

PA10-025

SB127

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 6
1558 – 1869**

rgd/gbr
HOUSE OF REPRESENTATIVES

17
April 27, 2010

On page 19, Calendar 385 -- oh, I'm sorry, that was page 18, Calendar 385, Substitute for Senate Bill Number 127, AN ACT CONCERNING THE ACCOUNTING SYSTEM FOR REDEEMED BEVERAGE CONTAINERS, favorable report of the Committee on Finance Revenue and Bonding.

SPEAKER DONOVAN:

Representative Olson.

REP. OLSON (46th):

Good afternoon, Mr. Speaker.

Mr. Speaker, I rise to move some items to today's consent calendar. They are Calendar Numbers 385, 388 and 389. And I move those to be added to our -- today's consent calendar. SB127 SB133
SB137

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Without objection, so ordered.

Will the Clerk please call Calendar 95.

THE CLERK:

On page 28, Calendar 95, Substitute for House Bill Number 5220, AN ACT CONCERNING COMPETITION IN THE MOTOR FUEL INDUSTRY, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

The distinguished Chair of the General Law

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GENERAL ASSEMBLY
HOUSE**

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1870– 2219**

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THE CLERK:

House Bill 5246 as amended by House "A."

Total Number voting 144

Necessary for adoption 73

Those voting Yea 125

Those voting Nay 19

Those absent and not voting 7

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar Number 285.

THE CLERK:

On page 40, Calendar 285, House Joint Resolution Number 45, RESOLUTION CONFIRMING THE DECISION OF THE CLAIMS COMMISSIONER TO DISMISS THE CLAIM AGAINST THE STATE OF WAYNE SPARKS, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Olson.

REP. OLSON (46th):

Good evening, Mr. Speaker.

Mr. Speaker, we are now about to vote on today's consent calendar. These are items that we moved to the consent calendar in today's session.

The items are Calendar Number 274, 277, 278, 279,

HJ7 HJ14

HJ15 HJ19

HJ27 HJ45

HJ48 SB127

SB133 SB137

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HOUSE OF REPRESENTATIVES

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282, 285, 286, 385, 388 and 389.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

The question before us is on passage of bills on today's consent calendar. Will you remark? Will you remark? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting today's consent calendar by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted the machine will be locked. The Clerk will take a tally. The Clerk, announce the tally.

THE CLERK:

On today's consent calendar.

Total Number voting 144

Necessary for adoption 73

rgd/gbr
HOUSE OF REPRESENTATIVES

429
April 27, 2010

Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER DONOVAN:

The consent calendar passes.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise to move for the immediate transmittal of all items that we acted on today, the items that are requiring further action in the Senate.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

The motion is to transmit immediately to the Senate all items acted on today that need further action in the Senate. Is there objection? Is there objection? Hearing none, so ordered.

Any business on the Clerk's desk.

THE CLERK:

Mr. Speaker, a list of favorable reports on House joint resolutions.

SPEAKER DONOVAN:

House Majority Leader Denise Merrill, nice to see you, Representative.

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GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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618 - 932**

cd
SENATE

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April 21, 2010

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 385 is marked go; Calendar 386 is marked go; Calendar 387 is marked pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 388, PR; Calendar 389, pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to calendar page 29, Calendar 390, pass temporarily. Calen --

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 394, PR; Calendar 395, Senate Bill Number 127, Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

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SENATE

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Bill 5265; Calendar 313, substitute for House Bill 5002.

Calendar page 20, Calendar 314, House Bill 5201.

Calendar page 24, Calendar 340, substitute for Senate Bill 175.

Calendar page 25, Calendar 346, substitute for Senate Bill 151; Calendar 350, Senate Bill 333; Calendar 371, substitute for House Bill 5014.

Calendar page 26, Calendar 375, House Bill 5320.

Calendar page 27, Calendar 379, substitute for House Bill 5278; Calendar 380, substitute for House Bill 5452; Calendar 381, substitute for House Bill 5006; Calendar 382, House Bill 5157.

Calendar page 28, Calendar 384, substitute for House Bill 5204.

Calendar page 29, Calendar 395, substitute for Senate Bill 127; Calendar 396, Senate Bill 147.

Calendar page 30, Calendar 413, House Bill 5024; Calendar 414, substitute for House Bill 5401.

Calendar page 31, Calendar 419, substitute for House Bill 5303.

Calendar 32 -- page 32, Calendar Number 421, substitute for House Bill 5388; and on calendar page 34, Calendar 46, substitute for Senate Bill 68;

cd
SENATE

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Calendar 50, substitute for Senate Bill 17.

Calendar page 35, Calendar 64, substitute for
Senate Bill 187.

Calendar page 37, Calendar 109, substitute for
Senate Bill 189.

Calendar page 39, Calendar Number 148, substitute
for Senate Bill 226.

Calendar page 40, Calendar 182, substitute for
Senate Bill 218.

Calendar page 41, Calendar 188, substitute for
Senate Bill 200.

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

THE CHAIR:

All right. If the Clerk has made an announcement
that a roll call vote is in progress in the Senate on
the first consent calendar, the machine will be open.
Senators may cast their vote.

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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SENATE

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April 21, 2010

THE CHAIR:

Would all Senators please check the roll call board to make certain that your vote is properly recorded. If all Senators have voted and if all votes are properly recorded, the machine will be locked, and the Clerk may take a tally.

THE CLERK:

Motion is on 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 is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President, for a -- for an announcement.

THE CHAIR:

Please proceed.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 1
1 – 306**

2010

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ENVIRONMENT COMMITTEE

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COMMISSIONER F. PHILIP PRELLI: That's a real --

REP. HENNESSY: -- Commissioner.

COMMISSIONER F. PHILIP PRELLI: -- short version of
it.

REP. HENNESSY: Thank you.

SENATOR MEYER: Commissioner, we are aware you have
to go to a Approps. meetings. Now, are there
any other essential questions?

COMMISSIONER F. PHILIP PRELLI: I'd say give me a
call, if you have any.

SENATOR MEYER: Commissioner, thank you, again.

COMMISSIONER F. PHILIP PRELLI: Thank you.

SENATOR MEYER: Appreciate it.

Ladies and gentlemen, in accordance with our
rules, the first hour was to be testimony from
agency heads and other agency representatives,
and after that, members of the public. So
we're going to go to a member of the public
before we take up the DEP's last -- last
witness.

And the first member of the public is Michelle
Albasio, if I've got that spelling right. Is
Michelle Albasio here?

Okay. We'll take the -- the DEP
representative.

DIANE DUVA: Thank you, Mr. Chairman and members of

SB127

the committee for the opportunity to present testimony regarding Senate Bill Number 127, AN ACT CONCERNING RECYCLING AND SOLID WASTE MANAGEMENT. We appreciate your willingness to raise this bill at our request. We believe it will meet -- make some simple yet truly important changes to assist Connecticut as a state in meeting some statewide goals.

There are four elements in this bill, and I'll quickly review them and be happy to answer any questions. The first element expands the types of materials that everyone in the state must recycle to include number one and two plastic, boxboard, and other paper. The second element streamlines reporting requirements for municipalities. The third element promotes infrastructure capacity for the recycling of food residuals. And a fourth element, which I'll discuss, extends the enforcement and auditing authority of the department under the bottle bill to the Department of Revenue Services.

In order, the first element: Today, everyone must recycle certain items, such as glass and metal food and beverage containers, corrugated cardboard, newspapers, et cetera. This -- this bill would expand that to include number one plastic or P-E-T-E -- think of it as clear plastic bottles -- and (2), number two plastic or H-D-P-E plastic -- think of milk jugs, that type of plastic. But also add boxboard, which is the type of cardboard that's not corrugated. That's the type that cereal boxes are made out of, and it counts for a large percentage of paper that's currently not getting recycled today, and also additional types of paper, including magazines and residential, high-grade

white paper. This section of the bill specifically advances Strategy 2-2 of the state's Solid Waste Management Plan.

The second element is intended to simplify municipal reporting to the department, and this section assists municipalities with their existing data reporting and solid waste management responsibility by requiring that solid waste collectors summarize and provide information to municipalities and to the department. Specifically, collectors must report the destination to which they bring solid waste and recyclables, and the tonnages of Connecticut-generated solid waste and recyclables that are collected in Connecticut and delivered directly to out-of-state facilities or directly to end users in Connecticut, such as paper mills.

This proposed revision requires the collectors to report more explicitly to the municipalities so that this will allow municipalities to expend less effort in reporting their data to the department.

And the purpose of such change is to ensure that municipalities are provided with the information they need to identify where their solid waste is going and where it's being recycled. This is important to ensure the municipalities are able to perform their existing statutory obligation to plan for and provide for solid waste management.

The third element relates to improving recycling of commercial organics in the State of Connecticut. The state's Solid Waste Management Plan has identified food scrap

recycling as one of the state's most critical strategies for reaching the state's source reduction and recycling objectives in the coming years to avoid the need for expanded reliance on landfills or resource recovery facilities in the state. This means we'll need facilities to process and recycle food waste. We have data that we can provide to answer any questions you have about the importance of this.

The fourth element is intended to ensure that the solid waste management recycling objectives are -- are cheap is to extend to the Commissioner of Revenue Services an ability to oversee and enforce the financial and accounting provisions of the bottle bill. This would establish legal authority needed to add the Commissioner of Revenue Services as a person for which the Attorney General can institute an appropriate action or proceeding in Superior Court. This has been discussed with the Department of Revenue Services and they're in agreement of the need for this. We request these provisions be included to the -- in -- be included in the bill as you consider a favorite report of Senate Bill Number 127. And we've provided as an attachment to the written testimony the language to do so.

