infrastructure needed to manage solid waste at upgraded, expanded, or proposed facilities the DEEP commissioner selects under the bill's RFP process (see § 3, above).

§ 7 — LARGE ORGANIC MATERIALS GENERATORS

The bill expands the scope of the law requiring certain organic materials generators to separate the materials and recycle them.

Under current law, commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, or conference centers located within 20 miles from a permitted source-separated organic material composting facility and generating an average projected volume of at least 26 tons of source-separated organic materials must (1) separate the materials from other solid waste and (2) recycle them at a permitted source-separated organic material composting facility that has available capacity and is willing to accept them. The bill additionally applies this requirement to these generators within 20 miles from an authorized transfer station or other collection location authorized to receive source-separated organic materials.

Beginning January 1, 2025, the bill also applies this requirement to institutions that provide hospitality, entertainment, or rehabilitation and healthcare services; hospitals; local or regional boards of education; and correctional facilities.

By law, generators may comply with the requirements by composting the organic materials or treating them with certain organic treatment equipment on-site.

§§ 4-6 — MUNICIPAL SOLID WASTE

By law, municipalities must provide for the safe and sanitary disposal of all solid waste generated within their boundaries. This includes the separation, collection, processing, and marketing of items designated by the DEEP commissioner as recyclable (“designated recyclables,” e.g., bottles, cans, newspaper, cardboard) (CGS § 22a-220).

The bill allows municipalities to adopt an ordinance, or use another legal instrument to which it is a party, identifying additional recyclable solid wastes, like food scraps, food processing residues, yard waste, and other suitable recyclable organic material for diversion to recycling facilities designed to process and beneficially use the waste. Food scraps and processing residues do not include unused food that is suitable for sale or donation for human or animal consumption.

Existing law also authorizes municipalities to designate (1) disposal areas for solid waste generated within their boundaries and (2) where certain recyclable items from residential properties must go for processing or sale (e.g., cardboard, glass, newspapers). The bill expands this list of recyclables to include food scraps and food processing residues.

Additionally, under the bill, each municipality, by October 1, 2028, must:

1. provide for food scrap separation and collection and
2. require the solid waste collectors that annually register with the municipality to separately collect and transport the source-separated food scraps to a facility authorized to process them in a way that promotes a beneficial use.

§ 9 — SOLID WASTE COLLECTION CONTRACTS

Current law sets requirements for commercial contracts between solid waste collectors and their business customers. Among other things, it requires each (1) commercial contract for solid waste collection to provide for designated recyclable item collection and (2) collector to

give each business clear written or pictorial instructions on how to separate designated recyclable items.

The bill expands these requirements to contracts with any customers, not just business clients. It also increases items that must be collected under these contracts to include nickel-cadmium batteries, grass clippings, and items designed for recycling by a municipal ordinance or other enforceable legal instrument to which a municipality is party.

§ 2 — PLASTIC BEVERAGE CONTAINER RECYCLED CONTENT

Post-Consumer Recycled Content Requirements

Under the bill, beginning July 1, 2025, plastic beverage containers offered for sale or distributed in Connecticut must contain at least 15% post-consumer recycled content. The bill expands this requirement by requiring these beverage containers to contain at least 25% post-consumer recycled content by July 1, 2028, and at least 50% by July 1, 2033. These requirements apply to “producers,” that the bill requires to annually register with DEEP and have a third-party certify the containers’ recycled content (see below).

However, by February 1, 2027, the bill requires the DEEP commissioner to submit a report to the Environment Committee that reviews the above content requirements, which must include the following:

1. a determination as to the achievability of the content requirements;
2. recommendations as to whether the percentages of recycled content must be adjusted; and
3. recommendations for expanding the content requirements to other packaging or product categories, including the associated percentage content requirements for each.

The bill establishes the method for calculating the recycled content requirement. A producer meets the requirements based on the portion

of content, by weight, on average for each plastic beverage container. The calculation for the average may be based on a producer's entire plastic beverage container product line or by the separate product lines, as long as all of the producer's products are accounted for in the calculation and all individual products with post-consumer recycled content that are used in the calculation are sold in Connecticut. The bill allows the weight and material content of liners, bladders, caps, lids, labels, and any other packaging part to be included in the calculation, but it must all be included in any required annual report.

"Post-consumer recycled content" is the amount of post-consumer recycled material used to manufacture or produce a new product. It does not include pre-consumer or post-industrial secondary waste material like materials and by-products generated from, and generally used as, part of original manufacturing and fabrication. "Post-consumer recyclable material" is a material or product households, or commercial, industrial, or institutional facilities generate that can no longer be used for its intended purpose or was returned from the distribution chain and is separated from the solid waste stream for collection and recycling purposes.

