

Act Number:	09-211	
Bill Number:	995	
Senate Pages:	4249-4255, 4266-4268	10
House Pages:	10302-10307	6
Committee:	Environment: 3048, 3078- 3084, 3090-3091, 3100, 3101, 3207, 3216-3224, 3300	23
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GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 13
3984 - 4323**

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Mr. Clerk?

THE CLERK:

Calendar page 29, Calendar Number 357, Files 464 and 907, substitute for Senate Bill 995, AN ACT CONCERNING BENEFICIAL REUSE, RECYCLING, ILLEGAL DUMPING AND MUNICIPAL DEMONSTRATION PROJECTS, favorable report, Committees on Environment, Judiciary, and Energy and Technologies.

THE CHAIR:

Senator Meyer?

SENATOR MEYER:

Thank you, Mr. President. I move the Joint Committee's favor report on this bill and passage.

THE CHAIR:

Acting on acceptance and approval of the bill, sir, would you like to remark further?

SENATOR MEYER:

Yes. Thank you, Mr. President, I would briefly.

Colleagues, this is a bill which was going to be amended. I'm going to talk to you about the amendment in a moment, but what will be left after the amendment is an important issue concerning beneficial use of solid waste.

Right now, industry and municipalities cannot use

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waste for beneficial purposes without the consent of DEP, and this bill at DEP's request makes the process for the use rather than just the disposal of solid waste easier. As DEP testified in support of the bill, both the environment and Connecticut businesses would benefit from granting the Department the authority to issue individual beneficial use determinations, and that, in essence, is what the bill does.

You will notice at the beginning, it provides for individual authorizations; it provides for guidelines that the Department will prepare concerning individual authorizations. It provides the form of an application to get the individual authorization, and it provides for an authorization process.

Mr. President, there is an amendment, and I would respectfully ask if the Clerk could kindly call LCO 8580.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 8580 which would be designated Senate Amendment Schedule A is offered by Senator Meyer of the 12th District.

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THE CHAIR:

Senator Meyer?

SENATOR MEYER:

I move it, Mr. President.

THE CHAIR:

Motion is on adoption. Seeing no objection,
please proceed.

SENATOR MEYER:

And briefly, permission to summarize.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR MEYER:

Colleagues, what this amendment does is it strikes controversial sections of the underlying bill relating to heavy mandates on municipalities concerning recycling and heavy mandates with respect to anti-dumping. Frankly, I like from an environmental standpoint those sections that this amendment would delete, but the controversy with respect to those mandates at this late session, at this point in the late session of the Legislature, has made me in, hopefully, the best of wisdom here to avoid controversy by deleting those recycling and anti-dumping sections at this time and bring them back

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for further consideration at another time, probably not in 2009.

So, for those reasons, I ask that the amendment be approved.

THE CHAIR:

Thank you, sir. Remark further? Senator McKinney?

SENATOR MCKINNEY:

Thank you, Mr. President. Just briefly, I rise in support of the amendment, and if adopted, the final passage of the bill as amended by LCO 8580. Thank you.

THE CHAIR:

Thank you, sir. Remark further on Senate Amendment A? Remark further? If not, let me try your minds. All those in favor, please signify by saying aye.

VOICES:

Aye.

THE CHAIR:

Opposed, nay? The ayes have it. Senate A is adopted. Will you remark further on Senate Bill 995 as amended by Senate A? Senator Prague?

SENATOR PRAGUE:

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Thank you, Mr. President. Through you to Senator Meyer, Senator Meyer, would this allow our companies like CRRA to use their ash to make something constructive and productive out of the ash?

Apparently, they've been trying to do this for years, and there's been a problem with some of the DEP restrictions.

THE CHAIR:

Senator Meyer?

SENATOR MEYER:

Through you, Mr. President. Yes, Senator Prague, it would allow CRRA to do it with an actual permit from the Department of Environmental Protection after a serious application process.

THE CHAIR:

Senator Prague?

SENATOR PRAGUE:

I just through you, Mr. President, want to thank Senator Meyer for this. Other countries apparently have this process in place so that the ash can be made into something useful, not like we do, just have ash landfills where it's dumped into the ground.

So, again, through you, thank you, Senator Meyer.

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Thank you, Senator Prague. Thank you for asking.

Senator Kane?

SENATOR KANE:

Thank you, Mr. President. Through you, just a couple of questions for the proponent of the bill.

THE CHAIR:

Senator Meyer?

SENATOR KANE:

Thank you, Mr. President. The amendment that we just passed strikes Sections 2 through 6. More specifically, without going through all those sections, does that speak to the section of littering on your own property? Is that part of it? Through you, Mr. President.

THE CHAIR:

Senator Meyer?

SENATOR MEYER:

Through you, Mr. President. There was in the underlying bill a section about littering on your own property. This amendment strikes that.

THE CHAIR:

Senator Kane?

SENATOR KANE:

Thank you, Mr. President. That's what I wanted

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to confirm. Thank you.

THE CHAIR:

Thank you, sir. Remark further on the bill as amended by Senate A? Senator Meyer?

SENATOR MEYER:

If there is no objection, I respectfully ask that it go on the consent calendar.

THE CHAIR:

Senator Meyer has a motion on the floor to place this item on the consent. Without objection, so ordered. Mr. Clerk?

