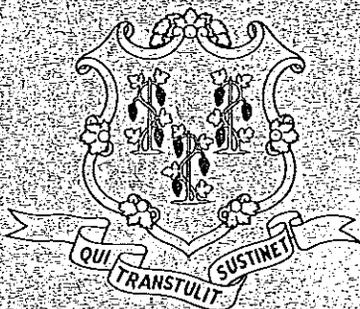


# Connecticut Solid Waste Management Advisory Council

Connecticut  
General Assembly



LEGISLATIVE  
PROGRAM REVIEW  
AND  
INVESTIGATIONS  
COMMITTEE

## SUNSET 1983

Volume IV-7  
January 1983

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

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SUNSET REVIEW 1983

CONNECTICUT SOLID WASTE MANAGEMENT ADVISORY COUNCIL

VOL IV - 7

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1. The first part of the document is a list of names and addresses of the members of the committee.

## TABLE OF CONTENTS

SUMMARY.....	iii
I. INTRODUCTION.....	1
Purpose and Authority.....	1
Methodology.....	2
II. BACKGROUND.....	3
Legislative History.....	3
Structure.....	3
Purpose, Powers and Duties.....	4
Fiscal Information.....	4
III. ACTIVITIES.....	7
Typical Meeting.....	8
IV. ANALYSIS AND RECOMMENDATIONS.....	11
Existence of the Council.....	11
APPENDICES.....	15
A. Summary Sheet.....	17
B. Questionnaire for Connecticut Solid Waste Management Advisory Council....	19
C. Legislative Changes.....	21



## CONNECTICUT SOLID WASTE MANAGEMENT ADVISORY COUNCIL

### SUMMARY

The Connecticut Solid Waste Management Advisory Council was established by Public Act 73-459, which also created the Connecticut Resources Recovery Authority (CRRA). The purpose of the council is to advise the authority, the regions and municipalities of the state regarding solid waste management problems (C.G.S. Sec. 19-52411). The board has the following powers and duties:

- review and make recommendations to CRRA regarding the solid waste management system (e.g., user charges, technology employed, environmental impacts and facility operation by CRRA and its contractors);
- consult and advise the regions and municipalities of the state concerning solid waste management problems;
- prepare an annual report;
- review the CRRA annual report and operating plan;
- comment on proposed legislation; and
- review and comment on the Department of Environmental Protection State Solid Waste Management Plan prior to its adoption.

The council is composed of 31 members: 15 members representing the planning regions and municipalities of the state, 8 members representing business and industry and 8 representatives of the general public. The council's expenses are included in the Connecticut Resources Recovery Authority's budget. Total expenses for FY 1980-81 were \$381; \$615 was spent in FY 1981-82.

A typical meeting of the Connecticut Solid Waste Management Advisory Council lasts about two hours. The meetings usually begin with some general business such as roll call, a review of council correspondence and approval of minutes. An analysis of the council meetings for the past two years reveals that the members spend the majority of their time reviewing the activities of the Connecticut Resources Recovery Authority.

A review of the council's records indicates that the average attendance at council meetings during FY 1980-81 was 10.8 (47 percent of the filled positions) with a quorum attained at six of the nine meetings. During FY 1981-82 the council had an average attendance of 9.8 (43 percent of the filled positions) achieving a quorum at four of its eight meetings.

Public hearing testimony revealed that neither the Connecticut Resources Recovery Authority nor the Department of Environmental Protection could document any significant impact resulting from council recommendations. The council itself could not document what, if any, effect it had on the authority or the Department of Environmental Protection. In addition, only 6 of the 16 council members who responded to a program review committee questionnaire indicated the council was effective in advising the authority.

The program review committee's analysis of the minutes of 22 council meetings held between January 1980 and May 1982 indicated that there were only three instances where the council made any formal recommendations as a result of its deliberations.

By statute, the council is mandated to prepare an annual report. However, the program review committee found the council did not publish an annual report for 1980.

The committee believes that the council's attendance problem, the lack of documentation regarding the council's impact and the limited number of formal recommendations indicated the council has not been effective. The Legislative Program Review and Investigations Committee believes that termination of the council will not significantly endanger the public health, safety or welfare.

*Therefore, the Legislative Program Review and Investigations Committee recommends sunsetting the Connecticut Solid Waste Management Advisory Council and transferring the council's functions to the regional solid waste advisory councils.*

The program review committee believes the regional solid waste advisory councils are the appropriate mechanism for effectuating state goals regarding solid waste management. By statute, the regional councils have two mandated duties: designate an individual to represent the region on the Connecticut Solid Waste Management Advisory Council and deliberate with respect to solid waste management problems. Thus, the regional groups are already designated to do at the regional level what the Connecticut Solid Waste Management Advisory Council does at

the state level. The program review committee recommendation gives the regional councils statutory authority to convey the results of their deliberations directly to the Connecticut Resources Recovery Authority.