Scope of Content Mandate

The bill's content requirements apply to individual, sealable, separate bottles, cans, jars, cartons, or other containers intended to hold a beverage of up to two gallons in capacity and made of plastic (i.e., a manufacturer or synthetic material made by linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded into solid forms at high heat). They do not include refillable beverage containers, including those that are durable enough for multiple rotations of their original or similar purpose and that are intended for reuse.

The requirements apply to potable liquids for human consumption. But it exempts liquids for use as infant formula, medical food, or food for special dietary use as defined under federal law, or a medical beverage or a fortified oral nutritional supplement. (The bill does not

define “medical beverage” or “fortified nutritional supplement.”)

The bill also allows producers to ask the DEEP commissioner for a waiver from the content and associated requirements. To do this, a producer must (1) give the specific reason for the waiver and any applicable timeframe for the request and (2) submit any proof the commissioner determines is needed.

Under the bill, a “producer” is (1) the owner or licensee of a brand or trademark for a plastic beverage container that is sold under its brand or trademark (regardless of trademark registration status); (2) the manufacturer of a plastic beverage container that does not identify its brand or manufacturer at the point of sale; or (3) if there is no person over which the state can exercise jurisdiction, the person that imports or distributes the beverage container in the state. The bill makes any person that produces or generates a plastic beverage container a “manufacturer,” but not a government agency, municipality, or other political subdivision of the state; federally tax-exempt nonprofit organization; or a producer that annually sells, offers for sale, distributes, or imports into the country for sale in Connecticut (1) less than one ton of plastic beverage containers each year or (2) these containers, in total, generate less than \$1 million in sales in the state.

Producer Registration

Beginning by July 1, 2025, the bill requires producers that offer for sale, sell, or distribute plastic beverage containers in the state to annually register with the DEEP commissioner as she prescribes. It allows them to do this individually or through a third-party representative that registers on behalf of a group of producers.

As part of the registration, the bill requires each producer or third-party representative to pay a fee to cover, and be used only for, DEEP’s cost to implement, administer, monitor, and enforce the recycled content and associated requirements. The commissioner determines the fee, which (1) must be scaled to reflect the producer’s or representative’s market share and (2) may be changed to reflect updated implementation

costs.

Under the bill, the information that must be submitted to the commissioner as part of registration includes the following:

1. a list of producers and the brand names represented in the registration;
2. the average percentage of post-consumer recycled content for plastic beverage containers sold into the state during the prior 12 months; and
3. proof of a third-party's certification of compliance with the recycled content requirements (presumably, this is not required for the first registration since the bill does not require producers to give the commissioner a certification of compliance until July 1, 2026, see below).

However, if the commissioner opts to participate in a related multistate clearinghouse, as described below, the bill allows for producers to register on a centralized portal offered by the clearinghouse instead of a state-specific portal as long as the registration will not be otherwise impacted by this use.

Third-Party Certification

Beginning by July 1, 2026, the bill requires each producer to annually submit to the DEEP commissioner for approval a third-party certification of the minimum post-consumer recycled content of all plastic beverage containers offered for sale in the state.

Under the bill, the certification must be in writing, specific to the producer's items sold in Connecticut, and be signed by an authorized representative of the producer. It must (1) be submitted under penalty of perjury and as the commissioner prescribes and (2) include (a) the amounts, in pounds, of plastic and post-consumer recycled material the producer used for any projects subject to the bill's requirements and (b) any other information the commissioner needs.

Under the bill, if the commissioner determines a certification is acceptable, she must approve it and publish it on the department's website.

Multistate Clearinghouse

The bill allows the DEEP commissioner to participate in the creation and implementation of a multistate clearinghouse to help carry out these requirements. The clearinghouse must do the following:

1. help coordinate reviews of producer registrations, waiver requests, and certifications;
2. recommend acceptable third-party certifications; and
3. implement state reporting activities and any other related functions.

§ 1 — CONSUMER PACKAGING STEWARDSHIP PROGRAM

General Requirements

The bill establishes a process for creating a statewide consumer packaging stewardship program for managing packaging, packaging-like materials, and paper materials (i.e., "covered materials") to reduce the amount of these materials that reach the waste stream. The bill requires that any stewardship program develop fees to be assigned to "responsible parties" (i.e., the packaging manufacturer or other responsible party) to cover the costs of operating and administering the program.

Responsible parties must either act on their own or with a nonprofit organization or entity that assumes the responsibilities, obligations, and liabilities on their behalf (a "stewardship organization"), to register with DEEP and submit by January 1, 2026, a program plan for approval to manage covered materials. The bill (1) prohibits a registered stewardship organization from creating unreasonable barriers for responsible parties to participate in the organization and (2) allows a person who is not a responsible party to voluntarily participate in a stewardship organization if they abide by the bill's requirements.