THE CLERK:

Calendar page 33, Calendar Numbers 471 and 685, Senate Bill 1128, AN ACT CONCERNING INTERRUPTION OF TELECOMMUNICATIONS SERVICE, SCRAP METAL PROCESSORS AND MOTOR VEHICLE RECYCLISTS, favorable report of Committee on Judiciary, Energy and Technologies, and Public Safety.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

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THE CHAIR:

Senator Meyer requests that this item be put on consent. Seeing no objection, so ordered. Mr. Clerk?

THE CLERK:

Mr. President, that completes those items previously marked go.

THE CHAIR:

Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. If the Clerk might now call the first consent calendar?

THE CHAIR:

Mr. Clerk, please call the first consent calendar, and the machine will be open. Excuse me. Please call the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber? Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber?

Mr. President, those items placed on the first consent calendar begin on calendar page 6, Calendar 486, substitute for Senate Bill 650. Calendar page

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17, Calendar Number 660, substitute for House Bill 5262.

Calendar 664, House Bill 5894, calendar page 23.
Calendar Number 202, Senate Bill 74. Calendar page
24, Calendar 220, substitute for Senate Bill 866.

Calendar 227, substitute for Senate Bill 920.
Calendar 238, House Bill 5222. Calendar 243, House
Bill 6501. Calendar page 29, Calendar Number 357,
substitute for Senate Bill 995.

Calendar page 33, Calendar 471, Senate Bill 1128.
Calendar 481, substitute for Senate Bill 533.
Calendar 499, Senate Bill 1099, and calendar page 37,
Calendar 321, Senate Bill 271.

Mr. President, that completes those items placed
on the first consent calendar.

THE CHAIR:

Please call the consent calendar. The machine
will be open.

THE CLERK:

The Senate is now voting by roll call on the
consent calendar. Will all Senators please return to
the chamber? The Senate is now voting by roll call on
the consent calendar. Will all Senators please return
to the chamber?

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THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 1.

Total number voting 35

Those voting yea 35

Those voting nay 0

Those absent and not voting 1

THE CHAIR:

Consent Calendar Number 1 passes. Senator
Looney?

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of all items acted upon today requiring action in that chamber.

THE CHAIR:

There's a motion on the floor for suspension of the rules for immediate transmittal. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would

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Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER McCLUSKEY:

The Bill as amended is passed.

Will the Clerk please call Calendar Number 697.

THE CLERK:

On Page 24, Calendar Number 697, Substitute for Senate Bill Number 995 AN ACT CONCERNING BENEFICIAL REUSE, RECYCLING, ILLEGAL DUMPING AND MUNICIPAL DEMONSTRATION PROJECTS. Favorable Report of the Committee on Energy and Technology.

DEPUTY SPEAKER McCLUSKEY:

Representative Schofield.

REP. SCHOFIELD (16th):

Thank you, Mr. Speaker. I do seem to have difficulty with this microphone, don't I?

I move acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of

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the Bill in concurrence with the Senate. Will you
remark?

REP. SCHOFIELD (16th);

Thank you, Mr. Speaker. The Clerk is in
possession of Senate Amendment "A", LCO Number 8580.
I ask that he call the Amendment and I be given
permission to summarize.

DEPUTY SPEAKER McCLUSKEY:

Will the Clerk please call LCO Number 8580
previously designated Senate Amendment Schedule "A".

THE CLERK:

LCO Number 8580, Senate "A", offered by Senator
Meyer and Representative Roy.

DEPUTY SPEAKER McCLUSKEY:

The gentle lady has asked leave of the Chamber to
summarize Senate "A". Is there objection? Is there
objection? If not, ma'am, please summarize Senate
"A".

REP. SCHOFIELD (16th):

Thank you, Mr. Speaker. Senate "A" simply
strikes Sections 2 through 6 in their entirety. I
move for adoption.

DEPUTY SPEAKER McCLUSKEY:

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The question before the Chamber is adoption of Senate "A". Will you remark? The honorable Ranking member of the Environment Committee, Representative Chapin, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I also rise in support of the Amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you for your remarks, sir. Will you remark further? The gentleman from Watertown, Representative Williams, has passed.

Will you remark further on Senate "A"? Will you remark further on Senate "A"? If not, I'll try your minds. All those in favor of Senate "A" please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER McCLUSKEY:

All those opposed, Nay. Ayes have it. Senate "A" is adopted. Will you remark further on the bill as amended?

Representative Schofield.

REP. SCHOFIELD (16th):

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Thank you, Mr. Speaker. The Bill as amended authorizes the DEP, the Department of Environmental Protection, to issue individual permits for reuse of waste materials.

Currently, they can only authorize general permits so this allows them to authorize individual permits, which is a more expedient process and will promote more reuse of materials that would otherwise be disposed of as solid waste.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam. Will you remark further?
Representative Schofield.

REP. SCHOFIELD (16th);

Thank you. I move adoption.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is adoption of the Bill as amended. Will you remark? Will you remark? The Ranking Member of the Environment Committee, Representative Chapin, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I also rise in support of the Bill before us as amended. As Representative

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Schofield pointed out this will make it a little easier for municipalities as well as manufacturing to find a better way to reuse some of the solid waste.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on the Bill as amended? Will you remark further on the Bill as amended?

If not, will staff and guests please come to the Well of the House. Will the Members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER McCLUSKEY:

Have all the Members voted? Have all the Members voted? Will the Members please check the board to determine whether your vote has been properly cast.

If all the Members voted, the machine will be locked. Will the Clerk please take and announce that tally.

THE CLERK:

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Senate Bill Number 995 as amended by Senate "A"

in

concurrence with the Senate.