## INTRODUCTION

### Purpose and Authority

Chapter 28 of the Connecticut General Statutes provides for the periodic review of certain governmental entities and programs and for the termination or modification of those which do not significantly benefit the public health, safety, or welfare. This law was enacted in response to a legislative finding that a proliferation of governmental entities and programs had occurred without sufficient legislative oversight.

The authority for undertaking the initial review in this oversight process is vested in the Legislative Program Review and Investigations Committee. The committee is charged, under the provisions of Section 2c-3 of Chapter 28, with conducting a performance audit of each entity or program scheduled for termination. This audit must take into consideration, but is not limited to, the four criteria set forth in Section 2c-7. These criteria include: (1) whether termination of the entity or program would significantly endanger the public health, safety, or welfare; (2) whether the public could be adequately protected by another statute, entity, or program or by a less restrictive method of regulation; (3) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services and, if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and (4) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies.

In addition to the criteria contained in Section 2c-7, the Legislative Program Review and Investigations Committee is required, when reviewing regulatory entities or programs, to consider, among other things: (1) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program; (2) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements; (3) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated; (4) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and (5) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to review.

## Methodology

The Legislative Program Review and Investigations Committee's sunset review process is divided into three phases. The initial phase focuses on collecting quantitative and qualitative data related to each entity's background, purpose, powers, duties, costs and accomplishments. Several methods are used by committee members and staff to obtain this information. These include: (1) a review of statutes, transcripts of legislative hearings, entity records (e.g., minutes, complaint files, administrative reports, etc.), and data and statutes of other states; (2) staff observation of meetings held by each entity during the review period; (3) surveys of selected persons and groups associated with each entity; (4) formal and informal interviews of selected individuals serving on, staffing, affected by or knowledgeable about each entity; and (5) testimony received at public hearings.

During the second phase, the staff organizes the information into descriptive packages and presents it to the committee. The presentations take place in public sessions designed to prepare committee members for the hearings, identify options for exploration and alert entity officials to the issues the committee will pursue at the hearings.

The final step of the review involves committee members and staff following up on and clarifying issues raised at briefings and public hearings. During this period, the staff prepares decision papers and presents recommendations to the committee. The committee, in public sessions, then debates and votes upon recommendations for the continuation, termination or modification of each entity.

## BACKGROUND

### Legislative History

The Connecticut Solid Waste Management Advisory Council was established by Public Act 73-459, which also created the Connecticut Resources Recovery Authority (CRRA). The purpose of the council was to operate in an advisory capacity to the authority and the regions and municipalities of the state regarding solid waste management problems. The act established a council consisting of 31 members: 15 members representing planning regions of the state, 8 members representing business and industry, and 8 representatives of the general public. By statute, the council was required to elect its own chairperson along with any other officers it deemed appropriate and to meet at least quarterly.

The law also provided that the council chairperson serve as an ex officio, nonvoting member on the Connecticut Resources Recovery Authority board of directors. However, as a result of Public Act 79-198, the council chairperson was given voting membership on the authority's board of directors.

Only two other statutory changes have been made since 1973. In 1977, as part of the Executive Reorganization Act (P.A. 614), the council was placed under the sunset law. In 1981, P.A. 179 required the council to review and comment on the State Solid Waste Management Plan prepared biennially by the Department of Environmental Protection.

### Structure

The Connecticut Solid Waste Management Advisory Council (C.G.S. Section 19-52411) is located within the Connecticut Resources Recovery Authority for administrative purposes. The council is authorized by statute to consist of 31 members representing the planning regions of the state, business and industry, and the public. At the time of the sunset review there were between 10 and 11 vacancies on the council.

The 15 members representing the planning regions of the state are designated by individual regional solid waste advisory councils. Of the eight members representing business and industry, the governor appoints six members and the speaker of the house and the president pro tempore of the Senate each appoint one member. Six of the eight public members are appointed by the governor, another is appointed by the speaker of the house and the last is appointed by the president pro tempore of the Senate.

The terms of the council members appointed by the governor and legislative leaders are coterminous with the appointing authority. The terms of the members designated by the individual regional solid waste advisory councils are for an unspecified period of time.

Staff services for the council, including typing, mailing, providing a secretary to take the minutes of each meeting and photostating copies of the minutes, are provided by the Connecticut Resources Recovery Authority.

#### Purpose, Powers and Duties

The purpose of the Connecticut Solid Waste Management Advisory Council is to advise the Connecticut Resources Recovery Authority and regions and municipalities of the state regarding solid waste management problems and programs. To accomplish this task, the council has the following powers and duties:

- review and make recommendations to CRRA regarding the solid waste management system (e.g., user charges, technology employed, environmental impacts and facility operation by CRRA and its contractors);
- consult and advise the regions and municipalities of the state concerning solid waste management problems;
- prepare an annual report;
- review the CRRA annual report and operating plan;
- comment on proposed legislation; and
- review and comment on the Department of Environmental Protection State Solid Waste Management Plan prior to its adoption.

Also, the council chairperson is required to serve as a member on the Connecticut Resources Recovery Authority board of directors.

