

PA10-087

HB5120

Environment	333-346, 398, 399-400, 544, 628-634, 662, 663, 1426-1427	29
House	1407-1434	28
Program Rev.	609, 610	2
Senate	3540, 3550-3552	4
		63

S - 608

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2010**

**VOL. 53
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3251 - 3554**

SENATOR LOONEY:

Thank you, Mr. President. Continuing on calendar page 12, Mr. President. Calendar 476, Substitute for House Bill Number 5117. Mr. President, I move to place that item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, moving to calendar page 13, Calendar 481, Substitute for House Bill Number 5119. Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President. Continuing on calendar page 13, Calendar 482, Substitute for House Bill Number 5120. Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, moving to calendar page 15,

Bill 121; calendar page 7, Calendar 377, Substitute for House Bill 5291; Calendar page 8, Calendar 398, Substitute for Senate Bill 231; calendar page 9, Calendar 442, Substitute for House Bill 5141; calendar page 10, Calendar 449, House Bill 5495; calendar page 11, Calendar 451, Substitute for House Bill 5535; Calendar 465, Substitute for House Bill 44 -- 5448; calendar page 12, Calendar 466, Substitute for House Bill 5289; Calendar 473, Substitute for House Bill 5059; Calendar 476, Substitute for House Bill 5117; calendar page 13. Calendar 478, House Bill 5290; Calendar 481, Substitute for House Bill 5119; Calendar 482, Substitute for House Bill 5120; calendar page 15, Calendar 492, Substitute for House Bill 5446; Calendar 494, House Bill 5315; Calendar 504, Substitute for House Bill 5306; calendar page 20, Calendar 532, Substitute for House Bill 5033; calendar page 21, Calendar 534, Substitute for House Bill 5543; Calendar 539, Substitute for House Bill 5350; calendar page 25, Calendar 561, Substitute for House Bill 5419; calendar page 36, Calendar 374, Substitute for House Bill 5225; calendar page 37, Calendar 415, House Bill 5131; calendar page 38, Calendar 454, Substitute for House Bill 5526.

Mr. President, that completes the items placed on Consent Calendar Number 2.

THE CHAIR:

Please call for a roll call vote. The machine will be open.

THE CLERK:

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

THE CHAIR:

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

THE CLERK:

Motion is adoption of Consent Calendar Number 2.

Total number voting

35

Necessary for Adoption 18

Those voting Yea 35

Those voting Nay 0

Those absent and not voting 1

THE CHAIR:

Consent calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I would move that any items on the consent calendar requires additional action by the House of Representatives be immediately transmitted to that chamber.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

And also any other items acted upon today, not on the consent calendar requiring action by the House of Representatives. Also would move that those items be immediately transmitted.

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would yield to any members seeking recognition for announcements or points of personal privilege.

THE CHAIR:

At this time, I will entertain any points of

H – 1077

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 5
1169 – 1557**

rgd/gbr
HOUSE OF REPRESENTATIVES

51
April 22, 2010

announcements or points of personal privilege?

The distinguished lady from Milford,
Representative Lambert, you have the floor, madam.

REP. LAMBERT (118th):

Thank you, Mr. Speaker.

A point of personal privilege.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, madam.

REP. LAMBERT (118th):

The purpose of announcement. I'd like to welcome
from my home town of Milford, the fourth graders from
Pumpkin Delight School.

DEPUTY SPEAKER McCLUSKEY:

Welcome to our Chamber.

Will the Clerk please return to the call of the
calendar, and please call Calendar 167.

THE CLERK:

On page 24, Calendar 167, Substitute for House
Bill Number 5120, AN ACT CONCERNING PRIVATE AND
MUNICIPAL RECYCLING ZONING ORDINANCES AND SOLID WASTE
COLLECTION CONTRACTS, favorable report of the
Committee on Planning and Development.