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	141
Those voting Nay	3
Those absent and not voting	7

DEPUTY SPEAKER McCLUSKEY:

The Bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 711.

THE CLERK:

On Page 25, Calendar Number 711, Substitute for Senate Bill Number 47 AN ACT CONCERNING HEALTH CARE PROVIDER CONTRACTS. Favorable Report of the Committee on Public Health.

DEPUTY SPEAKER McCLUSKEY:

The honorable Chair of the Insurance Committee, Representative Fontana, you have the floor, sir.

REP. FONTANA (87th):

Thank you, Mr. Speaker. Mr. Speaker I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 10
3022 - 3307**

2009

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ch/gdm ENVIRONMENT COMMITTEE

March 16, 2009
10:30 A.M.

Yvonne Bolton.

AMEY MARRELLA: Mr. Chairman, with your permission we'll have Yvonne Bolton who is our Bureau Chief for materials management and Betsey Wingfield our Bureau Chief for water protection and land reuse be here with us at the same time to facilitate any questions you may have from the department.

REP. ROY: Very nice. Thank you.

AMEY MARRELLA: Thank you. Thank you, Mr. Chairman and members of the committee for this opportunity to testify on behalf of DEP.

HB 6345

We are here specifically to speak to two bills that have been put forward by the Department, Number 995 and Number 1106. We'd also be happy to answer any questions you have about other bills before you today. With respect to 995, this is our second effort at getting authority to make individual determinations about the beneficial reuse of waste. There are members of the business community here also who can speak to that issue and the value to businesses and the environment. With respect to that bill also, we have some changes on our recycling laws to promote recycling and clarity of what is needed for people to do recycling.

And lastly, we have an effort to strengthen our enforcement authority. We have a problem that sometimes people use their own property to dump waste of other people for monetary gain on their own property and we have proposed some language to address that issue.

I'd like to spend the bulk of the time speaking about Bill No. 995 which we have put forward this year. It's a long bill. It is a

SB1106

JAMES ROBINSON: Thank you, Representative Roy.

REP. ROY: State Representative Gary LeBeau and he will be followed by our first member of the public, Carroll Hughes.

State Senator? Oh, when did you get demoted Gary?

SENATOR LEBEAU: I used to be -- I used to be in the lower chamber but I was lucky enough to get better meals up in the Senate. If I could Mr. Chair -- Mr. Chairman, I have some members who -- who've worked on this bill, some constituents, if I could ask them to come up with me. Thank you. Thank you very much.

I'd like to introduce Barry Miller from Redland Brick Company, Ray Graczyk from NLR, Incorporated, Dieter Linger and Michael Ritzenhoff from Seidel. I think we've got one less person. So -- and we're here on Senate Bill No. 995. And I'd first of all like to thank the chairs for raising this bill. It's a -- it's a bill from the -- the Commissioner's office and we want to thank them for working on this bill.

Ms. Morrella, Yvonne Bolton, Rob LaChance all worked on this bill -- this section of the bill which deals with the beneficial use permit. And this is a very positive step for both the environment and for Connecticut businesses and it's great to be able to have a bill that is good for both.

So I'd like to -- I'll turn this -- turn it over to Barry Miller who has -- has submitted written testimony and -- Barry, if you could kind of give us the background on this.

BARRY MILLER: Okay. I'm -- I'm Barry Miller with

Redland Brick. We own the KF plant in South Windsor. We employ typically 45 people that are represented by the steel workers union. That plant is shut down right now due to the lousy market at the time. I've been trying for three years to get permission to be able to give away lime. That's right give away. Lime is our waste product from our kiln scrubber. It's perfectly safe. And I can't do that because the DEP doesn't have the authority to issue beneficial use permits. You know, I asked the legislature last year to approve the bill that was proposed and, of course, it didn't pass. I've talked with a number of other businesses and we have these folks here even -- even though I didn't call them until Friday, they found it important enough to get here after calling just Friday.

Again, our material is lime and it's safe. It's been approved three different times by the state -- the Department of Agriculture approved it for -- for use, the DEP approved it in a temporary permit, and I currently have a demonstration permit to be able to use it. And what we want to do is we want to give it away to farmers to put along their land just as you would any other lime and it'll raise the ph of their soil.

But when this demonstration permit is up, I have no where to go with this but the landfill. We own plants in Maryland and Pennsylvania. And in Maryland and Pennsylvania I don't even need a permit there. I've been doing this down there and it's worked just fine. There have been no issues. You know, I have met with the DEP and, of course, they -- they spoke earlier. They're in favor of this. We need it. And, you know, and I think that if Connecticut really wants to consider itself as an environmentally

friendly state they need to have a means of recycling waste.

So I ask you to take and -- and pass this bill. You know, I -- I -- I think this is a no-brainer. So I ask you to pass this bill and we need it very badly. Thank you.

SENATOR LEBEAU: Mr. Chair, if you call on Mr. Graczyk.

RAY GRACZYK: Senator Meyer, Representative Roy, and members of the committee, my name is Ray Graczyk and I am president of NLR, Inc. We are located at 250 Main Street in East Windsor.