In summary, we support the bill because it will save money, reduce trash through increased recycling, and ensure better oversight of important provisions of Connecticut's bottle bill. And we are hereby requesting that the provisions on the bottle bill be included in the bill, as you consider a favorable report.

Be happy to answer questions.

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SENATOR MEYER: Well, thank you for this initiative;
it's a good one.

Are there any questions about this bill?

Representative Lambert.

REP. LAMBERT: Thank you for coming here to testify
today.

One of the things that concerns me, when you mandate that, say, boxwood -- boxboard would be mandatory, when the municipalities have to bring that product over to the contracted recyclables people that they deal with now, are they going to now take the initiative to have the machinery or whatever is necessary to handle that? Because, as in the past, you know I've had a very, very difficult time trying to initiate that and in my own Town of Milford. And whereas I think it's over 51 percent of the towns already do that, how would we address that issue?

DIANE DUVA: This is how we would address it, similar to how we addressed it when we first established mandatory recycling of commodity materials, several years ago. The regulations that the department would be required to -- to revise would put in the timeframes by which the requirement to recycle boxboard, for example, would be actually in the regulations. And that would say that the requirement would go into effect within a certain number of months, upon that capacity becoming available. This has worked well in the state in the past, and we also believe it's important because it puts into sequence the planning that needs to occur

in order to have this capacity get put into place. So we're also using that type of timeline being put into place in the element of the bill that deals with an organics recycling facility in terms of saying that within such and such a number of months, with the capacity becoming available, then the requirement to direct recyclables there takes effect. So it would be picked up in the regulations in the case of the boxboard.

REP. LAMBERT: And as a follow-up question, at present when you have contracts with, say CRRA, we in Milford were lucky enough to have a contract that if we increased our recycling and our solid waste was reduced, how would other towns address that issue, since this automatically will try to get the state to its goal of increasing recycling for a change?

DIANE DUVA: It's a good question, and the new contracts that are being written today are actually accommodating this in anticipation of that question, because the contract do have paragraphs that relate to any reductions in solid waste delivery due to -- due to increases in recyclable material or material that's been diverted through source reduction, such as not -- not purchasing material in the first place. So that would actually be something that, going forward, could be picked up in new contracts. And to the extent that someone sees that it's problematic in their existing contract, we'd be happy to work with the committee to see what else needs to be done.

SENATOR MEYER: Are there any other questions?

Yes, Representative Hennessy.

REP. HENNESSY: Thank you, Mr. Chairman.

In reference to the food-scrap thing, I was just wondering. This, I imagine, involves composting of -- such as vegetables from supermarkets being taken to a place that has a compost facility; is that correct?

DIANE DUVA: Yes. Essentially, this proposal would apply only to the very largest generators of food scraps in the state, such as large grocery stores, commercial food processors, that sort of things. They account for the majority of food waste in the state, and food waste, itself, accounts for about 13 percent by weight of the material that's being disposed of today. Compostable paper accounts for another 8 percent.

And just to clarify, when we say a "composting facility," we believe this is a broad definition, and it includes a whole variety of different types of composting and digestion activities that are used to recycle organics today.

REP. HENNESSY: On -- on the highway, on 95, in Stratford I noticed that it seems like a composting for -- for leaves a thing off -- off to the side of 95. So obviously municipalities bring all their leaves to this place and then it's composted. And so is this something similar that -- that you would take this kind of stuff to -- to a facility that would do it on a grand scale?

DIANE DUVA: No. Actually, it -- it's very different in one important respect. An

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organics' recycling facility that's focused on incorporated food waste would primarily be an indoor facility. The leaf composting that you see municipalities conducting in the open air is exclusively for leaves and grass and other yard waste materials. The -- the facilities we're talking about today, to put into place, to close the infrastructure gap, as we put in our report card to the Appropriation's Committee, is needed because food waste, itself, is something that can be recycled easily but there are engineering technologies, indoor equipment, indoor buildings that are used that need to be constructed in the state that we don't currently have today. We only today have one food waste recycler, and we're looking, you know, as part of the Solid Waste Management Plan implementation to have facilities specifically to address the food waste, not to have the leaf composting facilities pick it up.

REP. HENNESSY: Okay. And -- and just -- it -- it seems like that product could then be given to, like, community gardens and -- and the like to --

DIANE DUVA: It would be --

REP. HENNESSY: -- enhance --

DIANE DUVA: -- a marketed product.

REP. HENNESSY: It would be a marketed product.

DIANE DUVA: A commodity --

REP. HENNESSY: Okay.

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DIANE DUVA: -- per se.

REP. HENNESSY: I -- I know Bridgeport tries to underwrite -- has attempted to underwrite composting bins for -- for, you know, families to get involved in -- in removing; that's free.

Thank you.

DIANE DUVA: Right. The residential food composting is important, and one of the best things that can be done is for individuals to use composting bins. Just so -- this part of the bill is directed at commercial generators, the large-scale food waste or food processors and the large-scale grocery stores, that type of place.

SENATOR MEYER: Okay. Are there any other questions?

Yes, Representative Hornish.

REP. HORNISH: Thank you, Mr. Chairman.

Where -- I'm sorry if you said this -- where is the food waste recycler; where's that located? You said we have one in the state?

DIANE DUVA: We have one in New Milford. And I'd call your attention to something that's in the written testimony, and it's available on our website, if it's a topic of interest to you, and that is the Food Residuals Mapping Study that the department conducted several years ago. Because you asked where that facility is, an important question to ask too is where is the food waste being generated. And the Food Residuals Mapping Study on our website

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identifies the location of large-scale generators, and that way on a GIS basis you can see where these generators are and therefore where facilities may be interested in locating to most cost effectively accommodate their customers.

REP. HORNISH: Thank you very much. I think this is a fantastic idea.

DIANE DUVA: Thank you.

SENATOR MEYER: Representative Davis.

REP. DAVIS: Thank you, Mr. Chairman.

I -- I think many of us support these concepts and this type of idea. I notice, though, in your closing you said the bill will save money. And that becomes a question. Who's going to save the money? And is it possible that the bill may have a negative effect on some areas of our economy?

DIANE DUVA: Thanks. That's a good question, and I want to first clarify who is saving money. And the most important recipient of that benefit that we believe exists are municipalities, because right now municipalities are spending more money than necessary on solid waste disposal costs. We've estimated the avoided disposal cost saved statewide by municipalities would be about \$35 million, if every town achieved a 40 percent recycling rate, which was the state mandated goal for the year 2000. So first and -- and foremost, municipalities would save money but, in reality, with respect to other elements of the bill, any type of activity that diverts from disposable materials

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that can be recycled would be a cost savings. So that accounts for private businesses as well.

With respect to essentially making that change from sending food waste as garbage to an organics recycler and any implementation costs associated with that, for example with grocery stores or other commercial food processors, we're happy to work with a committee to clarify and provide structured timeframes that would accommodate any perceived costs associated with those changes.

REP. DAVIS: Okay. Can you see anything that is in this bill that might look toward job creation and greater employment for individuals?

DIANE DUVA: Absolutely. Any time materials are recycled rather than disposed, there's an increase in jobs, simply because you're returning materials from being diverted to a -- being sent to a landfill and diverting it back into the marketplace. About 800,000 tons or more of materials are recycled every year in Connecticut. This is both a job opportunity for keeping those materials moving into the marketplace and it's also a great way to achieve the state's climate change goals and has been identified as part of the climate change plan.

So with respect to jobs, EPA has conducted studies to recognize that more that you keep materials in the local markets, the more jobs are created.

REP. DAVIS: Thank you.

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Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Representative Davis.

Are there any other questions of this witness?

Representative Mushinsky.

REP. MUSHINSKY: Thank you, Mr. Chairman.

CCM has testimony that they would like to have the new requirements kick in not later than six months after the establishment of service for these recyclables or compostables or in the case of the batteries within three months of the establishment of service. But isn't it true that you never get the service unless there's a requirement. I mean, who would come in here and set up if there wasn't a requirement to use the service?

DIANE DUVA: Right. That -- that is the purpose of spelling out the department's strategies for implementing a solid waste management plan in the statutes is precisely that, to communicate to the stakeholders who would be interested in investing in the infrastructure to assure them that there will be a -- a constant stream flow of material coming in. So by simply saying that the requirement will take effect once the capacity is there, we believe as has happened in the past that that assurance is provided to the prospective facilities while at the same time insuring that the people having to send the recyclables there have time to ensure that there's a place they can send this. So it's really sequencing the communication.

REP. MUSHINSKY: Followup. What would be the way we

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could protect the municipalities during this time period when the vendor is constructing to serve them?

DIANE DUVA: Are you speaking of the commodities such as bottles, cans, and papers type or are you speaking of the organics recycling?

REP. MUSHINSKY: Well, they were worried about -- they aren't specific about which -- they -- they're talking about the plastics, boxboard, additional types of paper and composting. So I'm not sure which of the ones they're most worried about.

DIANE DUVA: Well, to (inaudible) --

REP. MUSHINSKY: And nickel cadmium batteries also.

DIANE DUVA: To -- to clarify, the permanent capacity actually currently exists for the plastics, the bottles, the cans, the boxboard, and the paper, because Connecticut has enough permanent infrastructure today for those materials. We don't have enough permanent infrastructure today for organics recycling, and so that's a -- a slightly different conversation.

With respect to CCM's concerns, though, most of the towns are already recycling number one and two plastics, and the majority are also recycling boxboard and -- and the other paper, as well. And we've conducted some research into that, that we have shared with the Connecticut Council of Municipalities and we can share additional information. A good amount of the information is actually now available on our website in response to a

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recommendation from the Legislative Program
Review and Investigation's Committee.

