



Senate

General Assembly

File No. 516

January Session, 2023

Substitute Senate Bill No. 1143

Senate, April 12, 2023

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SOLID WASTE MANAGEMENT THROUGHOUT THE STATE.

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

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding the
2 provisions of sections 22a-228 and 22a-241a of the general statutes,
3 respectively, any proposed revision to the state-wide solid waste
4 management plan or the Comprehensive Materials Management
5 Strategy shall be submitted by the Commissioner of Energy and
6 Environmental Protection to the joint standing committee of the General
7 Assembly having cognizance of matters relating to the environment for
8 approval prior to implementation of any such revision. Upon receipt of
9 any such proposed revision, said committee shall hold a public hearing
10 on any such proposed revision not later than fifteen days after such
11 receipt. Not later than thirty days after such receipt, said committee may
12 meet to vote to approve, reject or amend such proposed revision. In the
13 event said committee rejects any such proposed revision, the
14 commissioner may file such rejected proposed revision with the clerks

15 of the House of Representatives and the Senate for consideration of the
16 approval, by resolution, of such rejected proposed revision by the
17 members of the General Assembly. If the General Assembly is in session,
18 it shall vote to approve or reject such rejected proposed revision not later
19 than thirty days after the date of filing. If the General Assembly is not in
20 session when such rejected proposed revision is filed, it shall be
21 submitted to the General Assembly not later than ten days after the first
22 day of the next regular session or special session called for such purpose.
23 The rejected proposed revision shall be deemed rejected by the General
24 Assembly if the General Assembly fails to vote to approve or reject such
25 proposed revision not later than thirty days after such filing.

26 Sec. 2. (NEW) (*Effective July 1, 2023*) Any dealer may provide for the
27 placement of a recycling receptacle at such dealer's place of business for
28 the collection of any beverage container that is rejected by any reverse
29 vending machine installed and maintained by such dealer. For the
30 purposes of this section, "dealer", "beverage container" and "reverse
31 vending machine" have the same meanings as provided in section 22a-
32 243 of the general statutes.

33 Sec. 3. (NEW) (*Effective from passage*) Not later than October 1, 2023,
34 the Commissioner of Energy and Environmental Protection shall issue
35 a request for information to obtain information on systems for the
36 processing of solid waste that is generated in the state and that is not
37 otherwise diverted from the state's solid waste stream in accordance
38 with the provisions of the state-wide solid waste management plan and
39 the Comprehensive Materials Management Strategy. Such request for
40 information shall seek information on such systems that include, but are
41 not limited to, gasification systems that convert such solid waste into
42 gas through a chemical reaction that does not consist of burning. Such
43 request for information shall not seek information on systems that
44 provide either for the incineration or combustion of solid waste or any
45 form of landfilling of such solid waste. Such request for information
46 shall require the receipt of such information by the Department of
47 Energy and Environmental Protection not later than November 15, 2023.
48 Any presentation of materials in relation to such request for information

49 shall be made to the commissioner not later than January 15, 2024. Not
 50 later than February 1, 2024, the commissioner shall submit a report, in
 51 accordance with the provisions of section 11-4a of the general statutes,
 52 to the joint standing committee of the General Assembly having
 53 cognizance of matters relating to the environment that includes
 54 recommendations for the issuance of a request for proposals concerning
 55 such systems that is based on the commissioner's review of all
 56 information received in connection with such request for information.
 57 In forming such recommendations, the commissioner shall additionally
 58 consider the: (1) Potential environmental impacts of any such system to
 59 the air, water and soils of the state, (2) consistency of any such system
 60 with the greenhouse gas emissions goals of the state, (3) municipal costs
 61 potentially associated with the utilization of any such system for the
 62 processing of solid waste in the state, (4) effectiveness of any such
 63 system to process all solid waste in the state that is not otherwise
 64 diverted from the state's solid waste stream, (5) ability to convert any
 65 existing state owned or operated facility to utilize any such system
 66 without state subsidization of such conversion and while substantially
 67 decreasing any environmental or public health impacts of such
 68 converted facility to any environmental justice community, and (6)
 69 reasonable likelihood of siting one or more facilities that utilize any such
 70 system in a community other than an environmental justice community.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>from passage</i>	New section

ENV Joint Favorable Subst.

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

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which has no fiscal impact to the state or municipalities, makes several changes to solid waste and recycling laws.

Section 1 of the bill requires any proposed revision to certain waste-related plans be submitted by the Department of Energy and Environmental Protection (DEEP) to the Environment Committee for approval before its implementation. The section also establishes a process to follow if the committee rejects the proposal. This has no fiscal impact, as the legislature has sufficient resources for the additional responsibilities.

Section 2 also has no fiscal impact to the state or municipalities as it allows beverage sellers to provide recycling bins at their places of business for any beverage container that is rejected by a reverse vending machine.