I am here today to speak in favor of Raised Bill No. 995. NLR was incorporated in the State of Connecticut in 1994 for the purposes of safely managing spent mercury-containing lamps such as fluorescents, HID, specialty lamps, U-Bends, compacts, and the such. Like all facilities -- lamp processing facilities throughout the country, we generate large quantities of glass. Our challenge has been finding markets to recycle this glass. At the beginning of our operation, we were able to place the glass up in Albany, New York at a fiberglass plant, but in 2001 the plant relined its furnaces in order to accommodate bottle glass and our glass was no longer of use. Subsequently, the Windsor landfill agreed to accept our residual glass for daily cover as well as aggregate for road construction, a use of which the DEP approved as a special waste authorization.

In May of 2008, we were notified that the glass was of no further use to Windsor, as the landfill was preparing to close. I then approached Manchester -- the Manchester

landfill to inquire whether they would be interested in using the glass, but they indicated they had a -- an abundance of material and we were left an outlet -- with an outlet -- without -- I'm sorry -- without an outlet for our glass.

There were some out-of-state options in New Hampshire and Maine but the cost of transportation was -- was too great and forced us to landfill the material.

I then sought a local solution, found two construction contractors in close proximity that said they would welcome the glass and would use it to supplement material that they were using as sub base for roads, driveways, and parking lot construction. The thing I had to do was receive a beneficial use approval from DEP and my problem was solved.

Only then did I discover that DEP could not issue a beneficial use because they currently have no authority to do that. They did tell me that as of October 1st, of 2008, they would be able to authorize use of the glass under the authority they received last year to issue permits for demonstration projects to reclaim materials.

I then proceeded to complete the testing required by the DEP, and on December 31st of last year was issued a permit for a beneficial use demonstration project using my glass as aggregate for sub base. Although this will help in the short term it is not a solution to the problem because the permit is only good for two years. This means that if the Department is not granted the authority to issue beneficial use permits, my company will be right back to where we were in May of 2008.

The cost to NLR for the DEP not having the authority to issue a beneficial use permit when I first approached them in May was great. My company spent \$70,000 between May and December to landfill our glass. Unfortunately, this loss of money also resulted in NLR having to layoff two employees.

In closing, I would ask again that this bill be passed. It is essential to any industry that produces a product that is not a waste to be able to have markets for its use. It is also in keeping with the goals set forth in the DEP's solid waste plan under the provisions for recycling, not even to mention the benefits to the environment for using reclaimed materials.

The other benefit would be that Connecticut would now be on equal footing with the surrounding states when it comes to being able to issue these permits and may make a difference when companies look to locate plants that produce by-products.

Thank you for allowing me to testify today and I'd be happy to answer any questions.

REP. ROY: Thank you.

SENATOR LEBEAU: And finally, Michael Ritzenhoff, who is the president of Seidel Corporation.

MICHAEL RITZENHOFF: Good morning. I'm Michael Ritzenhoff and I'm the president of Seidel Inc. We make parts for the cosmetic industry, electro-polish and anodize lipstick cases, mascara and these kind of things. And -- and one of our products is we neutralize these acids and produce a filter press cake.

At the moment we have the benefit -- beneficial use determination in the State of Massachusetts. We didn't even go that far because we never really tried with Connecticut because of the -- of the regulations. Connecticut didn't have the possibility to have that. So I'm very much in -- in -- in support of Bill No. 995.

We think there are many more applications where industrial waste processes can be used for -- as a raw product for something else. We think that fits right into the anti-recycling philosophy and we think that if the industry and the DEP work together, it's good for the industry; it's good for the state. So thank you very much for -- for letting me speak.

REP. ROY: Thank you.

MICHAEL RITZENHOFF: Thank you.

REP. ROY: Are there any questions or comments from members of the committee?

Representative Lambert.

REP. LAMBERT: Yes. I really would like to commend you on trying to take waste products and making something else valuable of them. I have a -- a person in Milford, one of my constituents that's working on glass and she's been emerged in it. And it's so far away that we have to ship that glass and that there's different products that can be made. And one of them she brought to my mind was -- it's actually beach sand. She showed me a sample of it, so I -- I could really have empathy with you as far as having something like that made for under road surface, so I want to commend you because this is the direction that

we have to go in.

We have to take those waste products that we have to pay to have shipped and we need to turn around and make those more valuable, and not worry, especially in this crisis that we're in right now, and keep those kind of products and make something that's worthwhile. So I'd like to commend you and thank you all for your testimony.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Gentlemen, thank you very much.

SENATOR LEBEAU: Mr. Chairman, just -- just one comment. Mr. Miller mentioned that the bill didn't pass last year. It did pass this committee but it got hung up because it -- there was -- it was part of a larger bill that had a fiscal note. As you know, we didn't -- didn't do a budget last year so it got hung up with the budget process. So I don't think there was any problem with the concept. I think it was a matter of getting hung up in the budget process and hopefully this year, nothing like that will occur, hopefully.

REP. ROY: Thank you. Just remind our leadership about all the good work we do.

SENATOR LEBEAU: Thank you.

REP. ROY: Thank you. Take care.

Thank you gentlemen.

Carroll Hughes and he'll be followed by Martin Mador.

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March 16, 2009
10:30 A.M.

of the committee?

Seeing none, Carroll, thank you very much.

CARROLL HUGHES: Thank you very much.

REP. ROY: Martin Mador followed by Carlene Kulisch.

MARTIN MADOR: Good morning, members of the committee. I'm Martin Mador. I'm the legislative and political chair for the Connecticut Sierra Club. It's a pleasure to be back here again.

