



General Assembly

January Session, 2019

Raised Bill No. 7298

LCO No. 4926



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE PERMITTING FOR CERTAIN SOLID WASTE FACILITIES AND THE DESIGNATION OF RECYCLABLE ITEMS.

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

1 Section 1. Section 22a-6ee of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 Notwithstanding any provision of the general statutes, whether
4 received before, on or after May 29, 2018, the Department of Energy
5 and Environmental Protection shall [make best efforts to review and]
6 make a final determination on each of the following types of permit
7 applications not later than ninety days after receipt of such application
8 provided such application is complete and conforms with applicable
9 provisions of the general statutes and any regulation adopted pursuant
10 to such provisions: (1) Air permits for the temporary use of radiation
11 DTX or the temporary use of radiation RMI issued pursuant to section
12 22a-150, (2) aquifer protection registration issued pursuant to section
13 22a-354i-7 of the regulations of Connecticut state agencies, (3)
14 certificate of permission issued pursuant to section 22a-363b, (4)

15 disposal of special waste issued pursuant to section 22a-209 and any
16 regulation adopted pursuant to said section, (5) collecting waste oil or
17 petroleum or chemical liquids or hazardous waste issued pursuant to
18 section 22a-454, (6) E-waste: Manufacturer issued pursuant to section
19 22a-630, (7) emergency discharge authorization issued pursuant to
20 subsection (a) of section 22a-6k, (8) online sportsmen licensing system,
21 (9) state park passes and bus permits issued pursuant to section 23-26,
22 (10) state parks and forests special use licenses issued pursuant to
23 section 23-11, (11) leases of camping sites issued pursuant to sections
24 23-16 and 23-16a, (12) boating permits issued pursuant to section 15-
25 140b, (13) safe boating certifications issued pursuant to section 15-140e,
26 (14) marine event permits issued pursuant to section 15-121-A6 of the
27 regulations of Connecticut state agencies, (15) marine dealer
28 certificates issued pursuant to section 15-121-B5 of the regulations of
29 Connecticut state agencies, (16) navigation marker permit issued
30 pursuant to section 15-121-A5 of the regulations of Connecticut state
31 agencies, (17) regulatory marker permit issued pursuant to section 15-
32 121-A5 of the regulations of Connecticut state agencies, (18) water ski
33 slalom course or jump permit issued pursuant to section 15-134, (19)
34 inland fishing licenses issued pursuant to section 26-112, (20) marine
35 recreational and commercial licenses, (21) hunting and trapping issued
36 pursuant to section 26-30, (22) nonshooting field trial issued pursuant
37 to section 26-51-2 of the regulations of Connecticut state agencies, (23)
38 private land shooting preserve permit issued pursuant to section 26-48,
39 (24) regulated hunting dog training applications issued pursuant to
40 sections 26-49, 26-51 and 26-52, (25) scientific collection permit for
41 aquatic species, plants and wildlife, and for educational mineral
42 collection issued pursuant to section 26-60, (26) commercial fishing
43 licenses and permits issued pursuant to section 26-142a, (27) nuisance
44 wildlife control operator issued pursuant to subsection (b) of section
45 26-47, (28) taxidermist issued pursuant to section 26-58, [and] (29)
46 wildlife rehabilitator issued pursuant to section 26-54, and (30)
47 management of new or existing environmental projects conducted by
48 one or more municipalities, including, but not limited to, construction
49 and operation of a solid waste transfer station, recycling or compost

50 facility and modifications or additions to a publicly owned treatment
51 works. [Unless an applicant provides the] The department [with
52 additional time, in writing, the department] shall ensure that all
53 deficiencies in any of the applications for a permit described in this
54 section are identified and the applicant notified, in writing, of such
55 deficiencies not later than ninety days after the department received
56 such application.