DEPUTY SPEAKER McCLUSKEY:

The distinguished lady from West Hartford,

rgd/gbr
HOUSE OF REPRESENTATIVES

52
April 22, 2010

Representative Bye, you have the floor, madam.

REP. BYE (19th):

Good morning, Mr. Speaker. Happy Earth Day to you.

I move acceptance for the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is acceptance of the joint committee's favorable report and passage of the bill. Will you remark?

REP. BYE (19th):

Mr. Speaker, the Clerk has an amendment, LCO 3884. I would ask the Clerk to please call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER McCLUSKEY:

Will the Clerk please call LCO 3884 to be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 3884, House "A," offered by Representative Bye, et al.

DEPUTY SPEAKER McCLUSKEY:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to

rgd/gbr
HOUSE OF REPRESENTATIVES

53
April 22, 2010

summarization? Any objection? If not, madam, you may proceed with summarization.

REP. BYE (19th):

thank you, Mr. Speaker.

On this Earth Day, I move the -- the Clerk -- sorry. Let me start again.

Good afternoon, Mr. Speaker.

The bill as amended by House "A" promotes recycling by adding plastics, magazines and box board to the list of recyclables, by making recycling more convenient by putting it in place, an infrastructure to accept recyclables and proper bins, and by removing many disincentives for recycling that now exists.

The bill also helps towns save money by reducing their reporting requirements and decreasing their volume of solid waste, and therefore reducing their tipping fees. I move adoption.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is adoption of House Amendment Schedule "A." Will you remark, madam?

REP. BYE (19th):

Mr. Speaker, this bill is an accumulation of several years of work on a comprehensive recycling bill. It uses elements of the State's solid waste

management plan. It also uses many of the recommendations from the recent program and review study. And it's three years of collaborative work with environmentalists, haulers, CCM, businesses and the resource and recovery authorities as well as towns.

I would like to take a moment and thank Representative Schofield and Chapin for their tireless meetings with the various stakeholders, Representative Roy for his leadership on this bill, and Representative Camillo for his work on the bill as well.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam.

Will you remark on House Amendment Schedule "A?" The honorable ranking member of the Environment Committee, Representative Chapin, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Again, I encourage my colleagues to support this amendment. It is a strike all, so I'll reserve the balance of my comments for after the amendment is

rgd/gbr
HOUSE OF REPRESENTATIVES

55
April 22, 2010

adopted.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks.

Will you remark further on House Amendment
Schedule "A?"

The honorable gentlelady from the 150 District,
Representative Gibbons, you have the floor, madam.

REP. GIBBONS (150th):

Thank you, Mr. Speaker.

If I may, please, a couple of questions to the
proponent of the amendment, please.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, madam.

REP. GIBBONS (150th):

Thank you.

Through you, I think this is on the amendment
rather than on the bill itself, but I just wanted to
be sure that if this amendment passes, does this mean
that a municipality will have to institute a solid
waste, a single-stream collection program? Through
you, Mr. Speaker.

REP. BYE (19th):

Through you, Mr. Speaker, no. This bill does not

rgd/gbr
HOUSE OF REPRESENTATIVES

56
April 22, 2010

require the towns institute a single-stream solid waste system.

DEPUTY SPEAKER McCLUSKEY:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Mr. Speaker. That answered my question.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on House Amendment Schedule "A?" Will you remark further? If not, I'll try your minds. All those in favor of the amendment, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER McCLUSKEY:

All those opposed, nay.

The ayes have it. House "A" is adopted.

Will you remark further on the bill as amended?
Will you remark further on the bill as amended? The distinguished ranking member of the Environment Committee, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

rgd/gbr
HOUSE OF REPRESENTATIVES

57
April 22, 2010

Through you, some questions to the proponent.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Last year we passed a comprehensive recycling bill in the House that I believe didn't make it through the Senate. Can the proponent tell me how this bill may differ from the bill we passed last year? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Thank you, Mr. Speaker.