HB 6660 HB 6375
SB 1084

I want to very quickly endorse four bills and oppose a fifth one. The two bills here which would help us preserve farmland, which is a very important priority for Sierra. 793 ensures that STEAP grants would not be used to destroy farmland unless there was simply no alternative to the project. We're losing farmland at -- at an alarming rate. We feel our quality of life, and not to mention our food supply, requires a vibrant farming community in the state so that we must proactively preserve our remaining farms. To use state funds to convert farms to non-agricultural uses we feel would be the depth of bad public policy, so we strongly endorse 793.

1082 directs the Farmland Preservation Advisory Board to conduct a review of state owned farmland again towards a view of permanently protecting these farms. We strongly endorse this bill as well.

995 in Section 2 requires the contracts for collection of solid waste must also include provisions for collection of recyclables. We feel this is a valuable incremental step in

our efforts to improve the recycling rates in the state.

6660 provides bond funding for the Face of Connecticut and provides some annual reporting. We consider Face a very important new concept for Connecticut. It's now at risk. The Bill 6375 in GAE would terminate Face. We're going to be working diligently to try to preserve it there, so we'd like to see 6660 passed.

Finally, 1084 would make bio-sludge and bio-solids a Class I renewable. We figure this is not consistent with the concept of a Class I renewable and we would ask you to defeat 1084. Thank you.

SENATOR MEYER: Thank you, Marty. Thank you for your advocacy as usual.

Are there any questions by the committee?

That's it. Appreciate it. Next witness is Carlene Kulisch -- didn't see Carlene. Eric Brown, CBIA. Blowing the whistle on you, Eric.

ERIC BROWN: I should be so lucky. Senator Meyer, good morning. Good morning, members of the environment committee. My name is Eric Brown and I am with the Connecticut Business and Industry Association and appreciate this opportunity to submit comments on Senate Bill 1106, An Act Concerning the Process Remediation of Releases of Hazardous Waste and Hazardous Substances.

I have submitted written testimony for your consideration. This is a -- a -- a huge bill with enormous implications far beyond what I could even try and encapsulate within three

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10:30 A.M.

but we're going to come back. You're up.

CARLENE KULISCH: Thank you very much, Senator Meyer, members of the Environment Committee. This is what happens when you're covering a couple of different public hearings, but you know what that's all about.

SB 995 HB 6345

I am Carlene Kulisch. And I am here representing my client, the South Central Connecticut Regional Water Authority. We are here to make some comments on Sections 2 and 3 of Raised Bill 6660, An Act Authorizing Bonds of the State for Various State Grant Programs and Concerning the Face of Connecticut Steering Committee.

The Face of Connecticut Steering Committee was created during the 2008 session; is the subject of Section 2 of this bill. And the purpose of that steering committee was to fill gaps that exist with new programs necessary to preserve the state's character as well as to manage and distribute funds for multi-purpose projects of special significance. Excuse me. Several of the requirements for this steering committee contained in Subsection d, on lines 84 to 97, would be helpful in determining the progress toward reaching the goal that the state has in state statute to have 21 percent of the state's land being preserved by the year 2023. The Regional Water Authority would be pleased to assist the committee in refining that list and -- and making it an even better list.

Section 3 of the bill has \$32.5 million -- and I want to emphasize that this is not a request for new money. It's -- it's just a request to maintain the same funding levels that we have had for open space and watershed protection and -- and other programs through the years.

The Regional Water Authority two years ago -- it's my time to boast, released or announced a program to protect 3,000 acres of watershed land in the region to protect its public water supply. Two weeks ago the Regional Water Authority bought its fourteenth parcel of land in those two years since announcing the land initiative. Conservation easements also protect four additional parcels.

So the Regional Water Authority looks forward to working with legislators and the executive branch to assure that the authorized bonding remains at the level that it was last year, as well as to maintain the steering committee.

And just -- if I have one moment to draw your attention to other testimony that you have on behalf of the Connecticut Water Works Association, you have some testimony in support of Senate Bill 995, on the beneficial reuse. And that will help us towards getting rid of our residuals in a very economic fashion and also Bill 6345, the Connecticut Water Works Association opposing that bill. That's the bill dealing with the Highlands Region. And I'll be happy to answer any questions that you have.

SENATOR MEYER: Carlene, do you -- do you represent any client who are involved with the highlands area -- water issues in the highlands?

CARLENE KULISCH: I do not. The region -- I represent the Regional Water Authority and the Highlands Regions; there are no Highlands Regions as defined by federal law within the Regional Water Authority's district. However, the Regional Water Authority is a member of the Connecticut Water Works Association and they have submitted testimony to you which opposes the highlands bill legislation.



*Connecticut Chapter
645 Farmington Ave.
Hartford, Connecticut 06105
www.connecticut.sierraclub.org*

Environment Committee
March 16, 2009
Testimony of Martin Mador
In Support of

SB 793 An Act Concerning STEAP Grants And The Conversion Of Prime Farmland
To Nonagricultural Use

SB 995 An Act Concerning Beneficial Refuse, Recycling And Illegal Dumping

SB 1082 An Act Concerning The Preservation Of State-owned Agricultural Land

HB 6660 An Act Authorizing Bonds Of The State For Various State Grant Programs And
Concerning The Face Of Connecticut Steering Committee

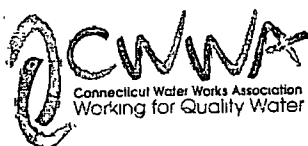
I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic well-being, and the quality of life in Connecticut. I possess a Master's of Environmental Management degree from Yale.