#### Fiscal Information

Information on council expenses for the last two fiscal years is shown in Table II-1. The council's expenses are included in the Connecticut Resources Recovery Authority's budget. Travel, which represents the largest expenditure, includes

reimbursements to council members for expenses incurred in travel to meetings, parking and transportation for field trips.

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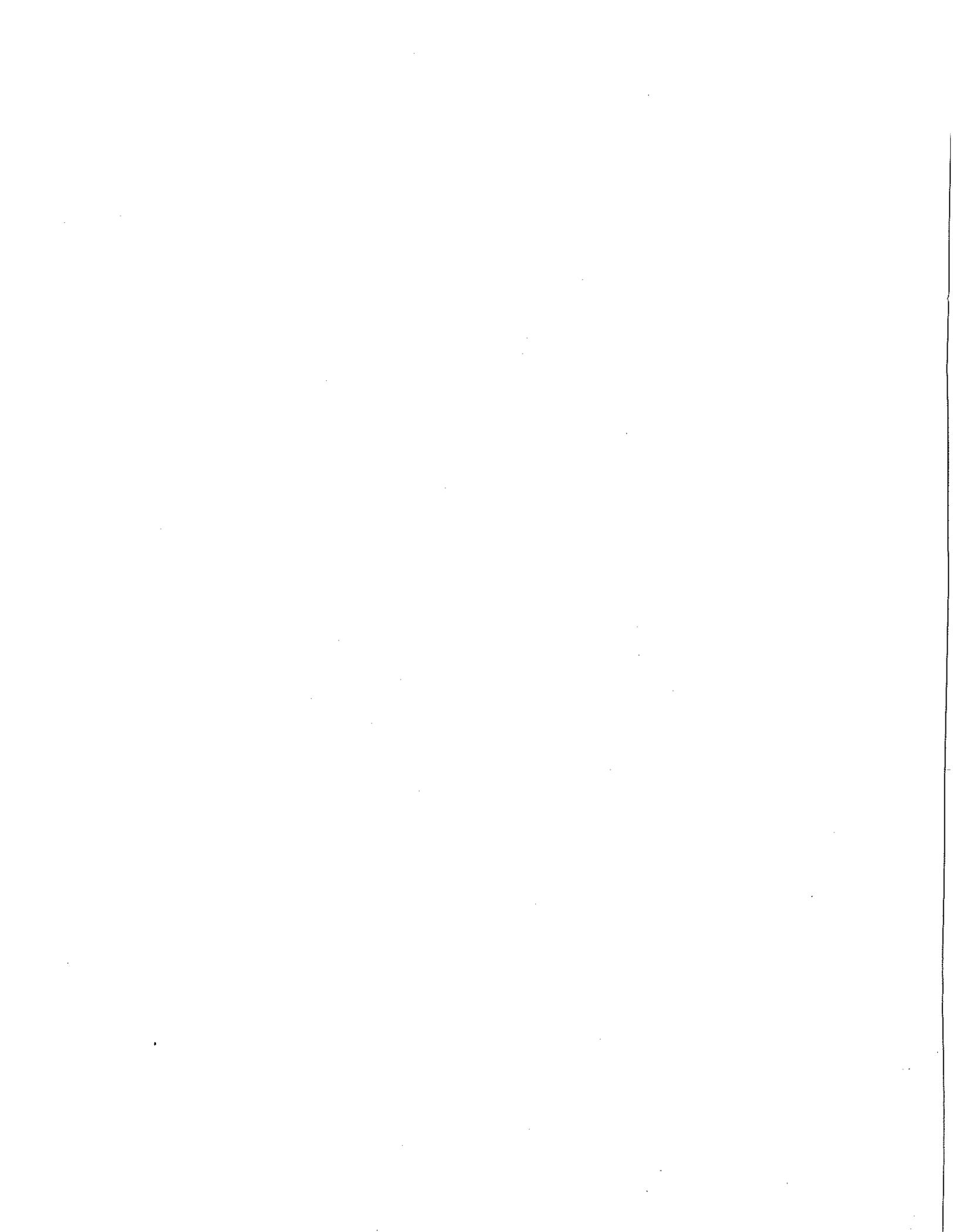
Table II-1. Connecticut Solid Waste Management Advisory Council--Expenses, Fiscal Years 1980-81 and 1981-82.

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	<u>FY 1980-81</u>	<u>FY 1981-82</u>
Postal Fee	\$ 23	\$192
Stationery	44	-
Photostating	11	60
Travel	<u>303</u>	<u>363</u>
Total Expenses	\$381	\$615

Source: Connecticut Resources Recovery Authority

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## ACTIVITIES

The Connecticut Solid Waste Management Advisory Council generally meets monthly. The average length of the meetings is approximately two hours. According to council bylaws, a quorum is not needed to conduct a meeting unless the council wants to establish policy or act upon recommendations to other bodies. Eleven members including two members from each of the three categories of representation (planning regions of the state, business and industry, and the public) constitute a quorum.