REP. MUSHINSKY: We're trying to get everything on
there electronic. Electronic is the way to go,
and it should be cheaper too. Thanks for --
thanks for your information.

DIANE DUVA: Certainly.

SENATOR MEYER: Thank you.

Any further questions of this witness?

We appreciate it.

DIANE DUVA: Thank you, very much.

SENATOR MEYER: Very good.

Rob, does that conclude the DEP witnesses?

ROBERT BELL: We have one more bill, and Graham
Stevens was going to come back and do it. We
could do it quickly, but my understanding was
we were going to be called in between --

SENATOR MEYER: We'll take a --

ROBERT BELL: -- (inaudible) --

SENATOR MEYER: -- member of the public --

ROBERT BELL: Absolutely.

SENATOR MEYER: -- and then come --

ROBERT BELL: Yes.

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could. We were help -- interested in helping any way that we can to uphold the spirit of this law and to keep it intact, because our interest is to protect the consumer and animals. So I'm open to talking about all of that and trying to find resources to collectively approach this together.

REP. MUSHINSKY: Good.

SUSAN LINKER: And that's something we're committed to doing.

REP. MUSHINSKY: Thank you.

SUSAN LINKER: Absolutely. Thank you.

SENATOR MEYER: All right.

Any other questions?

Thanks, so much.

SUSAN LINKER: Thank you.

SENATOR MEYER: Next witness is Martin Mador, followed by Stan Sorkin and then Mike Devine.

MARTIN MADOR: Good afternoon. I'm Martin Mador; HB 5125 HB 5127
I'm the Volunteer Legislative Chair for the SB 127
Connecticut Sierra Club. I'm not sure whether I didn't hear an invite from the Chair a little while ago to talk about anything near and dear to me, but I think I'll stick to my prepared remarks. So I'm going to spend 45 minute -- 45 seconds on each of four bills before you.

Senate Bill 120 would affect to establish the Regulations Review Committee as the

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so we strongly advise against 5125.

5127 would provide another process later and an additional two-month's delay in implementing proposals to the Ozone Transport Commission. We feel this bill would not really accomplish anything other than a -- an additional layer of delay in the process, so we oppose this bill.

Senate 127 is a DEP bill that provides some enhancements to our recycling efforts in the state in terms of reporting activities and the materials which we would be recycling. We feel it's a very appropriate bill and would significantly advance our recycling efforts, so we strongly endorse this bill.

And I'll yield back the few seconds I have left.

SENATOR MEYER: Thank you, Marty, and thanks for your advocacy.

I want to pick up on something that you said that doesn't directly relate to -- to the legislation. You -- your testimony -- in your testimony you said that -- that our DEP here in Connecticut is, I'm quoting, is one of the lowest-funded of state environmental agencies in the country. If we could find some money for this agency, this tough year, where would you have us put it?

SB120

MARTIN MADOR: That's a hard question. I'm reluctant to give you a very quick answer because there's so many opportunities here for places where we'd like DEP to be doing more work.

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Thank you, Mr. Chairman.

MARTIN MADOR: And I hope that helps to verify it.

REP. ROY: Do you have any questions, members of the committee, comments?

I think you're all set.

MARTIN MADOR: Thank you.

REP. ROY: Stan Sorkin, to be followed by Mike Devino.

STAN SORKIN: Good afternoon, Chairman Roy, and members of the Environmental Committee.

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My name is Stan Sorkin, President of the Connecticut Food Association. The Connecticut Food Association is committed to expansion of composting and elimination of food waste, however, we strongly believe that the goal can best be achieved through a well-thought-out, voluntary means, not mandated legislation. You -- we would welcome the opportunity to work with DEP and local communities to logically define, design, and develop cost-efficient composting programs, while evaluating new technologies such as anaerobic digestion and organic waste elimination.

Our member companies have already implemented viable composting -- composting programs on a voluntary basis in Connecticut and in neighboring states without the stigma of mandated legislation. We would look to expand these programs in Connecticut, provided they make economic sense.

We are opposed to Section 8's mandatory composting legislation for the following reasons: First, discarded food residuals is not defined in the language. Second, mandating a must-separate-and-recycle program with -- without economic analysis does not make business sense. Third, by limiting the language to composting, are we ruling out other methods of food residual disposal such as anaerobic digestion and -- and organic waste elimination units, which currently exist? Fourth, the minimum requirement of only two permitted composting facilities, why is DEP guaranteeing a composting facility dedicated customers and revenue and granting them the luxury of duopolistic pricing? Fifth, at what stage do you measure tonnage of discarded food waste to see if you meet the 104-ton requirement? Sixth, what are the costs associated with enforcing the law? Seventh, why are state institutions not subject to the law? If you are mandating private-sector compliance, why you not mandating public-sector compliance?

In conclusion, expanding the opportunities for recycling of compostable waste is a very viable objective which can be best be achieved through a cost-effective, voluntary program with the input of all stakeholders and not through a poorly designed legislative mandate.

Thank you.

REP. ROY: Thank you.

Senator Maynard.

SENATOR MAYNARD: Thank you for your -- thank you, Mr. Chairman -- thank you for your testimony, sir, right here.

Just curious. You've raised a number of very interesting points and I think that deserve to be raised and discussed further. I would ask, since we have you here, can you describe the kind of hardship such a proposal would impose on, say, a typical retailer or a -- a typical member of your association?

STAN SORKIN: Quite truthfully, if done properly, there's really no economic hardship. Composting is a much cheaper way to eliminate compostable waste than going through the typical garbage disposal system.

Some of the things to look at: Why the 30-mile language in the law? Is 20 better? Is 15 better? We're saying we have to look more closely at the -- the economic criteria established before you can just mandate 30 miles or is 105 better than 103? Why 104? The language of discarded food residuals has to be defined. In other states, compostable waste does include flowers, plants, and some type of cardboard, it says; you know, Diane mentioned in her testimony. We're saying we'd love to work together, just get a better definition of what's required. The fact that you -- once you have two facilities in the states, everybody has to do it, we feel we might be at a disadvantage economically with that business model. It just has to be reviewed and looked at. We're all for moving forward with composting, just the best way to get it done.

SENATOR MAYNARD: Thank you very much.

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REP. ROY: Thank you.

Representative Hornish.

REP. HORNISH: Thank you, Mr. Chairman.

So with regards to the question about hardship on a retailer, in -- in my hometown a Stop & Shop or a Geissler's, they can choose to voluntarily recycle their organics, and if they do so, it could be done at a savings to them? Is that --

STAN SORKIN: Yes.

REP. HORNISH: -- what you're saying?

STAN SORKIN: Yeah.

REP. HORNISH: And you do have any idea how many stores participate voluntarily in this?

STAN SORKIN: Voluntary? I know there at least six Stop & Shops doing it, and there are individual ShopRite stores doing it. In Massachusetts, Big Y is composting in 23 of their stores in Massachusetts. The object -- I could see where DEP is coming from -- to try to get another composting or more composting facilities established in the state. We think it's a very worthwhile goal, but to guarantee somebody business and the ability to have all the, you know, duplicate pricing is a negative. It's just got to be worked out with all the stakeholders involved to get into a profit-versus-mandated legislation.

REP. HORNISH: Thank you very much.

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REP. ROY: Thank you.

Representative Lambert.

REP. LAMBERT: Are you suggesting that they shouldn't increase the recyclables or it's just the composting that you're targeting?

STAN SORKIN: We should be increasing everything we do with recyclables. Composting is this issue. The more we compost, the better it is for the environment; there's no denying that. We'd be looking to work with all stakeholders to move that process forward. Our stores want to move that process forward, they just don't want to be mandated on how to do it. If we could work together, come up with a, you know, a available way to do it that doesn't give you this economic shadow hanging over you, it would be welcomed relief to the state.

REP. LAMBERT: Thank you, Mr. Chairman.

Left alone without expanding this by mandating it, you're aware that the recyclable percentage in the State of Connecticut is horrible. So -- so you're suggesting we should leave it as a volunteer basis and get other organizations together. But left alone without increasing any of this, I know my town, it's embarrassing, the recycling rate. It -- it -- it's terrible. And the fact of it is that if the DEP continues to let people do this on a volunteer basis and doesn't take a harder stand on this, then we'll never meet the goals that are set up for us. So if we continue to say okay, we don't want to do this and we don't want to do that, I'm just saying is -- is that the suggestion, it's just

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the composting or you're in agreement that the state does need to move forward increasing --

STAN SORKIN: We're -- we're definite in agreement; the state must move forward, and that's always been one of the goals of our association from promoting single-stream recycling to other methods of environmental whole goodness.

I guess my point is what we're trying to say, you're trying to give somebody a business by making sure a guy's got a business guaranteed for him. Are there any other ways that you can get additional composting facilities established without the stigma of forcing somebody to do something? Can you incentivize a composted company to come into Connecticut other -- versus other ways to guarantee him being -- getting set up in business?

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Seeing none, Stan, thank you.

Oh, Representative Hornish, for a second time.

REP. HORNISH: Yes. I thank you, Mr. Chairman.

How long has -- has CFA been in -- actively involved in promoting recycling?

STAN SORKIN: Actively been promoting since, I would say -- I've been here since 2007. I've made it one of my priorities to get CFA involved actively in recycling. One of the most recent things we have done, working with Univisio, the

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Spanish television stations in the State of Connecticut, we produced a PSA that's named at increasing the use of reusable bags in supermarkets and recycling plastic bags.

REP. HORNISH: And I do applaud those efforts. I -- I think that that's laudable in -- but I also do appreciate Representative Lambert's comments on if the percentage of stores that are actively participating in recycling is extremely low, then I -- I think, you know, perhaps the state does have a duty to -- might have a duty to get involved to provide some sort of encouragement.