Lastly, **Section 3** has no fiscal impact as DEEP has the in-house expertise to handle the requirements of the request for information (RFI), that must be made by October 1, 2023, regarding certain solid waste processing systems, and the other reporting requirements under this section.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1143****AN ACT CONCERNING SOLID WASTE MANAGEMENT
THROUGHOUT THE STATE.****SUMMARY**

This bill requires (1) any proposed revision to the statewide solid waste management plan or Comprehensive Materials Management Strategy to be submitted to the Environment Committee for review and approval and (2) the committee to hold a public hearing on the revision within 15 days after its submission (§ 1). It establishes a process by which a proposed revision that the committee rejects may be subsequently approved by the General Assembly.

The bill also requires the Department of Energy and Environmental Protection (DEEP) commissioner to (1) issue a request for information (RFI) on certain solid waste processing systems by October 1, 2023, and (2) report to the Environment Committee by February 1, 2024, her recommendations for issuing a request for proposals (RFP) on these systems (§ 3).

Lastly, the bill explicitly allows dealers (e.g., retailers) to have recycling receptacles at their place of business to collect beverage containers rejected by a reverse vending machine (RVM) that the dealer installed and maintains. An RVM is an automated machine that accepts empty beverage containers and dispenses in return cash or credit slips as part of the state's beverage container redemption law ("bottle bill") (Conn. Agencies Regs., § 22a-245-2) (§ 2).

EFFECTIVE DATE: Upon passage, except the RVM provision is effective July 1, 2023.

LEGISLATIVE REVIEW OF SOLID WASTE MANAGEMENT PLAN & MATERIALS MANAGEMENT STRATEGY

The bill requires the DEEP commissioner to submit any proposed revision to the statewide solid waste management plan (SWMP) or Comprehensive Materials Management Strategy (CMMS) to the Environment Committee for approval before implementing it (see BACKGROUND). Currently, the DEEP commissioner approves changes to the plan and strategy after a process for public hearing and comment (CGS § 22a-228, Conn. Agencies Regs., § 22a-228-1, and CGS § 22a-241a).

The bill (1) requires the Environment Committee to hold a public hearing on the proposed revision within 15 days after receiving it and (2) allows the committee to hold a meeting within 30 days after receiving the revision to approve, reject, or amend it.

If the committee rejects the proposal, the bill allows the commissioner to file it with the House and Senate clerks for consideration, by resolution, by the General Assembly. During its legislative session, the General Assembly must vote to approve or reject the proposed revision within 30 days after its filing. If the legislature is not in session when the proposed revision is filed, then it must be submitted to the General Assembly within 10 days after (1) the first day of the next regular session or (2) special session is called for voting on the revision. The bill also deems rejected a proposed revision that the General Assembly does not vote on within 30 days after its filing (presumably, this time period begins after the clerks submit the proposed revision to the legislature).

SOLID WASTE PROCESSING RFI***RFI Request***

Under the bill, the DEEP commissioner must issue an RFI for information on systems to process solid waste generated in the state that is not otherwise diverted from the solid waste stream as provided in the SWMP and CMMS. She must do this by October 1, 2023.

The bill specifically requires the RFI to seek information on

gasification systems that convert solid waste into gas through a chemical reaction, but do not involve burning. However, it prohibits the RFI from seeking information on systems that provide for (1) solid waste incineration or combustion or (2) landfilling.

DEEP must receive information provided under the RFI by November 15, 2023, and any related presentation must be made to the commissioner by January 15, 2024.

Report

The bill requires the commissioner, by February 1, 2024, to submit a report to the Environment Committee with recommendations for issuing an RFP on these solid waste systems. The report must be based on her review of all information received as part of the RFI process and the following additional considerations on these systems:

1. potential environmental impacts to the state's air, water, and soil;
2. consistency with the state's greenhouse gas (GHG) emissions goals;
3. potential municipal costs to process solid waste in the state;
4. effectiveness at processing all solid waste in the state that is not diverted from the solid waste stream;
5. ability to convert existing state-owned or -operated facilities (a) without a state subsidy for the conversion and (b) while substantially decreasing any environmental or public health impacts of a converted facility to an environmental justice community; and
6. the reasonable likelihood of siting one or more facilities that use the systems in a community that is not an environmental justice community (the bill does not define this term but, presumably, it refers to the areas subject to the state's environmental justice law, CGS § 22a-20a).

BACKGROUND

Related Bill

sSB 1172 (File 396), favorably reported by the Energy and Technology Committee, requires the DEEP commissioner to update the SWMP by January 1, 2024, to include provisions (1) incorporating the findings and recommendations of a 2022 Public Utilities Regulatory Authority report on waste-to-energy facilities and (2) on planning and policy recommendations for these facilities (e.g., incentives).

SWMP & CMMS

By law, the DEEP commissioner must develop and adopt a SWMP to guide how the state handles solid waste reduction, reuse, recycling, and disposal. The CMMS is the 2016 update to the SWMP to help the state meet its statutory goal of diverting 60% of materials from disposal by 2024. It addresses things like modernizing solid waste infrastructure, managing organic material, construction and demolition debris, and developing municipal or regional recycling programs.

Set in law, the order of priority for managing solid waste in Connecticut favors source reduction and reuse. Then in hierarchical order, it prioritizes recycling and composting, then energy recovery, and lastly, landfilling.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/24/2023)