SB 793 ensures that STEAP grants are not used to destroy farmland unless there are no viable alternatives. We lose farmland at an alarming rate: thousands of acres annually. Our quality of life, not to mention our food supply, requires a vibrant farming community in the state. We must pro-actively preserve our remaining farms. To use state funds to convert them to non-agricultural uses would be the depth of bad public policy.

SB 995, section 2, requires that contracts for collection of solid waste much also include provisions for collection of recyclables. This is a valuable incremental step in our efforts to improve recycling rates.

SB1082 directs the Farmland Preservation Advisory Board to conduct a review of state owned farmland with a goal of permanent preservation of such lands.

HB 6660 provides bond funding for the FACE of Connecticut, and calls for annual reporting by the steering committee. Sierra considers the Face of CT an important element in our efforts to preserve open space and farmland and make land use decisions which are environmentally preferable.



**Testimony
Elizabeth Gara
Connecticut Water Works Association (CWWA)
Before the
Environment Committee
March 16, 2009**

Re: SB-995, An Act Concerning Beneficial Reuse, Recycling & Illegal Dumping.

CWWA supports provisions in SB-995 which would eliminate the need for a general permit for the beneficial reuse of residual solids, which are a safe by-product of the water treatment process. Recognizing the safety of such residual solids, the state Department of Environmental Protection (DEP) authorizes their reuse except for commercial sale.

A law adopted in 2004 required the state Department of Environmental Protection (DEP), in conjunction with various stakeholders, to develop a general permit for the beneficial reuse of residual solids. However, the general permit has not yet been developed.

Unfortunately, there are limited options for disposal of this material. Connecticut water utilities have been working towards developing alternative methods for the use and disposal of residuals for many years. In 1999, CWWA retained a consultant to study the quantity and quality of Connecticut residuals, review state and federal regulations, disposal practices of water utilities, and research other state's residual characteristics and reuse practices. In 2002, DEP staff agreed to pursue the management of residuals as a soil substitute within the existing general permit for the discharge of water treatment wastewater, which was consistent with our 1999 proposal.

Legislation adopted in 2004 moved the regulation of water treatment residuals from the solid waste arena to the existing general permit program where the liquid phase of this material is currently regulated, and called for the creation of an operations plan for residuals blending and reuse, including best management practices.

Topsoil blending, compost blending, and land application of residuals are currently effectively used as disposal and reuse options in other states throughout the U.S., including one company authorized by DEP in Connecticut. This bill will help support alternative options for the use and disposal of water treatment residuals.

The bill would provide water companies with an additional alternative to residuals disposal, which at the moment is limited to landfills, sewers, or recycling through Earthgro (the only company in CT currently

allowed to beneficially reuse residuals). These alternatives are not viable since landfills are quickly filling up and closing and residuals are often not compatible with sewer systems.

The Regional Water Authority successfully completed a demonstration-scale project in 2007, and was allowed to use the blended material in-house, for lawn repairs, etc. However, requests to expand the operation commercially were rejected.

Some contractors/landscapers appear willing to either buy residuals or accept them for free, which would eliminate disposal costs, saving taxpayer or ratepayer dollars. Allowing the reuse of residual solids is a reasonable, practical, and environmentally acceptable alternative for the use and disposal of water treatment solids.

We therefore urge your adoption of this provision.

Please contact CWWA at 860-547-0566 or gara@gmlobbying.com if you have any questions.

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. As purveyors of public water supplies, our members have an obligation to provide sufficient quantities of high-quality water at a reasonable cost to consumers of the communities served. As an association, CWWA and its members have a keen interest in laws and regulations that affect water utilities or supplies.

SeidelWe make aluminum beautiful

Waterbury, March 15, 2009

Ref.: Support for the Raised S.B. No. 995

To whom it may concern:

The purpose of this letter is to support the Raised Bill No. 995.

Our thinking about waste has to change: Instead of producing tons of waste we have to look at recycling. Therefore we should focus on the waste streams of industrial processes as potential raw materials for other processes.

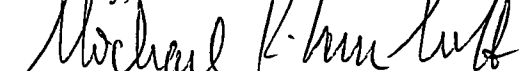
This "green thinking" requires an altered approach in industry and government. Industry has to come up with environmentally sensitive proposals for re-use of waste streams. The Commissioner of Environmental Protection should be able to issue permits to reuse waste. This has to be done on an individual basis. Seidel, Inc. for instance, developed processes without heavy metals and therefore produces waste streams without heavy metals. That makes recycling much easier.

The advantages seem quite obvious:

1. Less waste streams are better for the environment.
2. As landfills are filling up, the disposal of waste will be more difficult in the future.
3. Cost for waste disposal could be reduced and thus make CT companies more competitive.
4. Cost for raw materials could be reduced by re-using waste streams and thus increasing efficiencies.

We hope that a new "green thinking" will take hold in government and industry.
Thank you for your consideration.

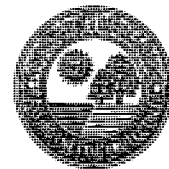
Sincerely,



Michael Ritzenhoff
President



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 16, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environment Protection

**Senate Bill No. 995 (RAISED) - AN ACT CONCERNING BENEFICIAL REUSE,
RECYCLING AND ILLEGAL DUMPING**

Thank you for the opportunity to present testimony regarding Senate Bill No. 995 (RAISED) - AN ACT CONCERNING BENEFICIAL REUSE, RECYCLING AND ILLEGAL DUMPING. We appreciate the Committee's willingness to raise this bill at the request of the Department of Environmental Protection (Department). This proposal, which we strongly support, would make some simple but important changes to existing environmental statutes:

Section 1

This section allows for individual determinations that an industry's waste materials may be beneficially used rather than disposed of as a solid waste.¹ Both the environment and Connecticut businesses would benefit from granting the Department the authority to issue individual beneficial use determinations.