57 Sec. 2. Subdivision (28) of section 22a-207 of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2019*):

60 (28) "Designated recyclable item" means [an item designated for
61 recycling by the Commissioner of Energy and Environmental
62 Protection in regulations adopted pursuant to subsection (a) of section
63 22a-241b, or designated for recycling pursuant to section 22a-208v or
64 22a-256] materials that are (A) reasonably and economically
65 recoverable in such a manner that the recovery, processing, marketing
66 and transport of such materials to end markets does not increase costs
67 to businesses, municipalities, institutions or residents in the state, (B)
68 demonstrated to have an existing market, and (C) designated by the
69 Commissioner of Energy and Environmental Protection as such
70 pursuant to regulations adopted by the commissioner pursuant to
71 subsection (a) of section 22a-241b, as amended by this act;

72 Sec. 3. Section 22a-208e of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective October 1, 2019*):

74 (a) The owner or operator of each resources recovery facility and
75 each solid waste disposal area shall submit [a report to] an electronic
76 report to the Internet web portal established by the Commissioner of
77 Energy and Environmental Protection quarterly with respect to the
78 calendar quarter beginning on October 1, [1989] 2019, and each
79 calendar quarter thereafter, on or before the last day of the month
80 immediately following the end of each quarter. [Such report shall be
81 on a form prescribed by the commissioner and shall provide such

82 information the commissioner deems necessary, including but not
83 limited to, the amount of solid waste, by weight or other method
84 acceptable to the commissioner, received from each municipal or other
85 customer. Such report shall also include for each Connecticut
86 municipality the total amount of solid waste originating therefrom.
87 The owner or operator shall submit to each such municipality a copy
88 of all such information pertaining to the municipality.] At the
89 discretion of such owner or operator, a paper copy of such report may
90 be submitted in lieu of such electronic report provided each report
91 submitted by such owner or operator utilize a standardized form that
92 is identical for each facility of such owner or operator. Any report
93 submitted pursuant to this subsection shall be posted on the
94 department's Internet web site not later than sixty days after receipt
95 and in a manner that enables such owner or operator to verify that the
96 department has correctly recorded the information provided by such
97 owner or operator. In the event that the department is unable to
98 establish an effective Internet web portal for the optional electronic
99 submission of such reports, the reporting requirements of this
100 subsection shall be suspended until such time as such an Internet web
101 portal is established by the department. The Commissioner of Energy
102 and Environmental Protection shall adopt regulations, in accordance
103 with the provisions of chapter 54, to establish the data required to be
104 reported pursuant to this subsection provided, [If] if precise data are
105 not available, the owner or operator may use a method of estimating
106 acceptable to the commissioner.

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

114 (c) The owner or operator of any recycling facility which receives for
115 processing or sale the following items generated from within the

116 boundaries of a Connecticut municipality: (1) Cardboard, (2) [glass,]
117 food and beverage containers, (3) leaves, (4) metal food and beverage
118 containers, (5) newspapers, (6) storage batteries, (7) waste oil, (8)
119 plastic food and beverage containers, and (9) office paper, shall report
120 [for each such item the information specified in subsection (a) of this
121 section in the manner set forth in said subsection. If a municipality or
122 collector of recyclable items delivers any of the items listed in this
123 subsection to a recycling facility which is not located in this state, such
124 municipality or collector shall notify the commissioner of the name
125 and address of the owner or operator of such facility and shall ensure,
126 by contract, that such facility has notice of and complies with the
127 reporting requirements of this section] the data required by regulations
128 adopted pursuant to subsection (a) of this section. As used in this
129 section, "office paper" means used or discarded white or manila paper
130 including, but not limited to, paper utilized for file folders, tab cards,
131 writing, typing, printing, computer printing and photocopying, which
132 paper is suitable for recycling, but does not mean office paper
133 generated by households.

134 Sec. 4. Subsection (a) of Section 22a-241a of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective*
136 *October 1, 2019*):

137 (a) (1) On or before July 1, 2016, the Commissioner of Energy and
138 Environmental Protection shall revise the state-wide solid waste
139 management plan adopted pursuant to section 22a-228 to include a
140 strategy for diverting, through source reduction, reuse and recycling,
141 [not less than] approximately sixty per cent of the solid waste
142 generated in the state after January 1, 2024. Such strategy [shall] may
143 include [, but not be limited to,] modernization of solid waste
144 management infrastructure throughout the state through the efforts of
145 private, public and quasi-public entities, promotion of organic
146 materials management, the recycling of construction and demolition
147 debris, the development of intermediate processing centers [,
148 recommendations for the development of municipal or regional
149 recycling programs, options for local compliance of municipalities

150 with recycling requirements] and the composting of solid waste. The
151 commissioner shall consult with municipalities in developing any
152 revision to the state-wide solid waste management plan and with the
153 Connecticut Agricultural Experiment Station on issues related to
154 composting.