Among other things, a stewardship program plan must propose performance goals, describe the general process for collecting and transporting covered materials, describe educational and outreach efforts, and describe its funding. One of the purposes of the program must be minimizing public sector involvement in managing the covered material (see below).

Once a stewardship program is implemented, the bill generally prohibits the sale of a responsible party's covered materials in the state unless they are managed under an approved plan and the responsible party has submitted all required information and fees to any applicable stewardship organization authorized to operate and administer the program on the party's behalf. The stewardship organization must report new covered materials sold at retail or sold or distributed through remote sale after that date to the DEEP commissioner. The bill specifies that retailers and distributors do not violate the sale ban if, on the date they ordered the covered material, the responsible party was listed on DEEP's website.

Under the bill, a responsible party may only participate in one stewardship organization for each type of its covered material.

Among other things, the bill allows the DEEP commissioner to enforce program requirements, establishes audit and reporting requirements, and allows for interstate collaboration where there are similar programs outside of Connecticut.

Effective Date (Trigger Provision). These requirements, however, do not apply until the October 1 following the date the DEEP commissioner recognizes that:

1. four other states, at least one of which borders Connecticut, enact a mandatory consumer packaging stewardship law that is consistent with the bill's provisions and
2. the total population of these states located in the Northeast, according to 2020 census data, exceeds 20 million.

(The bill does not indicate how the commissioner makes and gives notice of this recognition. Additionally, if the recognition is made after dates in the bill have passed, presumably, the new dates to meet the bill's requirements (e.g., registration and plan submission) will be set proportionally to those in the bill.)

Alternative Programs. Alternatively, the bill allows DEEP to participate in a regional or national collaborative, instead of following the bill's requirements, if the regional or national program covers the same or similar materials and purposes. It similarly allows DEEP to participate in an enforceable federal stewardship program instead of the bill's requirements if (1) it, within 180 days after the federal program takes effect, determines the applicability of the program to the bill's provisions and (2) the federal program covers the same or similar materials or purposes as the bill.

Program Scope

Covered Materials. The bill's packaging stewardship program applies to "covered materials," which are packaging, packaging-like products, and paper materials, but excludes material that could become unsafe or unsanitary to recycle because of the material's design or anticipated use, as described in the stewardship plan.

Under the bill, "packaging" is any container or material used to contain, protect, handle, deliver, or present goods intended for the consumer market, including through an online transaction. It does not include (1) a container or material used to protect or store a product over multiple years, (2) a beverage container subject to the state's beverage container redemption law ("bottle bill"), (3) a container for architectural paint that is recycled through the state's paint stewardship program, or (4) any other containers or materials collected under another stewardship program.

"Packaging-like products" include the following products intended for the consumer market, including through an online transaction, that are not packaging and are ordinarily discarded after a single or short-

term use, regardless of reusability:

1. food containers (e.g., take-out containers);
2. foil and wraps;
3. bags and boxes;
4. straws, beverage stirrers, utensils, plates, bowls, and cups;
5. party supplies; and
6. objects bought by, or supplied to, consumers to protect, contain, or transport commodities or products.

“Paper materials” is paper that is not packaging and is printed with text or graphics or intended to be printed on for communicating information like newsprint and inserts; magazines and catalogs; paper for copying, writing, or other general uses; telephone directories; and flyers, brochures, and booklets. It is not bound reference, literary, or textbooks.

Responsible Parties. The bill applies to responsible parties of covered materials (1) sold, offered for sale, or distributed at a physical retail location in the state or (2) remotely sold or distributed in or into the state.

For covered materials at a physical retail location, the responsible party is the person who:

1. manufactures the covered material or good sold in covered material if the material or good is sold under the manufacturer’s own brand or is sold in covered materials that have no brand identification;
2. if the covered material or good is manufactured by a person other than the brand owner, is the licensee of a brand or trademark under which the covered material or good is used in a commercial enterprise, sold, offered for sale, or distributed in or

into the state, regardless of registration status; or

3. if neither of the above, imports the covered material or good into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the material or good into the state.

For covered materials sold or distributed into the state through remote means, the responsible party is as follows:

1. for a covered material used to directly protect or contain a good (including if the good is a covered material), it is the same as those listed above for covered materials at a physical retail location; and
2. for a covered material used to ship a good to a consumer (including if the good is a covered material), it is the person that offers the good for sale or distribution if there is no identified brand on the material.

Program Exemptions. The bill exempts a responsible party from the bill's requirements if it (1) is a municipality, (2) is responsible for less than one ton of covered materials per year in the state, or (3) has a gross annual revenue of less than \$2 million.