Through you, the bill is for the most part very similar to that bill. It does add a study of how we can best use ash residue and it also adds a study about composting.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again through you, as I look through

rgd/gbr
HOUSE OF REPRESENTATIVES

58
April 22, 2010

Section 1, which of course would be considered a definition section, it looks like we're adding designated recyclable item as well as composting facility. Are those the only changes in Section 1?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And the definition of designated recyclable item; my interpretation is it's consistent from the number of bills that were merged. I believe there were two DEP recycling bills as well as this bill, as well as one from the House Republican caucus and one from Program Review.

I don't believe that this definition contradicts any of those other definitions. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

rgd/gbr
HOUSE OF REPRESENTATIVES

59
April 22, 2010

REP. BYE (19th):

No. This definition does not contradict.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And the composting facility, can the proponent tell me if that definition is already in statute, or is this entirely new language?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, one moment.

Through you, Mr. Speaker, this is new language about composting facility.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And as I recall an earlier version of this bill and I think I saw it in this was as well, the only other -- I believe the only other area that we

rgd/gbr
HOUSE OF REPRESENTATIVES

60
April 22, 2010

referenced composting in this entire bill has to do with asking DEP to come back and report back to us as to how we're doing in that regard. I think it's Section 8.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes. That's accurate.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, Section 2 appears to be reporting requirements that our municipalities already have. And this section looks like it's changing those requirements. Could the proponent and tell me, if in her opinion, this is intended to make those requirements less onerous?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, the goal of this

rgd/gbr
HOUSE OF REPRESENTATIVES

61
April 22, 2010

section of the bill is to make it easier for towns to report their recycling information to DEP. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again through you, moving on to Section 3, it appears that since the last time we either put recyclable items into statute or regulation, these items in lines 183 through 190, it looks like we're asking DEP to do regulations to make these -- to put these items on the list. Is my understanding correct as to what that is intended to do?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes. This is intended to add these items to the mandated recyclables.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

rgd/gbr
HOUSE OF REPRESENTATIVES

62
April 22, 2010

Thank you, Mr. Speaker.

And again through you, later on in that section, in lines 205 to 214 and continuing on through 220, could I get a brief explanation as to what that portion of the section is doing?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, this line 201 to 214, that section is clarifying that businesses must recycle. And the Section E states that it prohibits folks from recombining items that have been separated for recycling purposes.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, as I recall Subsection E, the idea of that on a prohibition on recombining previously segregated items, it seems to me that that was a provision we debated at some length last year either in committee or on the floor of the House.

rgd/gbr
HOUSE OF REPRESENTATIVES

63
April 22, 2010

And I -- if I recall correctly, I believe there were penalties last year, at least in one version. Does this include any penalties if a person were in violation of Subsection E?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, this does not specify any penalties. DEP is the enforcement agency and does have the ability to make some civil penalties.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And continuing on to Section 4, this section appears to amend zoning statutes. As I read this section, since we are requiring businesses to provide recycling or to actually recycle, is this section intended just to minimally limit the zoning commission's ability to prohibit the placement of those sorts of recycling containers that may be necessary?

rgd/gbr
HOUSE OF REPRESENTATIVES

64
April 22, 2010

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, through conversations with members of zoning boards in my town and in others, they're in wide agreement that this gives much latitude to the zoning boards. It simply requires that they allow their businesses to meet the recyclable laws that will be in place once this passes.