STAN SORKIN: I mean, you have to see what's coming first, the cart before the horse. Right now there is not really a good composting facility available in the State of Connecticut.

REP. HORNISH: Okay.

STAN SORKIN: We realize you have to get those established. What's the best way to do it?

REP. HORNISH: Could -- one more question, if I may? Could a town, for example, just say the Stop & Shop in my town, could they -- you're -- you're talking about developing a facility -- could our local dump site be an appropriate facility?

STAN SORKIN: Sure.

REP. HORNISH: And that just would be a town-by-town basis?

STAN SORKIN: Right now there are at least six Stop & Shops doing it on it -- at a town-by-town basis, so --

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REP. HORNISH: Oh.

STAN SORKIN: -- I think they're using the firm by the New Milford Farms it's going to.

REP. HORNISH: Okay.

STAN SORKIN: And individual ShopRites have their own programs set up with local -- excuse the term -- vendors.

REP. HORNISH: Right. And the numbers -- I, you know, applaud their efforts, their number. That's a very low number, though --

STAN SORKIN: It's a --

REP. HORNISH: -- to picture.

STAN SORKIN: -- very low number. We look forward to, you know, getting --

REP. HORNISH: Sure.

STAN SORKIN: -- established. You know, we will be working with anybody 100 percent to make sure it happens.

REP. HORNISH: Thank you, very much.

STAN SORKIN: And it's not a negative, it's just trying to say the mandated language needs some work.

REP. HORNISH: Understood. Thank you.

REP. ROY: Okay. Representative Bye.

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REP. BYE: Thank you, Mr. Chair.

And I do want to thank you for your testimony. And you have proven -- you've worked on every recycling bill. You're the team player, so your testimony comes with a lot of credibility.

That said, so I hear your point about the establishing two -- after two composting facilities are designed and implemented, that this becomes mandatory. If you -- if you were making the policy, because we want to be sure that within eight years we have composting in Connecticut, how would you structure the policy, you know, so even you're saying, it's the chicken or the egg, what comes first?

STAN SORKIN: Okay.

REP. BYE: You know a lot about --

STAN SORKIN: Yeah.

REP. BYE: -- (inaudible) --

STAN SORKIN: Not being a total expert, you know, you could survey those type companies that are in the business of composting, what -- in other states what they will -- would be -- they willing to relocate to Connecticut and what economic incentives would required -- be required.

I know one of the members of my association is working on anaerobics, a digestion-type process, tried build a plant first in Waterbury, not possibly New Britain. You know, that is one solution. And I've heard Diane had basically say that falls under the definition

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of composting. But, again, it's not spelled out in the legislation. I guess my main point is try to clear up the legislation, get the right wording and move forward together. If DEP is right in saying this is the best way to do it, so be it, we'd be willing to live with the quote, unquote, mandate as long as the sum of the criteria are cleaned up.

Again, if it's 30 miles, is that right for economic viability? Is it 20 or 25? Just take a closer look at it before you mandate the specific language in this, you know, Section 8.

REP. BYE: Thank you.

STAN SORKIN: Our members, basically, would love to move forward with composting, they're just a little leery of how it's mandated, that it can be, you know, cost negative and would add some, you know, eliminate some of the benefits of the lower cost of composting versus garbage disposal.

REP. BYE: All right. Thank you, very much. And as you look at the language, if your members have specific input about things like the miles away, please let us know.

Thank you.

STAN SORKIN: Thank you.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Seeing none --

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DEBORA BRESCH: Pleasure.

REP. ROY: Very much, as always.

DEBORA BRESCH: Thank you.

REP. ROY: Mike Maddox, followed by Karen Rasmussen.
Mike Maddox?

Karen Rasmussen, followed by Mike Paine. Karen
Rasmussen?

Mike Paine, followed by Steve Zerilli.

MIKE PAINE: Good afternoon, Mr. Chairman, and other
members of the Environment Committee.

My name is Mike Paine. My family and I own
Paine's Recycling and Rubbish Removal. I'm
also the chapter chairman for the NSWMA, which
is the National Solid Waste Management
Association. I'm the Connecticut chapter
chairman.

I'm speaking to you o today on raised
Bill 127, and our association has some
significant concerns with language within the
bill. There is a 30-mile distance that's in
the bill. If -- if I did any math correctly,
and don't quote me on this, but I'm pretty sure
that it would be from here to Bridgeport or
here to Willimantic or almost to Danbury would
be a radius from here. That's a significant
difference for our members to have to haul the
potential compostable material. It would also
require that to have that collection vehicles,
we would now be going back to having another
vehicle that has to go to the store.

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A number of our member companies have actually gone to single-stream recycling, so they're done away the separation of a lot of the materials. Those vehicles cost anywhere from 100 to 140 dollars per hour to operate. And once we get to this facility, as I understand it, I was told there are two, potentially two facilities within the state. We also don't even know what the tip fee will be, which is the charge that we have to pay to unload our vehicle. And without that knowledge, you definitely have the -- what's the word I want -- the -- the potential for some kind of monopolistic fee structure there.

Also within that language is a requirement of the hauler's report. Each, separate recyclable items and the cause or the -- the concern that we have with that is right now we're going single-stream recycling, so we're mixing a number of these materials together, and we don't have those weights. We have some estimates that CRRA has shared, at least with us in this region, and it's just a percentage based. I believe it's a 60/40 split.

A VOICE: Okay.

MIKE PAINE: Trying to get in under the three minutes because I'm sure it's been a far longer day for you than it has for me. But those are our comments. I'd be happy to answer any questions anybody has.

REP. ROY: Thank you, Mike.

Any questions or comments from members of the committee?

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Rep -- Senator Meyer.

SENATOR MEYER: Did you prepare your remarks?

MIKE PAINE: I'm sorry, I did not. I can try to put something in writing, get them to you, Senator Meyer.

SENATOR MEYER: I -- yeah, just in the form of a letter, 'cause I -- I think with highlighting the 130-mile point you're making and the tip fee point you're making so that we just have something in writing. We -- we got a whole bunch of bills we'll look -- going to look at, and having -- having something from you in writing --

MIKE PAINE: Sure.

SENATOR MEYER: -- just to look back on would be helpful.

MIKE PAINE: Be happy to. It is only 30 miles. If I said 130, I apologize.

SENATOR MEYER: Okay.

REP. ROY: Thank you.

Representative Mushinsky.

REP. MUSHINSKY: Thank you, Mr. Chairman.

Did you feel that food composting would be included in single-stream?

MIKE PAINE: No, I did not. My -- I kind of separated those.

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REP. MUSHINSKY: Okay.

MIKE PAINE: And maybe I made too quick a leap from one subject to another.

REP. MUSHINSKY: Okay.

MIKE PAINE: But there's a reporting requirement within this bill that requires the separate weights for all of those nine recyclable items, and they're not always separated.

REP. MUSHINSKY: Okay.

MIKE PAINE: That was my concern there.

REP. MUSHINSKY: Okay. Thank you.

MIKE PAINE: Sorry if I misspoke.

REP. ROY: Thank you.

Any other questions or comments?

Seeing none, thanks, Mike.

MIKE PAINE: Thank you.

REP. ROY: Steve Zerilli, followed by Bill Ethier.

STEVEN ZERILLI: Chairman Meyer, Chairman Roy, and members of the committee, my name is Steven Zerilli.

I'm here today on behalf of the Pet Industry Joint Advisory Council, and I'd like to express our appreciation for the opportunity to offer our views on House Bill 5118. As you may recall, we had the privilege of testifying

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they could have responded on their own for it is really immaterial.

What they've really done is probably cost the state seven or eight times ultimately what they -- the actual dollar figure is in the -- in contention. And -- and it's -- it is so wasteful that even for the rare instances where that occurs, we felt this was a -- a reasonable change. And, indeed, that's why we considered it a minor change, because it only applied, in effect, to the -- to those folks who were, in effect, scoff laws saying no, I will not avail myself of the opportunity to go to the UST Fund; you do it, DEP, I won't have anything to do with it.

REP. CHAPIN: Thank you.

Thank you, Mr. Chairman.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Seeing none, thank you, Mr. Bowe.

PATRICK BOWE: Thank you.

REP. ROY: Mr. Bowe is the last person signed up to speak. Is there anyone here who would like to address the committee?

Carroll, come on forward. State your full name for the record, please.

CARROLL HUGHES: Carroll Hughes, representing the National Solid Waste Management Association.

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I want to -- Mike Paine asked me to write the response to you, but I thought I'd -- I'm not sure what your time schedule was, but I thought I'd want to specifically point out sections in Senate Bill Number 127, that the haulers have a problem with. The sections are Section 3(h)(4). This is the problem Mike pointed out because the haulers were unable to determine under single-stream recycling the specific delineated weights of materials that they bring to recycling facilities, CRA or private facilities. And it was a reporting requirement by individual items under that section. And that's the problem I'll -- I'll put in writing. I just can't get it to you until tomorrow and I didn't know what your time schedule was.

And the other problem that Mike was pointing out was in Section 8(2), the composting. That is a problem because it strictly is just composting. We agree with the comments made earlier by Mr. Sorkin of the Connecticut Food Association that the -- basically, it would create a monopoly. There is only one facility right now in Connecticut, and it looks like somebody building another one wants it to be 30 miles from facilities that are bringing to them. That would be very nice, however, there are probably several ways that the materials being handled now -- we have one of my haulers has been picking up the food waste from the two casinos for several years now and feeds them to pigs. That's would not be covered, so that material would have to be going now to a composting facility and -- and currently has a much higher use, I think, than going to composting facility, and certainly is recycled really quickly.

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The -- also there are systems out there, anaerobic and aerobic systems; they're digestive on-site. They're also plant facilities. There may be other beneficial uses.