The council held nine meetings in FY 1980-81 and convened eight times in FY 1981-82 (see Table III-1). The average council attendance was 10.8 persons in FY 1980-81 and 9.8 persons in FY 1981-82. Of the nine meetings in FY 1980-81, a quorum was attained six times; of the eight meetings in FY 1981-82, a quorum was achieved four times.

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Table III-1. Connecticut Solid Waste Management Advisory Council.

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	<u>FY 1980-81</u>	<u>FY 1981-82</u>
Number of meetings	9	8
Average length of meetings	Approx. 2 hours	Approx. 2 hours
Average attendance	10.8	9.8

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Table III-2 presents the results of a program review committee survey sent to 23 council members. The council members were asked to rank their activities in order of importance. The results contained in the table reveal that the 16 respondents perceived their most important activity as advising the Connecticut Resources Recovery Authority regarding the solid waste management system in Connecticut. The activity ranked second in importance involved review and comment on the Department of Environmental Protection State Solid Waste Management Plan prior to its adoption.

It should be noted that the council's enabling legislation does not specify that the council act in an advisory manner to the Department of Environmental Protection. However, the council reports that it infers its advisory role toward the department from the statutory mandate authorizing the council to make comments and recommendations to the regions and municipalities of the state. The council believes that by advising the

Department of Environmental Protection, it is indirectly advising the regions of the state.

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Table III-2. Connecticut Solid Waste Management Advisory Council Activities\*, Ranked in Order of Importance (1 = Most Important).

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- 1 Review and advise CRRA regarding the solid waste management system (e.g., user charges, technology employed, environmental impacts and facility operation by CRRA and its contractors).
- 5 Prepare an annual report.
- 4 Review CRRA annual report and operating plan.
- 3 Comment on proposed legislation
- 2 Review and comment on the DEP state solid waste management plan prior to adoption (P.A. 81-179)

\*Composite prepared by program review committee staff.

N = 16

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### Typical Meeting

A typical meeting of the Connecticut Solid Waste Management Advisory Council lasts about two hours. The meetings usually begin with general business such as roll call, a review of council correspondence and approval of the minutes.

An analysis of the council minutes for meetings held during the last two years reveals that the members spend the majority of their time reviewing the activities of the Connecticut Resources Recovery Authority. For example, specific projects planned by the authority such as the Mid-Connecticut, the South Central and the Housatonic projects were discussed. In addition, either the Connecticut Resources Recovery Authority or invited consulting groups made presentations on authority projects or on specific types of technology such as modular incineration, waterwall incineration or refuse-derived fuel.

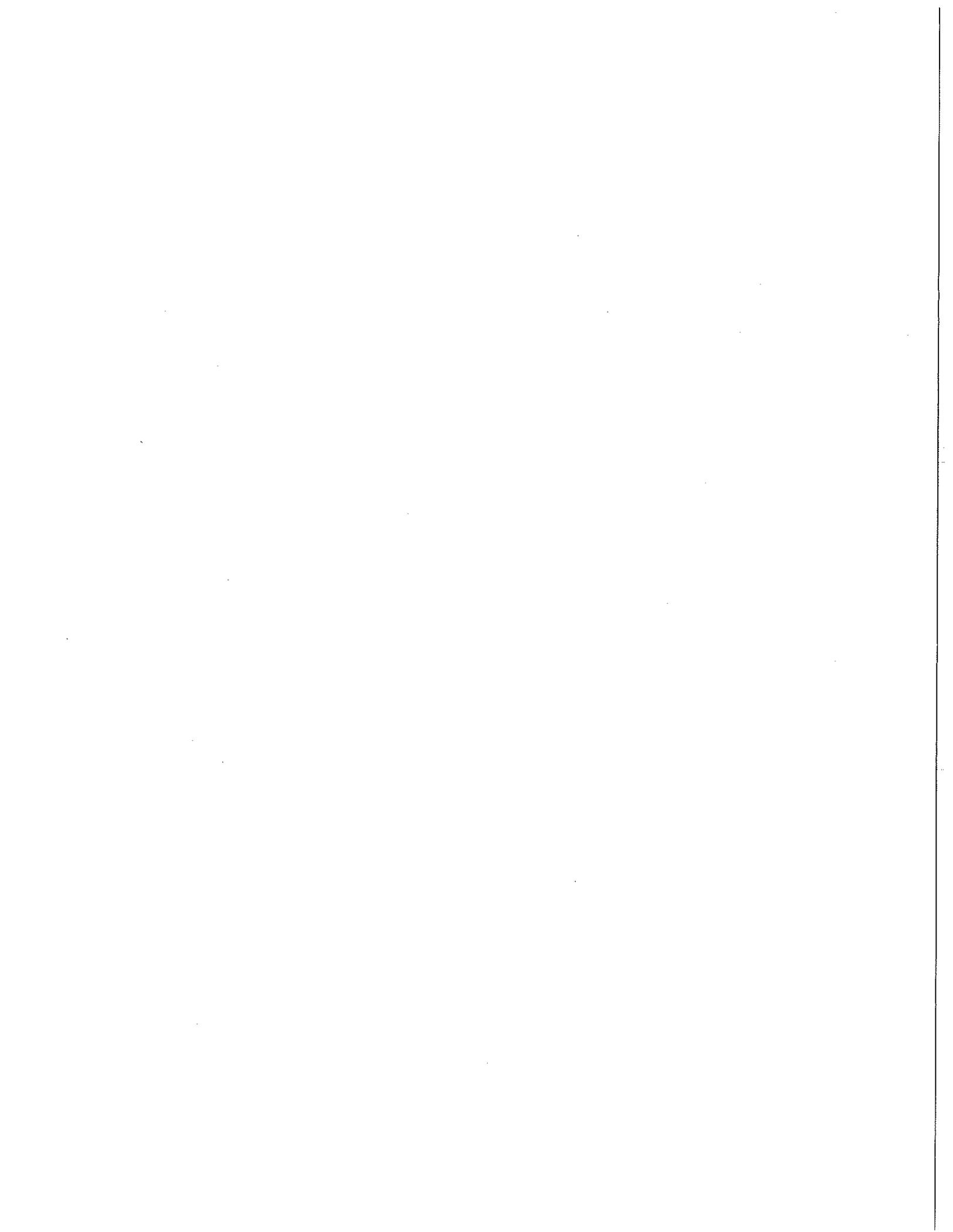
At several meetings, the council concentrated on the activities of the Department of Environmental Protection. These