This proposal would authorize the Commissioner to approve, on an individual basis, the reuse of solid waste that could serve as an effective substitute in other processes or products, thereby reducing the disposal of solid waste and minimizing the reliance on raw materials. Under current law, the Commissioner may only develop and issue general permits for the beneficial use of solid waste. This proposal would create additional authority for the Commissioner to evaluate and approve individual, site-specific or one-time beneficial use requests without issuing a state-wide general permit.

In many cases, the request for a beneficial use determination is based on specific materials and specific utilization which would not rise to the level of issuing a state wide general permit. The proposed revision requires that the agency describe the guidelines for decision-making and provides an opportunity for public notice and comments on the guidelines before they are finalized. Increasing opportunities for beneficial use helps ensure that we focus on reusing and recycling resources before incineration or disposal and is a key part of advancing Connecticut's implementation of the State's Solid Waste Management Plan. This type of authority is generally available in other states.

Sections 2 and 3

This proposal is necessary to make it clear to every household, property manager, institution, municipality, agency, and commercial business that recyclables should not be placed in the trash. To achieve this recycle mandate, the proposal requires that anyone contracting for solid

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waste collection must ensure that provisions are also made for the collection of materials designated for recycling. For example, any household, apartment building manager, business, or municipality contracting for trash collection must have a contract with a hauler or different haulers to take recyclables as well as trash. It is important to note that this provision does not affect the ability to collect recyclables via single stream or dual stream collection methods; rather this provision is intended to prevent the mixing of non-recyclables with recyclables at any point in the collection process. Further, anyone offering a contract for collecting solid waste must provide clear written instructions on the separation of designated recyclables from other solid waste so that it is clear to citizens what must be recycled."

Section 4

This section seeks to strengthen the enforcement authority of municipalities and the Department to take action when illegal dumping activity is undertaken by a property owner on his/her property. This proposal does not seek to extend coverage to the compilation of a person's junk (such as rusted cars, used tires, etc.) on his own property. Rather the proposal is focused on cases of owners dumping others' wastes on their own property for monetary gain, involving situations such as: unpermitted landfills; tire piles, junk heaps; farm dumps; and unpermitted transfer stations.

Elimination of the ownership loophole in section 22a-250(c) and (d) will improve the tools available for authorities to address illegal dumping situations, as well as eliminate apparent conflicts with: section 22a-250(g) which allows the Commissioner and local officials to order the property owner to remove the wastes if the owner did the dumping; section 22a -208a which requires permits for establishing, constructing or operating a disposal area regardless of ownership; and section 22a -225 which allows actions against owners of any land on which a solid waste violation occurs, regardless of whether the property owner participated in the violation.

It is important to make clear the connection between this section and section 22a-250a which provides that local police officers and state police officers may seize a vehicle used as a means of committing a violation of subsection (c) or (d) of section 22a-250. We see dozens of cases in which property owners dump someone else's waste on their own property for monetary gain, resulting in expenditure of resources of local zoning and land use officials, as well as this Department, to resolve citizens' complaints. For example, a recent solid waste dumping case involved the disposal of hundreds of cubic yards of demolition wood and pressure-treated wood which were processed and disposed on-site by the property owner. The property owner did not comply with any of the three cease and desist orders issued by the town, and the Department is now pursuing enforcement to put an end to the illegal dumping¹¹¹.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert La France, at 860-424-3401.

¹ On a technical note, we propose to correct a typographic citation in section (a) that references subsection (q) of section 22a-208a. It should be subsection (i) of subsection 22a-208a.

² We recommend a minor adjustment to minimize a potential misinterpretation of the law. We recommend that at lines 96, 102, 106, 118, 119, and 120 the term "recyclable item" be changed to "designated recyclable" to make clear that the intent of the law is that recycling is mandatory specifically for those items that have been designated as such in regulation. Otherwise, even with the term defined at the end of the section, the law could be misinterpreted to mean that *any* recyclable item must be recycled within three months of the establishment of service to a municipality, and this is a broader effect than what is intended here.

³ We recommend that at Line 243 the word "solely" be inserted after "consists" to clarify that no off site material can be comingled with on site material in order to to be exempt from the "deemed discarded" provision. One final note is the typo in the title that should be corrected so that the word "Refuse" becomes "Reuse" or "Use."

March 16, 2009

Environment Committee
Legislative Office Building, Room 3201
Hartford, CT

Raised Bill No. 995

Senator Meyer, Representative Roy and members of the committee.
My name is Ray Graczyk and I am President of NLR Inc. which is located at 250 Main Street, East Windsor CT.

I am here today to speak in favor of Raised Bill No. 995

NLR was incorporated in the State of CT in 1994 for the purpose of safely managing spent mercury-containing lamps such as fluorescent, HID and specialty lamps such as U-Bends and compacts. Like all lamp processing facilities throughout the country, NLR generates large quantities of residual glass. Our challenge has been finding markets to recycle this glass. At the beginning of NLR's operation, we were sending our glass to a fiberglass plant in Albany, NY. In 2001, the plant relined its furnaces in order to accommodate bottle glass and they were no longer able to use our glass. Subsequently, the Windsor landfill agreed to accept our residual glass for daily cover as well as aggregate for road construction, a use of which the DEP approved as a special waste authorization.