So they cannot prohibit a recycling container, for example, and just allow a trash container. They would need to allow both, but they can dictate many of the features related to that.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again through you, moving on to Section 5, it looks like we're requiring any municipality who provides municipally sponsored garbage pickup to also require municipally sponsored recycling pickup, or at

rgd/gbr
HOUSE OF REPRESENTATIVES

65
April 22, 2010

least provide some way that that occurs. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And in lines 344 through 349, it would appear that if the municipality is already doing a good job recycling and exceeding a statewide average, then they would be exempted from this section? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

rgd/gbr
HOUSE OF REPRESENTATIVES

66
April 22, 2010

And again through you, so if that municipality were exempted and for some reason they drop below that threshold, would -- at that point would they be required to then do what this provision is telling them they would have to do? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, it would be based on a three-year average. So there could be a year that's a blip and the town would be able to continue, but if over a three-year average they drop below that then they would need to do the curbside pickup of recyclables to match the curbside pickup of trash.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And moving on to Section 6, it appears that this section is intended to ensure that in those common gathering venues, as defined in this section, that anybody who's responsible for providing garbage pickup in those areas would also be responsible to provide an

rgd/gbr
HOUSE OF REPRESENTATIVES

67
April 22, 2010

opportunity for recycling as well. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes. That is correct.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And moving onto Section 7, this section appears to require that ~~we~~ to act -- it appears to act as an incentive in contracts to make sure that the consumer has an opportunity to recycle as well as have their trash hauled away. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes. That's accurate.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

rgd/gbr
HOUSE OF REPRESENTATIVES

68
April 22, 2010

And moving on to Section 8, I had referenced that earlier. Is it the proponent's understanding that this information that we're requiring of DEP to provide in Section 8, that that information is readily available?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, this would take some work, but we don't believe it would take a whole lot of work at DEP to do this study and we think there are a lot of benefits if composting is added to our waste stream abilities in Connecticut.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again through you, it's my understanding that there was another provision in another recycling bill about composting. Would the proponent agree with me that this particular section may help us answer those questions down the road as to what would be

rgd/gbr
HOUSE OF REPRESENTATIVES

69
April 22, 2010

appropriate if we chose to require composting facilities?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes.

This was part of -- the work on this bill was to take all the bills and decide how we can best address Connecticut's recycling needs. And we came to the conclusion that a study in the coming year would help guide composting, a composting plan going forward.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again through you, moving onto Section 9, my interpretation of this section is that DEP would reach out to the Connecticut Academy of Science and Engineering in requesting a study on beneficial reuse of ash. Is that the proponent's understanding as well?

Through you, Mr. Speaker.

rgd/gbr
HOUSE OF REPRESENTATIVES

70
April 22, 2010

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And can the proponent gave me a brief history as to why this section may be in there? Is it born out of perhaps some legislation that was passed in a prior year or something like that?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, in Connecticut with our trash-to-energy plants, we end up with ash residue. And their challenges is as to what to do with that ash residue once the trash has been burned. And other states have been able to reuse the ash rather than needing to find a place to dump it all.

And so we believe -- and the case has agreed to do a study for us -- we believe that this will help

rgd/gbr
HOUSE OF REPRESENTATIVES

71
April 22, 2010

reduce, in the end, the ash left to put in a dump
somewhere where it is not popular to put it.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again through you, moving onto Section 10, it
looks somewhat familiar or similar to Section 2, which
had to do with reporting requirements by
municipalities, only Section 10 looks like it's
dealing with reporting requirements for collectors.
Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Yes. That's accurate. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And earlier I heard the proponent say that those
stakeholders, the collector stakeholders, were also

rgd/gbr
HOUSE OF REPRESENTATIVES

72
April 22, 2010

involved in this process. Can the proponent tell me if they have agreed that this provision is acceptable to them?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

Through you, Mr. Speaker, we had great cooperation from the collectors and they have agreed to this part of the bill. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And it looks like Section 11, we are making a change to the definition of collector. Is the intent of that to be sure that when we ask collectors to do this reporting, that we're only talking about those collectors that collect on a regular basis, for example, under a subscription service?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bye.

REP. BYE (19th):

rgd/gbr
HOUSE OF REPRESENTATIVES

73
April 22, 2010

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker and I thank the proponent both for her patience as well as her answers.