activities included presentations by department staff regarding the solid waste management plan, source separation and landfill use. The council usually debated these topics for a major portion of the meetings. Little formal action was taken as a result of these discussions.

The Connecticut Solid Waste Management Advisory Council also discussed legislation at most council meetings, and occasionally sent recommendations regarding certain bills to the General Assembly's Environment Committee. Other items of council business included discussions of the activities of the Solid Waste Management Task Force<sup>1</sup>, source separation and recycling programs throughout the state.

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<sup>1</sup> The Solid Waste Management Task Force was established by Special Act 80-49. The task force members include state legislators, solid waste and recycling personnel, private citizens and the cochairpersons and ranking members of the legislature's Environment Committee.



## ANALYSIS AND RECOMMENDATIONS

### Existence of the Council

In order to determine whether the Connecticut Solid Waste Management Advisory Council should be continued or terminated, the Legislative Program Review and Investigations Committee focused on the effectiveness of the council. In a Legislative Program Review and Investigations Committee staff survey, 23 council members were asked to rate the performance of the council's activities on a scale of very effective to not effective. The 16 respondents indicated that council members perceived their most important activity as advising the Connecticut Resources Recovery Act regarding the state's solid waste management system (see Table III-2). However, Table IV-1 illustrates that only six of the members responding thought the council was effective in the performance of that activity and nine members said the council was not effective in that area.

Table IV-1. Connecticut Solid Waste Management Advisory Council Rating of Performance of Council Activities (1 = Very Effective to 4 = Not Effective).

Very Effective		Not Effective		Not Involved		
1	2	3	4	5		
3	3	7	2	0		Review and advise CRRA regarding the solid waste management system (e.g., user charges, technology employed, environmental impacts and facility operation by CRRA and its contractors).
3	1	8	1	0		Prepare an annual report
1	5	5	1	1		Review CRRA annual report and operating plan
6	8	1	0	0		Comment on proposed legislation
5	9	1	0	0		Review and comment on the DEP state solid waste management plan prior to adoption (P.A. 81-179).

The Legislative Program Review and Investigations Committee looked at four other indicators of the council's effectiveness: attendance at meetings, public hearing testimony, council publications and minutes of council meetings. First, a review of the council's records indicated that the average attendance at meetings during FY 1980-81 was 10.8 (47 percent of the filled positions) with a quorum attained at six of the nine meetings. During FY 1981-82 the council had an average attendance of 9.8 (43 percent of the filled positions) achieving a quorum at four of its eight meetings.

Second, public hearing testimony revealed that neither the Connecticut Resources Recovery Authority nor the Department of Environmental Protection could document any significant impact resulting from council recommendations. Further, the council itself could not document what, if any, effect it had on the authority or the Department of Environmental Protection.

Third, by statute, the council is mandated to prepare an annual report. However, the program review committee found the council did not publish an annual report for 1980.

Finally, the program review committee's analysis of the minutes of 22 council meetings held between January 1980 and May 1982 indicated that there were only three instances where the council made any formal recommendations as a result of its deliberations. The council made recommendations regarding a municipal contract agreement (voted without a quorum<sup>2</sup>), representation of the Department of Environmental Protection on the Solid Waste Management Task Force, and legislation considered by the legislature's Environment Committee.