Purposes of a Packaging Stewardship Program

Under the bill, a packaging stewardship program must (1) minimize public sector involvement in managing covered materials; (2) provide for convenient and accessible statewide collection of covered materials that are at least as convenient as collection methods used on October 1, 2023; (3) to the greatest extent technologically feasible and economically practicable, manage them according to the state's sustainable materials management priority (i.e., prioritizing source reduction over recycling, recycling over resource recovery and waste-to-energy, and resource recovery and waste-to-energy over incineration and landfilling); and (4) minimize greenhouse gas (GHG) emissions from covered materials' life cycles and from operating the program.

Other requirements for a program include the following:

1. negotiating and executing agreements to collect, transport, and process covered materials using environmentally sound management practices;
2. ensuring meaningful and continuous program improvement;
3. developing and equitably assigning a fee that is enough to cover the program's operating and administrative costs;
4. supplying technical help to municipalities, regional associations, waste and recycling collectors, transporters, processors, and other entities that participate in the program, for purposes of complying with the performance goals;
5. investing in existing and future reuse programs, recycling infrastructure, and end-market development in Connecticut, for purposes of complying with the performance goals;
6. providing consistent and ongoing outreach, education, and communication to Connecticut consumers about program participation; and
7. ensuring (a) compliance of covered materials with the state's laws on packaging toxicity and (b) continuous and meaningful reductions in toxicity.

Registration with DEEP

Requirement. The bill requires any responsible party or stewardship organization authorized to operate and administer a program on the party's behalf that intends to seek DEEP approval for a stewardship plan to register with DEEP by January 1, 2025. But it also allows parties and stewardship organizations to submit a registration for approval after that date.

The bill requires a registration to be on a DEEP-prescribed form and it must do the following:

1. identify each responsible party that intends to authorize the stewardship organization to operate and administer a program on its behalf;
2. have the name, address, and contact information for someone who is responsible for ensuring the responsible party and stewardship organization's (including the responsible parties that authorized the organization to operate a program on their behalf) compliance with the bill; and
3. describe a scope of work (see below) for a study (a) completed by a third-party to assess the state's recycling and covered materials management needs and (b) that will be funded by the responsible party or stewardship organization.

Scope of Work: Content & Process. Under the bill, the DEEP commissioner must review the scope of work for the study to ensure that it meets the bill's provisions. And after the commissioner approves it, the study must be done.

The bill allows the scope of work described in the registration to build on the state's existing statewide solid waste management plan to assess the following:

1. current recycling rates for each covered material and, to the extent possible, taking into consideration the performance goals (but the goals are proposed in the plan that is submitted after the study);
2. current funding needs affecting access to, and availability of, recycling in Connecticut;
3. capacity, costs, and needs for collecting, transporting, and processing covered materials in the state;
4. net end-of-life management cost of discarded covered materials, including the cost to collect, transport, and process recyclables and municipal solid waste that is incinerated or landfilled

- (regardless of location inside or outside the state);
5. availability of opportunities in the recycling and reuse systems for minority- and women-owned businesses;
 6. barriers to (a) recycling access and availability in the state and (b) marketability of recyclable materials generated in the state;
 7. opportunities to create packaging reuse and refill programs in Connecticut; and
 8. consumer education needs concerning recycling and reducing contamination in collected covered materials.

Commissioner Decision. The bill allows the commissioner to consider prior registrations when deciding to approve a scope of work. If she disapproves a scope of work because it does not meet the bill's requirements, she must give the responsible party or stewardship written notice of her reasons. The scope of work must then be revised and resubmitted to the commissioner within 30 days, and she has 30 days after receiving the resubmitted scope of work to review it, decide whether to approve or disapprove it, and give a notice of determination of her decision.

The bill limits resubmitting a revised scope of work for approval to one occasion. If the responsible party or stewardship organization fails to submit a scope of work that is acceptable, the bill requires the commissioner to modify it so that it conforms to the bill's requirements and approve it.

Advisory Committee

Within 180 days after it registers with DEEP, the bill requires the responsible party or stewardship organization to create, and nominate members to, an advisory committee that must advise and comment on a stewardship program plan, plan revisions, or substantive program changes before they are submitted to DEEP for approval. The bill specifies that the committee assumes these responsibilities for

subsequent responsible parties and stewardship organizations.

Under the bill, an advisory committee must at least include the following 14 members:

1. the DEEP commissioner or her designee;
2. a representative of responsible parties;
3. a representative from a municipal association or municipal government and a representative of a regional or municipal waste management program;
4. a representative for each of (a) a materials recycling facility located in Connecticut and (b) waste haulers or a regional waste management and recycling organization;
5. a representative for each of a (a) state-wide retail association, (b) packaging manufacturer, and (c) material supplier;
6. a representative for each of a (a) nonprofit environmental advocacy organization, (b) community-based organization or an organization that represents equity and underrepresented stakeholders, and (c) nonprofit organization dedicated to litter cleanup;
7. a person with expertise in environmental and human health; and
8. someone with expertise in recycling market development.