Mr. Speaker, I rise in support of the bill. As indicated earlier, this bill is a product of, not only many hours of compromise this year, but last year we hammered out a lot of these issues.

I also thank the proponents for their willingness to sit down with the agencies and the stakeholders involved and look at four or five separate bills and try to seek out the common ground.

I think what we have before us does exactly what it's intended to do. It's intended to do two things. It's intended to improve our recycling rates across the state of Connecticut. It's also intended to reduce the more costly approach, which is disposal of municipal solid waste.

So I think the bill does that. I think it does it with very little if any impact on the consumer that could be considered a negative impact. And I would encourage my colleagues to support it.

rgd/gbr
HOUSE OF REPRESENTATIVES

74
April 22, 2010

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill as amended?

The honorable gentleman from Greenwich,
Representative Camillo, you have the floor, sir.

REP. CAMILLO (151st):

Thank you, Mr. Speaker.

I rise in support of this bill. I want to say that it's been a culmination of a couple years of work. I think Representatives Bye and Schofield did an unbelievably super, super job in getting the buy-in of the municipalities, businesses and individuals, and of course, the environmental advocates. That's not an easy thing to do.

And coming from the recycling industry, I can tell you there were -- people were very, very pleased with the work you did. Thanks to Representative Chapin and others who also helped with this bill. Good job and I urge its passage. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further?

rgd/gbr
HOUSE OF REPRESENTATIVES

75
April 22, 2010

The honorable lady from Wallingford,
Representative Mushinsky, you have the floor, madam.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

My congratulations to the authors of this bill.
It's the first -- or one of the more significant
advances on the original recycling law. And I also
wish to thank Representative Beth Bye and Linda
Schofield for their hard work to make this happen.

There are some sections in the bill which are
also taken from the Program Review and Investigations
Committee report on solid waste. And I'll outline
them for you. Sections 8 and 9 on composting a food
waste to produce a marketable product, and the
beneficial uses of ash residue. That's also a program
review recommendation.

Also from our committee, the more detailed
reporting for collectors, including the data on each
recyclable and on exactly where the material goes
whether it goes in state or out of state in Sections
10 and 11.

So it's a nice merger of several committees'
work. And good job to the sponsors for pulling this
all together. Thank you very much and I hope you all

rgd/gbr
HOUSE OF REPRESENTATIVES

76
April 22, 2010

pass the bill.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further?

The honorable gentleman from South Windsor,
Representative Aman, you have the floor, sir.

REP. AMAN (14th):

Thank you very much, Mr. Speaker.

In the Planning and Development Committee we had some concerns regarding the zoning regulations and what was going to be heard on it. And we often around this building talk about voting against a bill in committee to flag it. I must say that this is one of the times that we flagged a bill and the response was exactly what the Planning and Development Committee had hoped to receive.

The advocates from the bill came forward. They explained the zoning regulations that we were concerned about. They did show how the towns had bought into it. And therefore, I can stand today and say that I -- while I wish I had that information before voting against the bill in Planning and Development, as it's been produced by the advocates, I can stand here today and very easily vote for in.

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HOUSE OF REPRESENTATIVES

77
April 22, 2010

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended? If not, will staff and guests please come to the well of the House. Will members please take your 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 by roll call. Members to the chamber, please.

DEPUTY SPEAKER McCLUSKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to determine if your vote has been properly cast. If all the members voted, the machine will be locked.

Representative Perillo, for what purpose do you rise, sir?

REP. PERILLO (113th):

Mr. Speaker, I apologize. I rise to cast a vote in the affirmative.

DEPUTY SPEAKER McCLUSKEY:

Please press your button, sir. You can now be

rgd/gbr
HOUSE OF REPRESENTATIVES

78
April 22, 2010

recorded.

Now, Mr. Clerk, will you please announce and take the tally.

THE CLERK:

House Bill Number 5120 as amended by House "A."