The program review committee concluded that the council's attendance problem, the lack of documentation by the Connecticut Resources Recovery Authority, the Department of Environmental Protection and the council concerning the council's impact, and the limited number of formal recommendations indicated that the council has not been effective. The Legislative Program Review and Investigations Committee believes that termination of the council will not significantly endanger the public health, safety or welfare. *Therefore, the Legislative Program Review and Investigations Committee recommends sunsetting the Connecticut Solid Waste Management Advisory Council and transferring the council's functions to the regional solid waste advisory councils.*

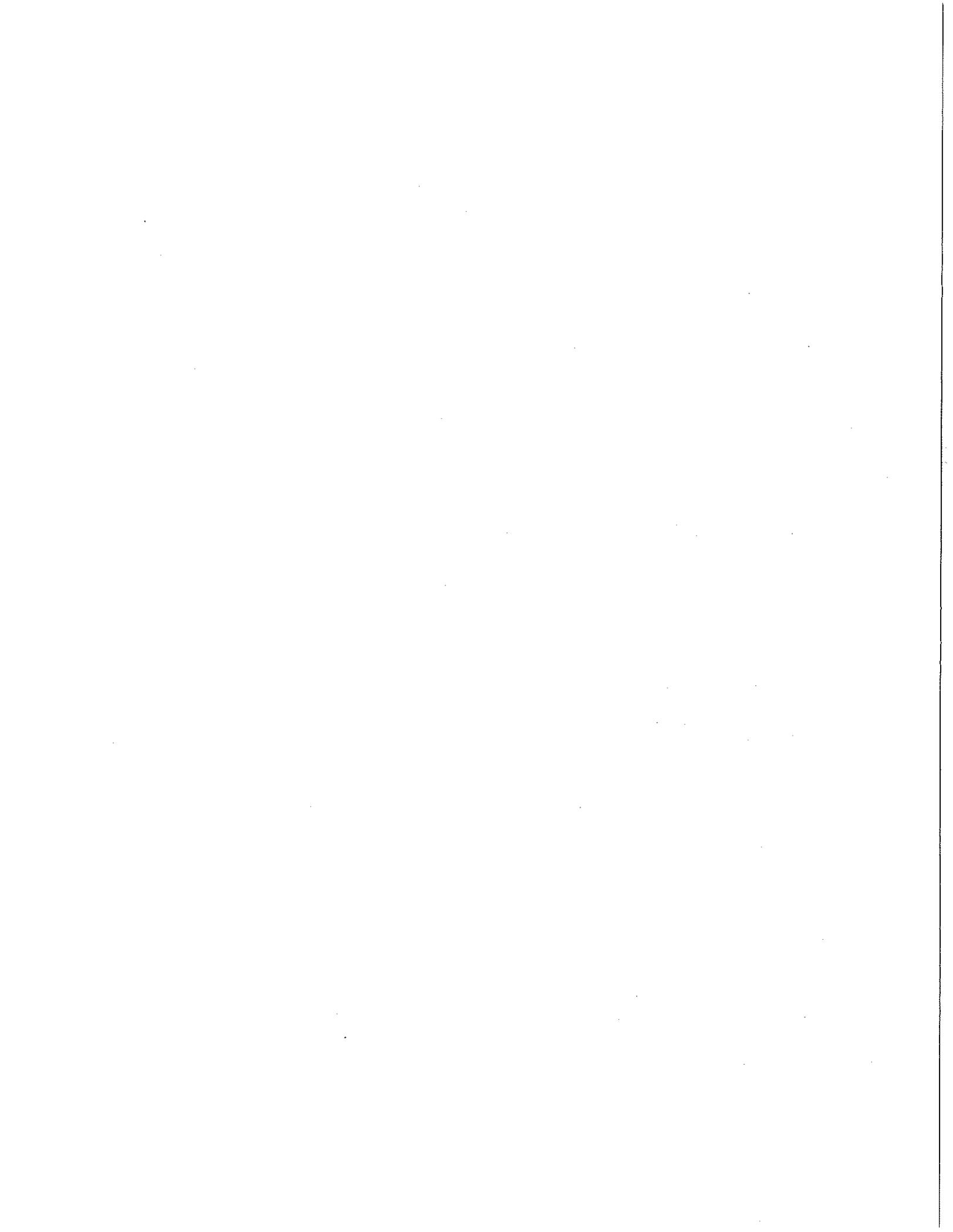
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<sup>2</sup> The council approved the recommendation with a quorum at a later meeting.