All nominations must be approved by the DEEP commissioner. She may also add committee members. But the bill prohibits her from approving a member to meet more than one membership category.

The bill requires an advisory committee to meet at least annually.

Required Plan Contents

A plan submitted for approval must be on a DEEP-prescribed form and identify (1) each responsible party that authorized the stewardship

organization to operate and administer the program on its behalf and (2) the brands and types of the responsible parties' covered materials participating in the program. It must also have the name, address, and contact information of each person responsible for ensuring that the organization and the parties that authorized the organization to operate a program on their behalf comply with the bill's requirements.

Under the bill, the plan must describe the following:

1. the results from the study about the state's recycling and covered materials management needs and how the responsible party or stewardship organization intends to address program needs evaluated in the study (see *Registration with DEEP*, above);
2. how the program will fund the net costs to collect, transport, process, and market covered materials, including paying reasonable rates to public and private entities;
3. the general process for statewide, year-round, convenient and accessible collection and transportation of covered materials, including from residences, multi-family apartment buildings, public spaces, transfer stations, and other residential recycling collection locations, but it must be at least as convenient as the system used on October 1, 2023, free for collection at the residences and apartment buildings, and arrange for the diverse physical and language needs of the population;
4. proposed statewide performance goals (see below), and a reason for each goal, for each type of covered material sold in the state;
5. how collected covered materials will be marketed, including the names of contracted facilities and end markets (see below);
6. how the program will give technical help to municipalities; regional associations; waste and recycling collectors, transporters, and processors; and other participating entities;
7. how it will stop litter from covered materials, which may include

things like grants to nonprofits for litter collection programs; advising the nonprofits; sponsorships; and litter prevention, reduction, and education programs; but not payments for litter cleanup;

8. how the program will provide consistent and ongoing outreach, education, and communication to consumers about program participation (see below);
9. how it intends to invest in existing and future reuse programs, recycling infrastructure, and end-market development in the state;
10. how each responsible party or stewardship organization intends to collaborate with other responsible parties or stewardship organizations if more than one party or organization registers with the commissioner to operate a program;
11. if a stewardship organization ceases to exist or the commissioner suspends or revokes its approved plan, a closure plan to ensure that funds held by the organization will (a) stay in a separate fund until the commissioner renews approval of a plan or (b) be transferred to a successor stewardship organization; and
12. any other information the DEEP commissioner requires.

Performance Goals. Under the bill, performance goals must be technologically feasible, economically practicable, and achievable within five years after the program's implementation date. The goals must include minimum rates for the following:

1. reduction rate, measured as the total reduction in weight of each covered material type;
2. reuse rate, measured as the total weight of each covered material type exempted from the program through transition to a reuse program;

3. recovery rate, measured as the total weight of each covered material type divided by the tons of each type the program recovers through collection;
4. recycling rate, measured as the total weight of each covered material type divided by the tons of each type managed by recycling;
5. post-consumer recycled content rate, measured as the percentage of total tons of each covered material type manufactured by using post-consumer recycled content over a year; and
6. contamination in recycling collection rate, measured as the percentage of total covered materials collected divided by the weight of covered materials disposed of after collection.

Marketing Materials. For materials that will be marketed for use through a method other than mechanical recycling, the bill requires the plan to:

1. describe how it will affect the (a) materials' ability to be recycled into feedstock (i.e., raw material) for manufacturing new products and (b) types and amounts of plastic recycled for food and pharmaceutical-grade applications;
2. include any applicable air, water, and waste permitting compliance requirements; and
3. analyze the method's environmental impacts, compared to those of mechanical recycling, incineration, and landfill disposal as solid waste.

Consumer Outreach and Educational Materials. The bill requires that the educational materials for the program must, to the greatest extent feasible, have consistent branding and be consistent with RecycleCT Foundation's educational messaging and materials. The materials must also be applicable to all state residents, including those (1) with varying methods of collecting covered materials, (2) with

multilingual needs, (3) who live in single or multi-family housing, or (4) underserved by traditional communication methods.

Plan Approval Process

Timeframe. Under the bill, the stewardship plan must be submitted to DEEP by January 1, 2026. (This assumes the law has been triggered by DEEP recognizing other states' laws as mentioned previously.) The bill requires the DEEP commissioner to determine whether to approve a plan within 180 days after its submission, but after she posts the plan on DEEP's website and solicits public comments.

If the commissioner disapproves a plan because it fails to meet the bill's requirements, she must give the responsible party or stewardship organization involved a notice of determination describing her reasons. The party or organization, as applicable, must revise and resubmit its plan within 60 days after receiving the disapproval notice. The commissioner then has 45 days after receiving the revised plan to review and either approve or disapprove it and give a notice of determination (which in the case of disapproval, includes the reasons why). The bill restricts resubmitting a revised plan for approval to no more than two occasions. If the party or organization fails to submit an acceptable plan, the commissioner must modify a submitted plan to make it conform to the bill's requirements and approve this plan.