I just want to point out something to the committee, and I'll leave it with you to read. It was a story from the Boston Globe yesterday that there's a facility in Massachusetts that's actually creating power out of their organic waste. They've got several processes, but none of that would fit the description that is in the current -- for composting, the way it was written in there today. So I'm just saying I think it's in the best interest of everyone here to put something in that exempts those -- or exempts it from processes that may be currently operating, reuses, and future technologies that may come along.

And, currently, we're going back almost to the place where we originally started back in the forties, which is feeding the food waste to pigs and -- and somehow mixing it for feed lot or whatever it happens to be. So I just want to point that out. I'm going to leave this with the committee for the members and people to see.

Okay; thank you very much.

REP. ROY: Thank you.

Any questions or comments from members of the committee?

Seeing none, Carroll, thank you very much.



Department of Environmental Protection

Index of Year 2010 Legislative Proposals

- AAC Long Island Sound and Coastal Programs (SB 124)**
 - Require OLISP permits be recorded on land records
 - Authorize higher fees for "after the fact" construction of coastal structures
 - Make LEAN changes to LIS programs
 - Allow for electronic distribution of coastal permit notices
 - Correct the definition of "sewage" to be consistent with federal law
 - Repeal OLISP Coastal Act reports and other obsolete statutes

- AAC Recycling and Solid Waste Management (SB 127)**
 - Expand mandated recyclables
 - Streamline municipal recycling reporting requirements
 - Expand recycling of organic material
 - Add the Department of Revenue Services to assist in enforcing the Bottle Bill

- AAC Remediation Programs of the DEP (SB 119)**
 - Reengineer the ELUR program (notice of activity and use restriction)
 - Authorize Alternative Institutional Controls (AIC)

- AAC Environmental Conservation Licensing (HB 5128)**
 - Update licensing statutes to reflect current practice
 - Authorize electronic transactions
 - Clarify authority for special use licenses on DEP-controlled property
 - Clarification of "assent" language

- AAC Minor Revisions to the Underground Storage Tank Petroleum Clean-Up Account and Groundwater Pollution Abatement Statutes (HB 5119)**
 - Restrict UST reimbursement when DEP seeks cost recover
 - Fix Potable Water Filtration system ownership problems

- AAC the Extension of General Permits Issued by the DEP (SB 121)**
 - Extend general permits like the federal EPA method



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Public Hearing – February 22, 2010
Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella
Department of Environmental Protection

Raised Senate Bill No. 127 - AN ACT CONCERNING RECYCLING AND SOLID WASTE MANAGEMENT

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 127, AN ACT CONCERNING RECYCLING AND SOLID WASTE MANAGEMENT.

We appreciate the Committee's willingness to raise this bill at the request of the Department of Environmental Protection (Department). This proposal, that we strongly support, would make some simple but important changes to assist Connecticut in meeting statewide solid waste goals:

- 1) Expand the materials that everyone must recycle (#1 & #2 plastics; boxboard; other paper).
- 2) Streamline reporting requirements for municipalities.
- 3) Promote infrastructure capacity for recycling of food residuals.
- 4) Extend the enforcement and auditing authority of the Department under the "Bottle Bill" to the Department of Revenue Services (DRS).

Section 6 - Expand mandated recyclables

By law, everyone must recycle certain items (glass and metal food and beverage containers, corrugated cardboard, newspaper, non-residential white office paper, scrap metal, Nickel-Cadmium rechargeable batteries, waste oil, lead acid batteries (from vehicles), leaves, and grass (clippings should be left on the lawn or, if necessary, composted). This proposal requires the Commissioner, by October 1, 2011 to expand the mandatory recyclables through regulation to include (1) containers of three gallons or less made of polyethylene terephthalate plastic (also known as "PETE" for example, clear plastic bottles) or high-density polyethylene plastic ("HDPE" e.g., milk jugs), (2) boxboard (e.g., cereal box material), and (3) additional types of paper, including magazines and residential high-grade white paper and colored ledger paper. This section advances Strategy 2-2 of the state's Solid Waste Management Plan.

Sections 2-5. - Simplifying Municipal Reporting

This section assists municipalities with their existing data reporting and solid waste management responsibilities by requiring that solid waste collectors summarize and provide information to municipalities and to the Department. Specifically, collectors must report the destination to which they bring solid waste and recyclables, and the tonnages of Connecticut-generated solid waste and recyclables collected in Connecticut and delivered to out-of-state facilities without first passing through a Connecticut permitted solid waste facility or delivered to Connecticut end users (e.g., Connecticut paper mills) without first passing through a Connecticut permitted solid waste facility. The proposed revision requires collectors to report more explicitly to the municipalities in which they collect as well as to the Department. This will allow municipalities

to expend less effort gathering data and reporting data to the Department on the Municipal Annual Recycling Report form. The purpose of such change is to ensure that municipalities are provided with the information they need to identify where the solid waste generated within their borders is being disposed or recycled. This is important to ensure the municipalities are able to perform their statutory obligation to plan and provide for solid waste management. In addition to providing transparency and verification as to the destination of a municipality's waste, having this information provided to municipalities allows municipalities to better minimize their risk of federal liability from waste disposal practices in and outside of Connecticut.

Sections 1, 7, and 8. - Improving Recycling of Commercial Organics

This proposal would apply to the largest volume generators of food residuals: 1) commercial food wholesalers or distributors; 2) industrial food manufacturers or processors; 3) supermarkets; and 4) resorts and conference centers. These sectors account for the majority of the statewide volume of food wastes produced.

Connecticut's Solid Waste Management Plan (Objective 2) has identified food scrap recycling as one of the state's most critical strategies for reaching the state's source reduction and recycling objectives in the coming years to avoid the need for expanded reliance on landfills and resource recovery facilities. This means we will need facilities in which to process and recycle food wastes.

According to the Connecticut 2009 Statewide Solid Waste Composition and Characterization Study¹, food residuals are the single most common potentially recyclable material, by weight, in the current solid waste disposal stream. Food waste accounts for 331,000 tons per year of the state's solid waste stream, or about 13%, with compostable paper, at 8%, being the next most prevalent material.

DEP's Food Residuals Mapping Study identified 1,314 *large-scale* generators of food residuals ranging from supermarkets and resorts to food product distributors. From these generators, a potential of 99,000 – 153,000 tons/yr of food scrap generation was estimated available for recycling (see "Identifying, Quantifying, and Mapping Food Residuals from Connecticut Businesses and Institutions *An Organics Recycling Planning Tool Using GIS*," September 2001).

Connecticut needs to significantly increase its food residuals recycling capacity such that it provides a network of large-scale processing facilities throughout the state, making it economically feasible for businesses to separate food residuals for recycling vs. disposal. Mandating the recycling of source-separated commercial and organic wastes within a certain time period after establishment of an organics recycling facility in the state would guarantee feedstock (materials) for the new establishment or expansion of existing facilities designed to process food residuals. With an adequate statewide network of food residuals recycling capacity in place, capturing and recycling the food waste segment of the waste stream will improve recycling rates and divert organic materials from landfills and resources recovery facilities.

This approach – of instituting a recycling mandate once processing capacity is available – was used by the state to implement our statewide recycling program and regional processing centers

¹ <http://www.ct.gov/dep/cwp/view.asp?a=2718&q=439264&depNav>
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(see 22a-241b). The approach worked in the past and the Department believes the state would benefit by deploying the approach again.

Creating the necessary infrastructure and diverting food waste from the waste disposal stream is a major strategy (Strategy 2-14) in achieving the state's diversion goal. This diversion goal is also consistent with the Connecticut Climate Change Action Plan (Policy Action #43 Increase Recycling & Source Reduction to 40% specifically, increase composting of source separated organics from commercial, industrial, and institutional generators).

We would like to clarify that our intention in section 8 is to be clear that the requirement to recycle food residuals is dependent on the capacity becoming available within a reasonable distance of the food waste generator. We recommend that line 296 read, "facility, provided that such a facility exists within thirty miles from such wholesaler..."

Bottle Bill

As another method to insure that the solid waste management and recycling objectives are achieved, the Department is offering (as an attachment to this testimony) draft language that would add the Commissioner of Revenue Services as a necessary agency to oversee and enforce the financial and accounting provisions of the "Bottle Bill."

This proposed language would establish the legal authority needed to add the Commissioner of Revenue Services as a person for which the Attorney General can institute an appropriate action or proceeding in Superior to enforce the Bottle Bill. The language also grants legal authority to the Commissioner of Revenue Services: 1) to require appropriate accounting procedures be followed and quarterly reports be filed by entities covered under the Bottle Bill; 2) to examine the accounts and records of entities covered under the Bottle Bill; 3) to assess civil and tax penalties to enforce the Bottle Bill; and 4) to adopt regulations to implement the provisions of section 22a-245a of the general statutes.

The Department requests that these provisions be included to the bill as the Committee considers a favorable report of Senate Bill No. 127.

In summary, the Department supports the bill because it will save money, reduce trash through increased recycling and insure better oversight of important provisions of Connecticut's Bottle Bill.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@ct.gov.

Sec. 501. Subsection (e) of section 22a-245 of the general statutes, as amended by section 19 of public act 2 of the 2009 session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010, and applicable to calendar quarters beginning on or after said date*):

(e) [(1)] The Commissioner of Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of sections 22a-243 to [22a-245a] 22a-245, inclusive. Such regulations shall include, but not be limited to, provisions for the redemption of beverage containers dispensed through automatic vending machines, the use of vending machines that dispense cash to consumers for redemption of beverage containers, scheduling for redemption by dealers and distributors and for exemptions or modifications to the labeling requirement of section 22a-244.