155 (2) Notwithstanding the provisions of subdivision (1) of this
156 subsection, the commissioner shall temporarily suspend activities and
157 expenditures of the department's staff and consultants not employed
158 by the state who are engaged in conducting studies, outreach and
159 research related to the recycling strategies of the state-wide solid waste
160 management plan until the commissioner examines the costs of such
161 studies, outreach and research and the staff resources of the
162 department to undertake initiatives pursuant to this section. The
163 commissioner shall report the results of such examination, in
164 accordance with section 11-4a, to the joint standing committee of the
165 General Assembly having cognizance of matters relating to the
166 environment not later than October 1, 2019. During any such
167 suspension, the commissioner shall direct such staff to improving the
168 amount of time required by the department to issue permits pursuant
169 to this chapter.

170 Sec. 5. Section 22a-241b of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2019*):

172 (a) (1) On or before February 1, 1988, the Commissioner of Energy
173 and Environmental Protection shall adopt regulations in accordance
174 with the provisions of chapter 54 designating items that are required to
175 be recycled. The commissioner may designate other items as suitable
176 for recycling and amend such regulations accordingly.

177 (2) On or before October 1, 2011, the Commissioner of Energy and
178 Environmental Protection shall amend the regulations adopted
179 pursuant to subdivision (1) of this subsection to expand the list of
180 designated recyclable items to add (A) containers of three gallons or
181 less made of polyethylene terephthalate plastic and high-density

182 polyethylene plastic, and (B) additional types of paper, including, but
183 not limited to, [boxboard, magazines,] residential high-grade white
184 paper. [and colored ledger.]

185 (b) Any designated recyclable item shall be recycled by a
186 municipality within six months of the availability of service to such
187 municipality by a regional processing center or local processing
188 system.

189 (c) Each person who generates solid waste from residential property
190 shall, in accordance with subsection (f) of section 22a-220, separate
191 from other solid waste the items designated for recycling pursuant to
192 subdivision (1) of subsection (a) of this section.

193 (d) Every person who generates solid waste from a property other
194 than a residential property shall, in accordance with subsection (f) of
195 section 22a-220, make provision for and cause the separation from
196 other solid waste of the items designated for recycling pursuant to
197 subdivision (1) of subsection (a) of this section through the use of one
198 or more collection containers for designated recyclable items that are
199 separate from the collection containers for other solid waste. Collection
200 containers that have been used for the collection of solid waste may be
201 converted to containers for the collection of designated recyclable
202 items by labeling or other means to identify that such container is
203 dedicated to collecting designated recyclable items. On and after July
204 1, 2012, the provisions of this subsection shall also apply to items
205 designated for recycling pursuant to subdivision (2) of subsection (a)
206 of this section.

207 (e) No person shall knowingly combine previously segregated
208 designated recyclable items with other solid waste.

209 (f) For the purposes of this section, ["boxboard" means a lightweight
210 paperboard made from a variety of recovered fibers having sufficient
211 folding properties and thickness to be used to manufacture folding or
212 set-up boxes.] "designated recyclable item" has the same meaning as
213 provided in section 22a-207, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	22a-6ee
Sec. 2	<i>October 1, 2019</i>	22a-207(28)
Sec. 3	<i>October 1, 2019</i>	22a-208e
Sec. 4	<i>October 1, 2019</i>	22a-241a(a)
Sec. 5	<i>October 1, 2019</i>	22a-241b

Statement of Purpose:

To (1) require final determinations on certain permits of the Department of Energy and Environmental Protection within ninety days of the submission of such permit applications, including certain solid waste management facilities and publicly owned treatment works, (2) redesignate recyclable items, (3) reallocate department staff resources concerning solid waste management, and (4) revise certain reporting requirements of resources recovery facilities.

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