The bill (1) requires a plan to be implemented within 180 days after the commissioner approves it and (2) gives the commissioner the authority to rescind plan approval at any time.

The bill also specifies that it does not prevent additional responsible parties or stewardship organizations authorized to administer a program on their behalf from submitting plans to DEEP for approval after January 1, 2025.

Considerations. The bill allows the commissioner to consider the following when deciding to approve a plan:

1. the extent to which the plan includes (a) advisory committee

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- advice and comments about the plan and (b) the process by which the advice and comments will be included for future expansions and improvements to the program;
2. the performance goals' ambition and achievability, considering the specific material types and performance goals from other jurisdictions;
 3. its timeliness and effectiveness to meet the bill's requirements;
 4. if its funding mechanism is reasonable and adequate to fund the program's costs; and
 5. the extent to which it adequately promotes the state's sustainable materials management priority (i.e., prioritizing source reduction over recycling, recycling over resource recovery and waste-to-energy, and incineration and landfilling last) and moves covered materials higher up in the priority hierarchy.

Changes to a Program or its Plan

Substantial or Material Program Changes. The bill requires a responsible party or stewardship organization to submit substantial proposed program changes to the DEEP commissioner for approval. They must also be presented to the applicable advisory committee for its comments. Under the bill, a "substantial change" is a (1) change in the processing facilities used for collected covered materials or (2) material change to the system for collecting, transporting, or processing them.

The bill also requires a responsible party or organization to notify the commissioner of other material program changes on an ongoing basis and without resubmitting the plan for approval. These changes include things like changes to the party's or organization's composition, officers, or contact information.

Performance Goals. Within three years after a program's implementation, the responsible party or stewardship organization

must submit to the commissioner updated performance goals that are based on the program's experience during its first three years.

The bill also allows the DEEP commissioner to require a plan to be reviewed or revised at any time if she (1) believes the performance goals are not being met or followed or are insufficient to increase program improvement or (2) determines there is a change of circumstances that warrants it.

Program Fees

Fee Structure. Under the bill, the stewardship organization must set a fee to cover, but not exceed the costs to (1) develop the plan, (2) operate and administer the program, and (3) maintain a financial reserve that is sufficient to operate the program over multiple years in a fiscally prudent and responsible manner. The bill allows the stewardship organization to update the fee schedule, but no more than once a year as needed, or as the DEEP commissioner directs if she finds that it is insufficient to incentivize redesign of the program or covered materials.

Under the bill, the fee schedule must incorporate the following:

1. a responsible party's share of covered materials sold in the state;
2. a flat-fee option (assessed on a tiered basis) so that any responsible party, other than an exempt one, that generates less than 15 tons of covered materials in a calendar year pays no more than \$500 per ton to the stewardship organization, regardless of material type; and
3. the cost to collect, process, and market the type of covered material sold in the state by a responsible party that is not exempt from the fee.

The bill requires the fee structure to also include changes to payments that incentivize, through reduced fees, the following circumstances:

1. using covered materials that (a) have a longer life span, (b) do not disrupt recycling processes, (c) have lower associated

greenhouse gas (GHG) emissions, or (d) are recycled in a country that is a member of the Organization for Economic Cooperation and Development (there are 38 current members, including Canada, Mexico, and the United States);

2. using post-consumer recycled content in covered materials;
3. increasing covered materials' recyclability;
4. reducing the amount of covered materials used;
5. lowering the toxicity in covered materials;
6. reducing the amount of covered materials in litter; and
7. labeling covered materials in a way that reduces consumer confusion.

The bill specifies that it does not prohibit a stewardship organization for having private agreements or contracts with third parties that require payments of other fees associated with a covered material's supply chain.

Fee Reduction for High Recycling Rate. The bill allows a stewardship organization to reduce the fees a responsible party owes if the party can show to the organization's satisfaction that a covered material type sold in the state by the responsible party had an 85% or greater recycling rate in the state during the prior calendar year. It limits the reduction to an amount that represents no more than the costs to collect and transport that type of covered material for recycling in the state, but keeps the right to adjust the fee if needed.

Under the bill, "recycling" is the transformation or remanufacturing of a covered material or its parts and by-products into usable or marketable materials. It does not include landfilling, incineration, energy recovery or energy produced by combustion, or final conversion to a fuel. Plastics recycling includes a feedstock that is converted into a raw material to manufacture new products. In general, a material is

considered “recycled” when it does not require further processing so that it can be used to make a new product.