[(2)] The regulations adopted pursuant to subdivision (1) of this subsection shall also include provisions creating a prescribed accounting system for the reimbursement of the refund value for a redeemed beverage container. The commissioner shall adopt written policies and procedures to implement the provisions creating such prescribed accounting system while in the process of adopting such policies and procedures in regulation form, and the commissioner shall print a notice of intention to adopt the regulations in the Connecticut Law Journal not later than twenty days prior to implementing such policies and procedures. The commissioner shall submit final regulations to implement such policies and procedures to the legislative regulation review committee not later than May 1, 2009, unless a later date is approved by a majority vote of the members present of said committee. Policies and procedures implemented pursuant to this subdivision shall be valid until (A) May 1, 2009, or, if applicable, the later date approved by said committee pursuant to this subdivision, or (B) the time that the proposed final regulations are adopted or disapproved by said committee, whichever is earlier.]

Sec. 502. Section 22a-245a of the general statutes, as amended by section 15 of public act 1 of the 2009 session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010, and applicable to calendar quarters beginning on or after said date*):

(a) Each deposit initiator shall open a special interest-bearing account at a Connecticut branch of a financial institution, as defined in section 45a-557a, to the credit of the deposit initiator. Each deposit initiator shall deposit in such account an amount equal to the refund value established pursuant to subsection (a) of section 22a-244, for each beverage container sold by such deposit initiator. Such deposit shall be made not more than one month after the date such beverage container is sold, provided for any beverage container sold during the period from December 1, 2008, to December 31, 2008, inclusive, such deposit shall be made not later than January 5, 2009. All interest, dividends and returns earned on the special account shall be paid directly into such account. Such moneys shall be kept separate and apart from all other moneys in the

possession of the deposit initiator. The amount required to be deposited under this section, when so deposited, shall be held to be a special fund in trust for the state.

(b) (1) Any reimbursement of the refund value for a redeemed beverage container shall be paid from the deposit initiator's special account, with such payment to be computed under the cash receipts and disbursements method of accounting, as described in subdivision (1) of subsection (c) of Section 446 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended. [Upon the Commissioner of Environmental Protection's adoption of written policies and procedures establishing an accounting system under section 22a-245 of the general statutes, any such reimbursement shall be paid in the manner prescribed in such policies and procedures until the adoption of final regulations under said section 22a-245. Upon the adoption of such regulations, any such reimbursement shall be paid in accordance with such regulations.]

(2) A deposit initiator may petition the Commissioner of Revenue Services for an alternate method of accounting by filing with its return a statement of its objections and of such other proposed method of accounting as it believes proper and equitable under the circumstances, accompanied by supporting details and proofs. The Commissioner of Revenue Services, within a reasonable time thereafter, shall notify the deposit initiator whether the proposed method is accepted as reasonable and equitable and, if so accepted, shall adjust the return, and payment of reimbursement, accordingly.

(c) (1) Each deposit initiator shall submit a report on March 15, 2009, for the period from December 1, 2008, to February 28, 2009, inclusive. Each deposit initiator shall submit a report on July 31, 2009, for the period from March 1, 2009, to June 30, 2009, inclusive, and thereafter shall submit a quarterly report for the immediately preceding calendar quarter one month after the close of such quarter. Each such report shall be submitted to the Commissioner of Environmental Protection, on a form prescribed by the commissioner and with such information as the commissioner deems necessary, including, but not limited to: (1) The balance in the special account at the beginning of the quarter for which the report is prepared; (2) a list of all deposits credited to such account during such quarter, including all refund values paid to the deposit initiator and all interest, dividends or returns received on the account; (3) a list of all withdrawals from such account during such quarter, all service charges and overdraft charges on the account and all payments made pursuant to subsection (d) of this section; and (4) the balance in the account at the close of the quarter for which the report is prepared. The provisions of this subdivision shall not apply to calendar quarters beginning on or after July 1, 2010.

(2) Each deposit initiator shall submit a report on October 31, 2010 for the calendar quarter beginning July 1, 2010. Thereafter each deposit shall submit a quarterly report for the immediately preceding calendar quarter on or before the last day of the month next succeeding the close of such quarter. Each such report shall be submitted to the Commissioner of Revenue Services, on a form prescribed by the commissioner and

with such information as the commissioner deems necessary, including, but not limited to, the following information: the balance in the special account at the beginning of the quarter for which the report is prepared; all deposits credited to such account during such quarter, including all refund values paid to the deposit initiator and all interest, dividends or returns received on the account; all withdrawals from such account during such quarter, including all service charges and overdraft charges on the account and all payments made pursuant to subsection (d) of this section; and the balance in the account at the close of the quarter for which the report is prepared. The quarterly report shall be filed electronically with the Commissioner of Revenue Services, in the manner provided by chapter 228g, regardless of whether the deposit initiator would otherwise have been required to file such report electronically under the provisions of said chapter 228g.

(d) (1) On or before April 30, 2009, each deposit initiator shall pay the balance outstanding in the special account that is attributable to the period from December 1, 2008, to March 31, 2009, inclusive, to the Commissioner of Environmental Protection for deposit in the General Fund. Thereafter the balance outstanding in the special account that is attributable to the immediately preceding calendar quarter shall be paid by the deposit initiator one month after the close of such quarter to the Commissioner of Environmental Protection for deposit in the General Fund. If the amount of the required payment pursuant to this [subsection] subdivision is not paid by the date seven days after the due date, a penalty of ten per cent of the amount due shall be added to the amount due. The amount due shall bear interest at the rate of one and one-half per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in the special account. The provisions of this subdivision shall not apply to calendar quarters beginning on or after July 1, 2010.

(2) On or before October 31, 2010, each deposit initiator shall pay the balance outstanding in the special account that is attributable to the period from July 1, 2010 to September 30, 2010, inclusive, to the Commissioner of Revenue Services for deposit in the General Fund. Thereafter the balance outstanding in the special account that is attributable to the immediately preceding calendar quarter shall be paid by the deposit initiator on or before the last day of the month next succeeding the close of such quarter to the commissioner for deposit in the General Fund. If the amount of the required payment pursuant to this subdivision is not paid on or before the due date, a penalty of ten per cent of the amount due and unpaid, or fifty dollars, whichever is greater, shall be imposed. The amount due and unpaid shall bear interest at the rate of one per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in the special account. The required payment shall be made by electronic funds transfer to the commissioner, in the manner provided by chapter 228g, irrespective of whether the deposit initiator would otherwise have been required to make such payment by electronic funds transfer under the provisions of chapter 228g.

(e) If moneys deposited in the special account are insufficient to pay for withdrawals authorized pursuant to subsection (b) of this section, the amount of such deficiency shall be subtracted from the next succeeding payment or payments due pursuant to subsection (d) of this section until the amount of the deficiency has been subtracted in full.

(f) The [State Treasurer may, independently or upon request of the commissioner,] Commissioner of Revenue Services may examine the accounts and records of any deposit initiator maintained under sections 22a-243 to 22a-245, inclusive, of the general statutes or under this section and any related accounts and records, including receipts, disbursements and such other items as the [State Treasurer] commissioner deems appropriate.

(g) The Attorney General may, independently or upon complaint of the [commissioner] Commissioner of Environmental Protection or the Commissioner of Revenue Services, institute any appropriate action or proceeding to enforce any provision of this section or any regulation adopted pursuant to section 22a-245 of the general statutes to implement the provisions of this section.

(h) The provisions of section 12-548, sections 12-550 to 12-554, inclusive, and section 12-555a shall apply to the provisions of this section in the same manner and with the same force and effect as if the language of said sections had been incorporated in full into this section and had expressly referred to the payment required under this section, except to the extent that any provision is inconsistent with a provision in this section. For purposes of section 12-30b, 12-33a, section 12-35a, section 12-39g, and section 12-39h, the payment required under this section shall be treated as a tax.

(i) The Commissioner of Revenue Services may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.



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THE VOICE OF LOCAL GOVERNMENT

TESTIMONY
 of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
 to the
ENVIRONMENT COMMITTEE

February 22, 2010

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to testify before you on issues of concern to towns and cities.

Raised Senate Bill 127 "An Act Concerning Recycling and Solid Waste Management."

Among other things, this bill would require the Department of Environmental Protection to amend their regulations to expand the list of mandated recyclables to include certain plastics, boxboard, and additional types of paper.

CCM has always been supportive of measures that would encourage increased recycling in Connecticut and applaud DEP for completing a statewide survey of municipal solid waste and recycling efforts. However, we are concerned that municipalities might be faced with limited or no options for in-state disposal of these items. The lack of in-state disposal options would require hauling these items to out-of-state facilities, which could outweigh any tip-fee savings achieved by eliminating them from the solid waste stream.

In order to protect against this, **CCM urges the committee to have these new items be effective upon adequate in-state disposal options.** This could be accomplished in the same manner as is currently provided in the bill for composting "not later than six months after the establishment of service in the state by two or more facilities" - or - as provided in CGS 22a-256a for nickel-cadmium batteries that such items begin to be recycled "within three months of the establishment of service to such municipality by a regional processing center or local processing system."

CCM looks forward to working with the Committee and proponents of this bill to achieve increased recycling goals without imposing new costs on any municipality.

##

If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of
 via email kweaver@ccm-ct.org or via phone (203) 498-3026.

**Testimony of the Connecticut Resource Recovery Authority
Re: SB 127 AN ACT CONCERNING RECYCLING AND SOLID WASTE
MANAGEMENT
Before the Environment Committee
February 22, 2010**

Thank you for the opportunity to present testimony regarding Senate Bill 127, AN ACT CONCERNING RECYCLING AND SOLID WASTE MANAGEMENT. The Connecticut Resources Recovery Authority support some of the concepts outlined in SB 127. As the state's largest publicly owned recycling entity, CRRA is a strong advocate of recycling and believes there may be opportunities to allow for the beneficial reuse of certain materials such as recycled glass from our recycling centers, or ash residue that is the inorganic by-product of the environmentally safe combustion of trash.