In May of 2008, NLR was notified that its glass was of no further use to Windsor, as the landfill was preparing to close. I then approached the Manchester landfill to inquire whether they would be interested in using the glass for the same purpose as Windsor, but was turned down because they already received an abundance of material for cover. This left NLR without an outlet for its glass. There were out of state options in New Hampshire and Maine but the cost of transportation was so great that NLR was forced to landfill the material.

I then sought a local solution and found two construction contractors in close proximity that said they would welcome the glass and would use it to supplement material they were using as sub base for roads, driveway and parking lot construction. The only thing I had to do was receive a beneficial use approval from the DEP and my problem was solved. Only then did I discover that the DEP could not issue a beneficial use because they currently have no authority to issue Beneficial Use permits. They did tell me that as of October 1st of 2008 they would be able to authorize use of the glass under the authority they received last year to issue permits for demonstration projects for reclaimed materials.

I then proceeded to complete the testing required by the DEP and on December 31st of last year was issued a permit for a Beneficial Use Demonstration Project using my glass as aggregate in sub base for pavement. Although this will help in the short term it is not a solution to the problem because the permit is only good for 2 years. This means that if the Department is not granted the authority to issue Beneficial Use Permits by then my company will be right back to where we were in May of 2008.

The cost to NLR for the DEP not having the authority to issue a Beneficial Use Permit when I first approached them in May was great. My company spent \$70,000 between May and December to landfill our glass. Unfortunately this loss of money also resulted in NLR having to lay off two employees.

In closing I would again ask that this bill be passed. It is essential to any industry that produces a product that is not a waste to be able to have markets for its use. It is also in keeping with the goals set forth in the DEP's solid waste plan under the provisions for recycling not to even mention the benefits to the environment for using reclaimed materials. The other benefit would be that CT would now be on equal footing with the surrounding states when it comes to being able to issue these permits and may make a difference when companies look to locate plants that produce byproducts.

Thank you for allowing me to testify today. I would be happy to answer any questions any members might have.

Redland Brick Inc.
 15718 Clear Spring Road
 P O Box 160
 Williamsport, Maryland 21795
 (301) 223-7700
 (301) 223-6675 Fax

March 16, 2009

Senator Edward Meyer
 Legislative Office Building
 Room 3200
 Hartford, CT 06106-1591

Re: SB995



An ISO 9001 2000
 Registered Quality System

The Honorable Senator Meyer and Committee Members:

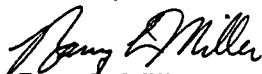
My name is Barry Miller and I am the Manager of Safety and Environmental for Redland Brick Inc. We own the KF Brick Plant in South Windsor which incidentally is closed now due to the slow housing market. We normally employ 45 people that are represented by the United Steelworkers Union.

I have been trying for over three years now to get an approval from the DEP to give away- yes give away lime, our waste product. I have failed to do so because the DEP has no authority to issue beneficial use permits. I asked the legislature to approve a bill last year but it did not pass. I have talked with a number of other businesses in Connecticut who have the same problem and similar stories- they have a recyclable waste product but cannot get a permit. Most of us have spent considerable amounts of money testing and proving our waste material is safe. A number of those businesses found this issue important enough to be here today even though I did not contact them about today's hearing until just this past Friday.

Our material is lime and it is safe to use as lime. I want to give it to farmers to put on their land to raise the pH of their soil and make it better for growing. The State agrees our material is safe to use. It was approved for use by the Dept of Agriculture. It was approved by the DEP in a temporary permit. I have also received a Demonstration Permit from the DEP but when that permit expires, I have no where to take it but the landfill. We own plants in Maryland and Pennsylvania and I give it to farmers to use there. There have been no problems with this and I do not even need a permit in those states.

I have met with the DEP and they want this bill to pass as they recognize that issuing these permits is the right thing to do environmentally. If Connecticut wants to consider itself an environmentally friendly state, it must have a way to recycle waste materials. Approving this bill for beneficial use is a "no brainer". Please pass this bill this year- we need it badly.

Sincerely,


 Barry L. Miller





STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 16, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environment Protection

**House Bill No. 6554 (RAISED) - AN ACT CONCERNING CONSUMER CONTRACTS
WITH PUBLIC OR PRIVATE SOLID WASTE COLLECTION SERVICES**

Thank you for the opportunity to present testimony regarding House Bill No. 6554 (RAISED) - AN ACT CONCERNING CONSUMER CONTRACTS WITH PUBLIC OR PRIVATE SOLID WASTE COLLECTION SERVICES. This bill seeks to protect citizens from being unfairly compelled to contract for both recycling and solid waste collection services from a single service provider. While it is important that anyone contracting for solid waste collection must also have an arrangement addressing the collection of recyclables, either through the same contract, a separate contract, or access to a transfer station, current recycling laws do not require a common collection company for each material. The concept of this bill is to provide an additional element of consumer protection to the state's goal of promoting recycling.

The Department supports the concept of the bill, but believes the specific language could be improved to facilitate recycling and to minimize costs to residents. Specifically, we would recommend additional language be added to the last sentence of Section 1 (b). At line 12 after the words "solid waste" insert "or if such person has contracted with a separate collection service." We would also recommend the phrase, "designated recyclables" be used instead of "recyclables" for reasons identified in the Department's testimony submitted for Raised Senate Bill No. 995.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert La France, at 860-424-3401.

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