Fee Exemption for Viable Reuse Programs. The bill requires the DEEP commissioner to exempt a covered material from the fee payment if its responsible party can show that it is managed through a viable reuse program. These covered materials must be designed for reuse and refilled within their life cycle to the break-even point with a comparable discarded covered material. The “break-even point” is the minimum times that a covered material may be reused for it to be preferred environmentally over a comparable covered material intended to be discarded after a single use.

Under the bill, the reuse program must meet or exceed any recovery, recycling, and reuse performance goals set as part of the stewardship program. To get the exemption, the responsible party must give the commissioner, on a form she prescribes, information that shows (1) the viability, necessity, and environmental benefit and (2) how the responsible party intends to recover and recycle unused material at the end of the material’s life. Substantive changes to the reuse program must also be reported to the commissioner and she may rescind an exemption if the program ceases to conform to the submitted information.

“Reuse” of a covered material means the following:

1. the material can be refilled or reused for its original purpose and the responsible party or a designated third party provides a program for refilling it (presumably, also reusing it); and
2. the responsible party or a designated third party provides a program for the material to be collected and refilled or reused by the responsible party or another responsible party.

DEEP Administrative Fees. The bill also requires the DEEP commissioner, by July 1, 2024, to set reasonable fees for administering the program. The fees must (1) be based on factors related to the costs of

program administration and (2) fully cover, but not exceed, the commissioner's program implementation costs, including fees related to ensuring that packaging does not contain certain contaminants as provided under existing law.

Municipal Participation

The bill allows municipalities to continue to operate a transfer station or, directly or through a contract with private service providers, provide for the collection, transport, processing, or marketing of covered materials services without reimbursement through the program. It also allows municipalities to be reimbursed at a reasonable rate by a responsible party or stewardship organization operating or administering a program.

For municipalities choosing to do neither of the above, the bill requires a responsible party or stewardship organization to (1) contract with a private service provider and (2) calculate and disperse funding at a reasonable rate for the service provider's collection, transport, processing, and marketing services.

Under the bill, the "reasonable rate" is the funding rate calculated and dispersed by a responsible party or stewardship organization using a DEEP-approved formula. The rate may vary for a:

1. municipality electing to manage (e.g., collect, transport, process) covered materials through its own crew or fleet;
2. municipality electing to provide for management of covered materials through a service provider contract; or
3. service provider that manages covered materials through a subscription.

The rate for a municipality includes considerations for the (1) costs to manage the materials, and collect and transport them, rent containers, and fund transfer station staff and (2) municipality's population density.

The bill prohibits stewardship program costs from including covered

materials collected and managed through a municipal solid waste disposal program, but it requires them to cover the costs of materials collected and disposed of from facilities that process them for recycling. It allows a stewardship organization to set standards for collecting, processing, and marketing covered materials (either under a municipal or private contract or agreement).

Reporting Requirements

Annual Program Report. Annually by October 15, the bill requires each responsible party or stewardship organization that is authorized to operate and administer a stewardship program in the state to report to the DEEP commissioner, on a form she prescribes, certain information about the program, as described below.

Under the bill, the report must include the following information about the program's covered materials:

1. a list of responsible parties and their brands and types of covered materials participating in the stewardship organization;
2. the tonnage, by type, of covered materials sold in Connecticut by responsible parties during the prior year;
3. the tonnage, by type, of covered materials managed through (a) recycling, (b) disposal, and (c) any other method; and
4. an identification of covered materials that could be redesigned as refillable or reusable.

Regarding the program's fee schedule, the report must detail the (1) schedule the responsible party or stewardship organization developed for the prior year and how the fees incentivized collecting, processing, or redesigning covered materials and (2) estimated schedule for the upcoming year, including expected fee rate changes based on changes in material value.

The bill requires the report to include the following about a program's performance goals:

1. information about progress toward achieving the goals and an evaluation of the methods and processes used to meet them and
2. if the performance goal evaluation shows that goals are not being met, a description of how the stewardship organization intends to improve the program to meet them.

The report must also explain how the program managed its covered materials. Specifically, it must:

1. describe how the processes, methods, and end-markets used to manage each covered material type promoted the state's sustainable materials management priority (i.e., preferring source reduction over recycling, recycling over resource recovery or waste-to-energy, and lastly incineration and landfilling);
2. detail any strategic investment in reuse and recycling infrastructure and end-market development in Connecticut;
3. describe litter abatement activities taken by, on behalf of, or funded by, the applicable responsible party or stewardship organization; and
4. describe the efforts made to (a) minimize environmental and human health impacts throughout the program's operation and covered material life cycle and (b) increase covered materials' reusability or recyclability at the end of the life cycle.

Lastly, the annual report must include (1) a description of the responsible party's or stewardship organization's outreach, education, and communication actions; (2) recommendations for program changes; and (3) any other information the DEEP commissioner requests.