Regarding the proposed changes to the municipal reporting requirements as outlined in this bill, CRRA supports alleviating any burdens on municipalities especially in this very difficult economy. CRRA may have some suggested language on municipal reporting and will work with DEP on this matter.

Regarding section six which adds the recycling of plastics one and two, boxboard, magazines and other types of paper, CRRA already accepts those materials at its two regional recycling facilities in Hartford and Stratford. CRRA is also sensitive to the fact, however, that while most towns already collect and deliver such recyclables, towns which do not currently collect them might be opposed to mandating these additional materials to be recycled.

Section seven proposes that after the establishment of two or more composting facilities in the state that certain commercial food generators that produce in excess of a certain quantity of food wastes be required to source separate and deliver those food wastes to one of the established composting facilities. CRRA supports the concept of commercial food waste composting as another method to increase the state's recycling rate and we think this language starts the discussion on this important solid waste and recycling issue.

Thank you for the opportunity to present CRRA's comments on this legislation.

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2010



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THE VOICE OF LOCAL GOVERNMENT

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

ENVIRONMENT COMMITTEE

March 1, 2010

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to testify before you on issues of concern to towns and cities.

Proposed House Bill 5120 "An Act Concerning Private and Municipal Recycling, Zoning Ordinances and Solid Waste Collection Contracts."

This bill seeks to implement new requirements as a step towards increasing recycling across Connecticut.

CCM has worked with proponents of this bill and the Department of Environmental Protection (DEP) to fully understand the implications the measures included in this bill would have on local governments and has comments on the following sections of the bill:

Section 2

Would change the reporting requirements for recyclable items reducing the burden on municipalities for tracking destinations of these items. *CCM supports this proposal.*

Section 3

- Would expand the list of items mandated to be recycled. After consulting the results of the DEP survey completed in 2009, it is apparent that those few towns that are not already handling these new items are on their way to doing so. However, we are concerned that municipalities might be faced with limited or no options for in-state disposal of these items. The lack of in-state disposal options would require hauling these items to out-of-state facilities, which could outweigh any tip-fee savings achieved by eliminating them from the solid waste stream. In order to protect against this, *CCM urges the committee to have these new items be effective upon adequate and cost-effective in-state disposal options.* This could be accomplished in the same manner as is currently provided in SB 127 for composting "not later than six months after the establishment of service in the state by two or more facilities" - or - as provided in CGS 22a-256a for nickel-cadmium batteries that such items begin to be recycled "within three months of the establishment of service to such municipality by a regional processing center or local processing system." *The bill should also provide that any municipalities required to recycle new items pursuant to this section not have to do so if it would have an overall negative impact on their budgets.*

- Would require that separate collection containers are used for recyclable items. While it is apparent the intention of this language, there are some solid waste collection programs that require residents to use the same collection bin that is used for solid waste for their recyclables on a designated day other than their normal solid waste pick-up day. This language would disallow this practice and would force these solid waste programs, municipal or private, to procure and distribute additional collection containers. This would create a fiscal burden that would eventually be borne by property taxpayers and consumers. *CCM urges the Committee to delete this provision.*

Section 4

Would place certain restrictions on the authority of local governments to regulate the location of recycling containers. While CCM understands the intention of this section – to ensure that businesses have adequate access to recycling containers - CCM is concerned that the language could be too expansive and have unintended consequences. *CCM urges proponents to seek the input of local planning and zoning officials to ensure the language is accurately drafted to meet the intention without opening to door for abuse.* We offer to work with you to arrange such a discussion so we may work towards a mutually agreeable resolution.

Section 5

Would require that any municipality providing curbside solid waste collection to also provide curbside recycling collection. According to DEP's 2009 survey, it appears that this would not negatively affect any municipality – since all of those who provide curbside collection do both solid waste and recycling. However, we are aware of at least one town – Lyme – that has a unique situation that would be adversely affected by this new requirement. In Lyme, there is one company that residents can contract with to haul their solid waste. The residents pay the collection fee directly to the company but the town pays the tipping fees. Lyme has an exceptional transfer station where recyclables are collected and the town has consistently exceeded the statewide average for recycling. While the bill does provide a caveat that would exempt Lyme from this provision, *CCM is still concerned that there may be other municipal programs that could be unintentionally impacted by this language and we urge you to amend it to protect against that possibility.*

Section 7

Would require that all contracts for the collection of solid waste also make a provision for the collection of recycling. This section would have an adverse affect on at least the Town of Lyme by mandating that the company currently contracting in their town for the collection of solid waste would now also have to collect recyclables curbside. There is no exception included in this section as there is in Section 5. CCM is very concerned that there may be other situations that could be unintentionally impacted by this language. *Therefore, CCM urges this section to be deleted.*

CCM has always been supportive of measures that would encourage increased recycling in Connecticut and will work with proponents of this bill to gather need information to ensure that no new unfunded mandates are implemented and the goals of the legislation are achieved without unintended consequences.

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If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of
via email kweaver@ccm-ct.org or via phone (203) 498-3026.

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2010



Connecticut Chapter
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Martin Mador, Legislative Chair

Environment Committee
March 1, 2010

Testimony In Favor of

SB127

HB 5122 AA Establishing a Paint Stewardship Pilot Program
HB 5126 AA Establishing a Chemical Innovations Institute at the University of Connecticut
HB 5130 AAC Child Safe Products
HB 5240 AAC Affordable Housing Developments in Environmentally Regulated Areas
HB 5120 AAC Private and Municipal Recycling, Zoning Ordinances and
Solid Waste Collection Contracts

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club Connecticut Chapter. I hold a Masters of Environmental Management from the Yale School of Forestry and Environmental Studies.

5122

This bill has been proposed by the Connecticut Product Stewardship Council, of which Sierra is an affiliate member. It is an appropriate bill which provides for collection and recycling of unused paint. Over 740,000 gallons of paint are unused each year, costing towns in excess of half a million dollars in disposal fees. Details of the bill have been negotiated with industry, which is in support, provided the amendments to be offered by the American Coatings Association are adopted. Recycling of the paint will remove it from the municipal solid waste stream, saving the towns money. This bill will help to further the goals of the state's Solid Waste Management Plan. It is consonant with the evolving principle of manufacturer take back and recycling of post-consumer end of life material. Sierra strongly recommends passage, with the ACA amendments.

5126

5126 establishes an Institute at UCONN focused on disseminating information on safer chemicals. This bill is endorsed by member organizations of the Coalition for a Safer Connecticut, of which Sierra is a guiding member. The Institute would work with resources across the country, such as the Interstate Clearinghouse, to accumulate knowledge about non-toxic chemicals. This information would be shared with Connecticut industry. Benefits to state companies include: better competitiveness in the global marketplace; preservation of jobs; improved worker health; reduced worker compensation, OSHA compliance costs and hazardous waste disposal fees; and access to state-of-the-art chemical information. Many markets are becoming closed to products containing toxic chemicals, as the REACH program in Europe provides. Access to this knowledge is vital for state industry to remain competitive and preserve jobs.

The bill establishes the Institute and defines its Board of Directors. It does NOT call for state funding, as this should come from corporate beneficiaries and fee for service arrangements.

The bill is a component of the Green Jobs proposal "Building Connecticut's Economic and Environmental Future" advanced by a coalition of virtually all major environmental organizations in the state.

5130

HB 5130 is one in a series of bills over the past few years aimed at removing toxics from our lives. Sierra believes that the intentional introduction of toxics into our world is an important environmental issue. This bill establishes a procedure for state agencies to identify and prohibit toxic chemicals in children's products. It provides that information readily available from other states be used, thus eliminating the need for Connecticut to conduct its own duplicative research.

Sierra strongly recommends passage of both 5126 and 5130.

5120

This is essentially the recycling bill which passed the House last session 141-4, but was not called in the Senate. The bill adds to reporting requirements; adds PETE and HDPE plastics, boxboard, and types of paper as designated material to be recycled; requires separation of recyclables from other solid waste; and provides for municipal collection of recyclables. The bill has similar provisions to the DEP recycling bill, SB 127. Sierra recommends passage.

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 8, 2010
 Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella
 Department of Environmental Protection

HB 5301

Raised House Bill No. 5319 - AN ACT CONCERNING RECYCLING, CERTAIN SOLID WASTE MANAGEMENT REFORMS AND REQUIREMENTS FOR SOLID WASTE AND ASH RESIDUE FACILITIES

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5319 - AN ACT CONCERNING RECYCLING, CERTAIN SOLID WASTE MANAGEMENT REFORMS AND REQUIREMENTS FOR SOLID WASTE AND ASH RESIDUE FACILITIES. The Department of Environmental Protection (Department) is supportive of many of the proposal's components to encourage and promote recycling which is at the core of the State Solid Waste Management Plan.

Accordingly, we offer the following comments:

The proposed revisions in section 1 of the bill (CGS section 22a-241b) are consistent with similar provisions proposed in Raised Senate Bill No. 127 and Raised House Bill No. 5120. The portion of this section that requires the commissioner to revise the list of items that are required to be recycled to include plastics #1 (PETE) and plastic #2 (HDPE), boxboard, and additional paper types is warranted. The Department is supportive of the concept of increasing certain types of plastics to be recycled such as #1 and #2 resins from food containers, and we recognize that in many communities such plastics are already being collected and recycled.