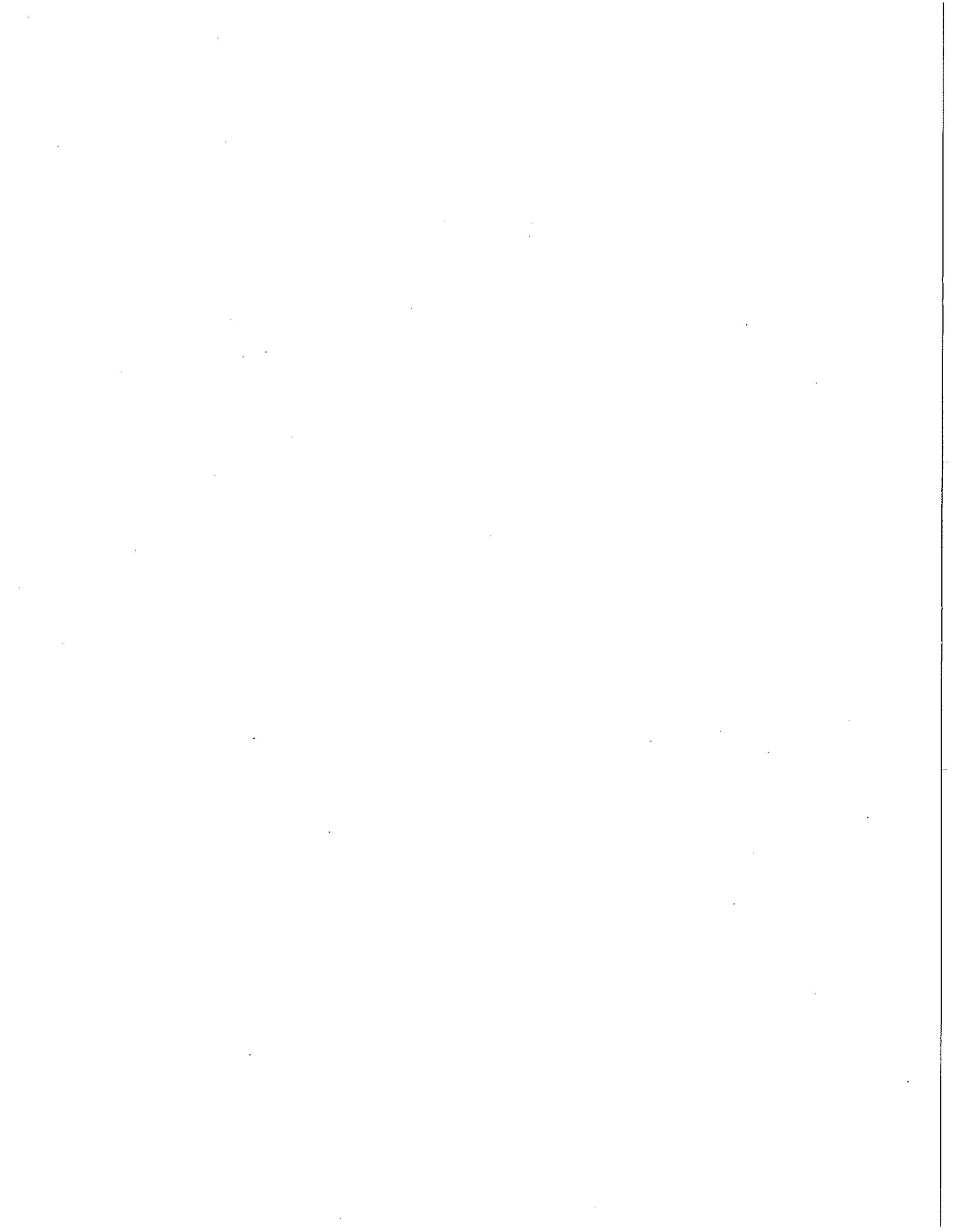
The program review committee believes the regional solid waste advisory councils are the appropriate mechanism for effectuating state goals regarding solid waste management. Presently, the Connecticut Solid Waste Management Advisory Council functions primarily as a forum for the discussion of solid waste management problems in the state. The major result of the council's deliberations is the transmission of information discussed at the meetings back to the groups that each member represents. With the sunset of the council, the Legislative Program Review and Investigations Committee believes that direct, regional input to the Department of Environmental Protection, the Connecticut Resources Recovery Authority and the legislature can be maintained via the regional councils authorized by Connecticut General Statutes Section 19-52411(c).

By statute, the regional councils have two mandated duties: designate an individual to represent the region on the Connecticut Solid Waste Management Advisory Council and deliberate with respect to solid waste management problems of the region. Thus, the regional groups are already designed to do at the regional level what the Connecticut Solid Waste Management Advisory Council does at the state level. The program review committee recommendation gives the regional councils statutory authority to convey the results of their deliberations directly to the Connecticut Resources Recovery Authority.

In summary, the program review committee found that the Connecticut Solid Waste Advisory Council did not effectively carry out its legislative mandate. The committee believes that the transfer of the council's powers and duties will provide the regional solid waste advisory councils with the tools necessary to carry out the spirit of the law.