DEEP Review. The bill requires the DEEP commissioner to submit a report to the Environment Committee within three years after a stewardship plan is approved that (1) describes the packaging stewardship program's results and (2) recommends any needed changes to improve its function and efficiency.

Posting Information for the Public

The bill sets several requirements for posting stewardship program information so that it is publicly available.

First, by the date a program is implemented, DEEP must list the names of responsible parties participating in the program and the brands the program covers on its website. DEEP must also maintain online public records of (1) registered stewardship organizations and their approved plans and plan amendments, (2) the annual reports it submits to the legislature, and (3) any other information it deems relevant. And the bill requires the DEEP commissioner to post on the department's website the annual program reports from responsible parties and stewardship organizations.

The bill similarly requires each responsible party or stewardship organization that operates and administers an approved stewardship program to maintain a public website with at least the following:

1. each responsible party with a stewardship organization to operate and administer the program for it and the brands and types of covered materials of the parties participating in the organization and
2. all applicable approved plans, annual reports, and audit results (see below).

However, the bill prohibits the DEEP commissioner from requiring the disclosure of any information that she finds to be confidential. This specifically includes any information that would (1) divulge competitive business information, methods, or processes entitled to protection as trade secrets of a responsible party or stewardship organization or (2) reasonably hinder the party or organization's competitive marketplace advantage.

Audit Requirements

Program Audits. Two years after program implementation, and then biennially, the responsible party or stewardship organization must have

and pay for an independent program audit. The bill also allows the commissioner to request an audit, but in no case can there be more than one audit in a year.

Under the bill, a program audit must (1) review the accuracy of the party's or organization's program data and (2) have any other program-related information the commissioner requests.

Audited Financial Statements. Existing law requires any product stewardship organization operating in the state to, annually by May 1, submit to DEEP certified audited financial statements and the name of any contractor or organization that has a contract with it valued at \$2,000 or more (CGS § 22a-905g). This requirement applies to a stewardship organization operating a program for materials covered by the bill.

Record Retention

The bill requires responsible parties and stewardship organizations to keep for at least three years all records related to a stewardship program, specifically including independent audits and the annual reports submitted to DEEP.

Penalties: Civil Enforcement

Injunctive Relief. The bill allows the DEEP commissioner to ask the attorney general to bring an action for injunctive relief in Hartford Superior Court if the commissioner believes that a person has engaged in, or is about to engage in, an act, practice, or omission, that violates the bill's requirements. It permits the court to issue a permanent or temporary injunction, restraining order, or other appropriate order, including taking remedial measures or directing compliance.

Penalty. Anyone who violates the bill's provisions is subject to a civil penalty of up to \$25,000 per offense, which the Superior Court assesses. The bill specifies that each violation is a separate and distinct offense and each day that a violation continues is considered a separate and distinct offense. It requires the attorney general to bring an action in Hartford Superior Court to recover the penalty if the DEEP

commissioner asks.

Additional Provisions. The bill requires the above actions by the attorney general to take precedence over other actions in the order of trial. It also applies joint and several liability to violations committed by more than one person.

Penalties: Administrative Actions

The bill allows DEEP to suspend or revoke an approved plan if it determines that (1) there was a violation or repeated violations of the bill's requirements or (2) a violation materially impacted a plan's implementation and administration.

Liability Protection

The bill gives a responsible party, retailer, or stewardship organization, including its officers, members, employees, and agents, that organizes a packaging stewardship program immunity from liability for conduct under state laws on antitrust, trade restraint, unfair trade practices, and any other trade or commerce regulation. It does this only to the extent needed to plan and implement its program according to the bill's requirements.

Interstate Collaboration

The bill allows a stewardship organization to collaborate with other states that have similar stewardship programs for covered materials or similar materials to conserve efforts and resources. However, the collaboration must be consistent with the bill's requirements.

Conflicting Municipal Ordinances

The bill prohibits local governments from adopting an ordinance on stewardship programs for materials covered by the bill, and beginning on the date the program takes effect, any local ordinance or regulation that violates this provision is null and void. It also explicitly states that Connecticut intends to occupy the regulatory field for a covered material's stewardship program (i.e., state law will regulate these programs).

BACKGROUND

Related Bills

sHB 5577 (File 266), favorably reported by the Environment Committee, requires the DEEP commissioner (1) by January 1, 2024, to require municipalities to separate source-separated organic materials and have them recycled and (2) by October 1, 2023, to amend DEEP regulations to include food scraps as designated recyclables.

sSB 1046 (File 105), favorably reported by the Children’s Committee, requires certain school districts to separate organic materials from other solid waste and recycle it at composting facilities (i.e., those that meet existing law’s 26-ton and 20-mile triggers).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 12 (03/24/2023)