We estimate that in Connecticut approximately 40,000 tons annually of these plastics continue to be thrown away rather than recycled. Similarly, after organic wastes the largest type of material that continues to be thrown away rather than being recycled is paper and cardboard. Our estimate is that approximately 657,000 tons of paper and cardboard are currently being discarded annually in Connecticut. Based on the differential between disposal costs and recycling costs (estimated as being at least \$40/ton and often significantly more), municipalities are annually paying thousands of dollars more than necessary for handling these materials.

Sections 2, 3, 5, and 6 provide practical steps to advance the state's Solid Waste Management Plan. These provisions are examples of common practices that put into action and make clear how to comply with the existing laws already requiring that everyone recycle.

Section 4 seeks a report from the Department on the costs and benefits to the state, municipalities, and waste generators of different methods of removing food waste from the wastestream, as well as potential incentives and guidance to develop the requisite infrastructure to manage such food wastes. The Department's resources are not adequate to perform this kind of cost-benefit analysis without new funding for technical assistance. We support food waste recycling as a key component to reaching the state's source reduction and recycling objectives as reflected in the proposal contained in Raised Senate Bill No. 127.

Section 8 is similar to a recommendation made in the Program Review and Investigations Committee's January 12, 2010 *Staff Findings and Recommendations Report on Municipal Solid Waste Management Services in Connecticut*. However, while the report recommended that the Connecticut Academy of Science and Engineering study the potential beneficial use of ash residue, this section of this bill moves that responsibility to the Commissioner of Environmental Protection with the consultation from the Connecticut Academy of Science and Engineering. We believe the original recommendation would be a more appropriate and effective effort. We have serious concerns about the resources needed if the Department were to undertake such a study, even with the assistance of the Academy. Additionally, the Department has a vehicle by which anyone who wishes to pursue receiving an authorization to beneficially use ash residue may produce such a study for the Department's consideration in authorizing such beneficial use, and therefore we are not certain that a study is warranted. (See Public Act 09-211 - AN ACT CONCERNING INDIVIDUAL AUTHORIZATIONS FOR BENEFICIAL USE OF SOLID WASTE.)

We note that various of sections of this bill are consistent with various sections of Raised House Bill No. 5120 - An Act Concerning Private and Municipal Recycling, Zoning Ordinances and Solid Waste Collection Contracts; Raised House Bill 5301 - An Act Implementing the Recommendations of The Program Review And Investigations Committee Concerning Municipal Solid Waste Management Services In Connecticut; and the Department's proposal, Raised Senate Bill 127 - An Act Concerning Recycling and Solid Waste Management. The Department would be happy to work with the Committee to help to improve this bill and to attempt to harmonize this bill with the others noted above.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@CT.gov.

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person who would know enough to file a complaint. Since we're so short staffed, the cross training and more than one person on the job is almost negligible now in state service.

So we very much appreciate the committee's work. We're in favor of Raise Bill Number 5348. We hope that the two year rebuttable presumption will pass. And thank you.

REP. MUSHINSKY: Thank you, Mike. Do you have any questions? Okay. You're done.

Katrina Walsh-Weaver followed by Jonathan Bilmes.

KATRINA WALSH-WEAVER: Good afternoon members of the committee.

SB 127

For the record, my name is Katrina Walsh-Weaver. I think I've testified before this committee more times this session than I have in my ten years.

I'm here on Raise House Bill 5301, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING MUNICIPAL SOLID WASTE MANAGEMENT SERVICES IN CONNECTICUT.

In my written testimony that I've submitted to the committee, we've addressed the sections that we have an interest in. Overall, we do support the bill. There are some sections that do not pertain to municipalities and, therefore, we did not address them.

But very quickly, I will just say that we support Sections 2, 3, 5 and 7, as is.

Section 1, we very much support the concept

benefits for doing that, correct? I don't believe there's anything more in your bill, unless I missed it on that.

As for the mandated recyclables list, when cadmium batteries were placed on the recycling list, there was a caveat included in that. Unfortunately I don't have my testimony from Environment in front of me, but basically, it made the requirement essentially go into effect within three months of certain access to proper disposal was made available for those items.

DEP has a bill in, Senate Bill 127, I believe it is, into the Environment Committee that looks at expanding the mandated recyclables and also has the food waste in there. And the food -- the composting has a certain time limit and I believe accessibility measure included in that, but which is not included in the designated mandated recyclables. And we had asked for some sort of similar language to the cadmium batteries of the food waste to be had.

And DEP, I can't speak on their behalf, but they seemed amenable to having that discussion, and while we understand that sometimes it's a matter of what comes first, the carrot or the stick, we certainly still want to make sure that when new mandates are placed on what should be recycled, that the state isn't actually increasing costs to local governments or to the solid waste program as a whole, because now people are being forced to haul things out of state because there's no in-state capacity for them.

REP. MUSHINSKY: Okay. I understand what you're trying to avoid and I appreciate that concern.

Sometimes the states are in a partnership or

the retailers are in a partnership and we know something's going to happen in so many months and that's why we can write those looking ahead requirements, because we know there is somebody out there working on handling material. But sometimes, I'm looking right now at the food waste issue and I don't see anybody jumping in here to fix it, because the siting is so difficult.

So on that one, I'm not sure if that's ever going to go unless there's legislation first. But on some of the things sold in retail stores, different batteries or bulbs or whatever, it will probably happen as you say.

So it's just mulling around in my head that some of the stuff may not fixed unless we show the potential vendors that they will have a market for their recycling facility.

But thanks. We'll try to talk to you again as we write this and also DEP and see what we come up with.

KATRINA WALSH-WEAVER: Thank you.

REP. MUSHINSKY: Are there other questions?

Just while you're here, what is the one you're most worried about, would you say, right now, of your recycling coordinators? What are they most concerned with not being able to handle?

KATRINA WALSH-WEAVER: Well actually, I think the three items that are included in the various environment bills, and there's three of them downstairs. I believe it appears to us that all the towns are moving in that direction. And that those towns that have not already expanded to the additional plastics, the paper

HB 5301

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 8, 2010
 Program Review and Investigations Committee

Testimony Submitted by Commissioner Amey W. Marrella
 Department of Environment Protection

SB127 HB5120
HB5319

Raised House Bill No. 5301 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING MUNICIPAL SOLID WASTE MANAGEMENT SERVICES IN CONNECTICUT

Thank you for the opportunity to present testimony regarding House Bill No. 5301 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING MUNICIPAL SOLID WASTE MANAGEMENT SERVICES IN CONNECTICUT. The Department of Environmental Protection (Department) is supportive of many of the proposal's components to encourage and promote implementation of the State Solid Waste Management Plan. However, given the Department's current funding levels any new assignments could not be completed without new resources.

First, let us note that the Department appreciates the Program Review and Investigations Committee staff members' excellent efforts in researching this topic thoroughly and assembling a thoughtful set of findings and recommendations.

We offer the following comments on the proposed bill:

Section 1 requires the commissioner to amend the regulations designating items that are required to be recycled when facility capacity exists and thirty or more municipalities are recycling such item. Based on our preliminary review of available information, the current immediate effect of this requirement would be that the commissioner would be required to revise the list of items to include plastics #1 (PETE) and plastic #2 (HDPE), boxboard, and additional paper types. This result is consistent with the State Solid Waste Management Plan.

The goals of section 2 are consistent with the Department's efforts to develop programs that achieve the goals of the State's Solid Waste Management Plan although we are not certain that formal reviews and reports are necessarily warranted, particular without additional resources to complete the review of the state's policies and development of programs. We note that the Program Review and Investigations Committee staff report initially recommended a funding mechanism of 50 cents per ton on solid wastes delivered to resource recovery facilities for the next five years as a means of providing such resources. This funding mechanism would be used to fund incentive programs developed by the Department; however this mechanism was not accepted by the Committee.

Section 3 seeks a report from the Department on the costs and benefits to the state, municipalities, and waste generators of different methods of removing food waste from the wastestream, as well as potential incentives and guidance to develop the requisite infrastructure to manage such food wastes. The Department's resources would not be adequate to perform this kind of cost-benefit analysis without funding for technical assistance. We support food waste recycling as a key component to reaching the state's source reduction and recycling objectives as reflected in the proposal contained in Raised Senate Bill 127.

The Department is support of the improvements proposed in section 4 to the existing requirements for solid waste collectors to register in the municipalities in which they provide services. The additional information provided to municipalities will assist both the municipalities and the Department with both planning and reporting obligations.

Section 5 seeks a report from the Department on a study of the economic feasibility of the state purchase and ownership of solid waste disposal areas. While we are supportive of the reasoning for this study, but the Department's resources would not be adequate to perform this kind of study without funding for technical assistance.

The Department supports the concepts in Section 6 to improve reporting practices, including requiring the Department to provide for electronic submittal of data to the Department. While this is a goal toward which we are working, we are constrained both financially and technically to carry through with such a requirement and would recommend that this be identified as a goal rather than a requirement.

Sections 7 and 8 are consistent with ongoing efforts at the Department to improve our oversight of programs, however we feel that, unless resources are provided to carry out the reviews specified in these sections that it is not appropriate to place deadlines on such activities. If such deadlines remain it will require reallocation of resources that are currently being directed at implementing the programs which are the target of these program reviews.

We note that various sections of this bill are consistent with various sections of Raised House Bill 5120 - An Act Concerning Private and Municipal Recycling, Zoning Ordinances and Solid Waste Collection Contracts, Raised House Bill House Bill No. 5319 - An Act Concerning Recycling, Certain Solid Waste Management-Reforms and Requirements for Solid Waste and Ash Residue Facilities and the Department's proposal, Raised Senate Bill 127 - An Act Concerning Recycling and Solid Waste Management. The Department would be happy to work with the Committee to help to improve this bill and to attempt to harmonize this bill with the others noted above.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@CT.gov.