## APPENDICES



APPENDIX A

CONNECTICUT SOLID WASTE MANAGEMENT ADVISORY COUNCIL

STATUTORY REF: C.G.S. Sec. 19-52411

ESTABLISHED: 1973 (P.A. 459)

ORGANIZATIONAL LOCATION: Connecticut Resources Recovery Authority (CRRA)

PURPOSE: To advise the Connecticut Resources Recovery Authority, regions and municipalities of the state regarding solid waste management problems and programs

POWERS AND DUTIES:

- Review and make recommendations to CRRA regarding the solid waste management system (e.g., user charges, technology employed, environmental impacts and facility operation by CRRA and its contractors)
- Consult and advise the regions and municipalities of the state concerning solid waste management problems
- Prepare an annual report
- Review CRRA annual report and operating plan
- Comment on proposed legislation
- Review and comment on the DEP state solid waste management plan prior to adoption (P.A. 81-179)

COUNCIL MEMBERSHIP: 31 members (presently, 10 vacancies)

- Fifteen members represent the planning regions of the state (council members designated by Regional Solid Waste Advisory Councils) (two vacancies)
- Eight members represent business and industry (six members appointed by governor, one appointed by Speaker of the House and one appointed by President Pro Tempore of the Senate) (four vacancies)

- Eight public members (six members appointed by governor, one appointed by Speaker of the House and one appointed by President Pro Tempore of Senate) (four vacancies)

MEETING SCHEDULE: By statute the council must meet at least quarterly, however, the council usually meets monthly, except in July and August

STAFF: 0 - Secretary provided by CRRA

<u>BUDGET:</u>	<u>FY 1980-81</u>	<u>FY 1981-82</u>
Postal Fee	\$ 23	\$192
Stationery	44	-
Photostating	11	60
Travel	<u>303</u>	<u>363</u>
Total Expenses	\$381	\$615

<u>STATISTICS:</u>	<u>FY 1980-81</u>	<u>FY 1981-82</u>
Number of meetings	9	8
Average length of meetings	Approx. 2 hours	Approx. 2 hours
Average Attendance	10.8	9.8

APPENDIX B

16 respondents out of 23  
(one survey returned  
unanswered)  
70%

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

SUNSET 1983

Questionnaire for Connecticut Solid Waste  
Management Advisory Council

This questionnaire has been constructed to elicit information about the Connecticut Solid Waste Management Advisory Council. Please feel free to provide additional comment on either a specific question or the council's activities in general. Any such comment may be included directly on the questionnaire or in a separate attachment.

1. Approximately how long have you been a member of the Connecticut Solid Waste Management Advisory Council?

Average 4 Years 6 Months

2. What is your occupation? \_\_\_\_\_
3. Please rank the following council duties in the order of importance you attach to each. (Examples 1 = Most Important, 2 = Second Most Important, etc.)

1 Review and advise CRRA regarding the solid waste management system (e.g., user charges, technology employed, environmental impacts and facility operation by CRRA and its contractors).

5 Prepare an annual report

4 Review CRRA annual report and operating plan

3 Comment on proposed legislation

2 Review and comment on the DEP state solid waste management plan prior to adoption (P.A. 81-179)

\_\_\_\_\_ Other (please specify) • Advocate Resource Recovery and Source Separation(1)<sup>1</sup> • Act as liaison to general public regarding solid waste problems(3) • Provide a forum for dissemination of information on current and future disposal technology(1).

(COMPOSITE  
PREPARED  
BY  
LPR&IC  
STAFF)

<sup>1</sup> Number of people with similar response.

4. On a scale from 1 = Very Effective to 4 = Not Effective, how would you rate the performance of the council in the following activities? Please rate every activity. If you feel the council is not involved in a particular activity, indicate this by choosing option 5 (Not Involved).

Very Effective		Not Effective		Not Involved	
1	2	3	4	5	
3	3	7	2	0	Review and advise CRRA regarding the solid waste management system (e.g., user charges, technology employed, environmental impacts and facility operation by CRRA and its contractors).
3	1	8	1	0	Prepare an annual report
1	5	5	1	1	Review CRRA annual report and operating plan
6	8	1	0	0	Comment on proposed legislation
5	9	1	0	0	Review and comment on the DEP state solid waste management plan prior to adoption (P.A. 81-179)
2	2	0	0	1	Other (please specify) ● <u>Public information liaison(2)</u> ● <u>Dissemination of information on solid waste disposal technology(1)</u> ● <u>Advocate role in area of source separation(1)</u> ● <u>Serve as check on both DEP &amp; CRRA(1)</u>

5. Do you feel that a 31-member council is the appropriate size?

8 Yes      6 No, too large               No, too small

6. This final question is optional. If the Solid Waste Management Advisory Council were eliminated, what do you think would be the consequences? (i.e., advantages and disadvantages)

- Elimination of council would abolish a forum focusing attention on solid waste management.
- Need for such a body exists although the council is not especially effective.
- DEP, CRRA & legislature would lose input from knowledgeable people.
- Elimination of council would be disadvantage to recycling effort.
- Input from individual towns regarding desirability of suggested measures would be eliminated.
- Council important because it incorporates regional, public and business people throughout the state who are committed to resolving state's solid waste management problems, who by their interactions, disseminate knowledgeable information at town meetings and seminars.
- Continued vote on CRRA Board of Directors is important, if not always useful.

APPENDIX C

Legislative Changes to Implement  
Legislative Program Review and Investigation Committee's  
Recommendations

- Amend Section 19-52411 of the Connecticut General Statutes to sunset the Connecticut Solid Waste Management Advisory Council and transfer the council's functions to the regional solid waste advisory councils.