Total Number voting 139

Necessary for adoption 70

Those voting Yea 139

Those voting Nay 0

Those absent and not voting 12

DEPUTY SPEAKER McCLUSKEY:

The bill as amended is passed.

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

The gentlelady from Simsbury, Representative Schofield, you have the floor, madam.

REP. SCHOFIELD (16th):

Thank you, Mr. Speaker. Nice to see you up there.

Since we just passed a recycling bill, I would just like to remind everybody that we have single-stream cycling here in this very chamber.

And so I want to remind you that the blue bins

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
307 – 658**

2010

REP. ROY: Representative Linda Schofield? Linda is not here yet. Representative Claire Janowski? I know she's running late. Okay. Ralph Eno. Ralph is from the Council of Small Towns and he lives in Lyme.

RALPH ENO: Indeed I do. Thank you for the introduction. Chairman Meyer, Chairman Roy, members of the Committee. Thanks for this opportunity to testify before you this morning. As Representative Roy said, my name is Ralph Eno, First Selectman Town of Lyme, member of the Board of Directors of the Connecticut Council of Small Towns. My remarks this morning reflect COST's position on -- and I want to get this right -- Raised Bill 5120, An Act Concerning Private and Municipal Recycling Zoning Ordinances and Solid Waste Collection Contracts.

Our primary concern still centers on provisions contained in Section V of this bill as it has been reintroduced. In past iterations, the measure required any municipality providing curbside MSW collection to provide the same service for recyclables. COST perceived this as an unfunded mandate and testified in opposition. The present version includes a very-much appreciated exemption trigger if the community exceeds the statewide recycling average, but the mandate kicks in if it were to fall below that threshold.

COST recognizes the importance of reaching the state's targeted goal of removing 40 percent of our recyclables from our solid waste stream. It will ultimately reduce costs and certainly ease pressure on precious landfill capacity, which as we all know is shrinking rapidly in our state. However, our members do not believe this is the time to create any new and potentially costly mandates with municipal

budgets and property taxpayers who fund them already pressed to the limit in our challenging economic times.

Further, Subsection B of Section V poses difficulty for us as well. If a municipality does not provide its residents with curbside MSW pickup, the recycling collection mandate falls on the private haulers performing that service. These additional costs will undoubtedly be passed directly on to residents, who will have no choice in the matter.

The legislative intent of 5120 is certainly laudable, but that said, we believe the timing is problematic. Our cities and towns are making heroic efforts to avoid placing any additional burdens on our taxpayers as we struggle at all levels of government to get through this epic recession. COST respectfully asks that the Committee think long and hard before including the new mandates in this bill. Thank you again for your time and consideration, and if you have any questions, I'll certainly try to answer them.

REP. ROY: Thank you, Mr. Eno. Senator Meyer.

SENATOR MEYER: Mr. Eno, I want to just chat with you for a moment about the cost. When we came up with this concept of recycling, and we looked at the experience of a town like Bristol, we found that there was no ultimate cost. Indeed, there was a gain, financial gain made by the town from the sale of recyclables. And I'm just wondering, I really share your concern about a mandate that's costly, but that's not what we're intending here. Do you recognize that a considerable profit can be made from recycling as well as a

better environment?

RALPH ENO: I do indeed, and I think as far as this bill's impact on larger communities is concerned, it probably will be negligible, given the fact that most already do provide both curbside MSW and curbside recycling, and of course, single stream in larger cities also has proved, I think even short term, to be quite an advantage.

The concern is with smaller, rural towns that may not be going down that road. Lyme, for example, we have a private hauler with a contract that does the town. The town picks up the tipping fee. But we have a longstanding profit-sharing arrangement with friends at Willimantic Waste, so we make significant revenue -- for us, anyway. It's somewhat smaller scale than perhaps Bristol -- for all news, corrugated, now all the additional plastics that are in the waste stream. So we have taken advantage of that, and there's maybe a \$15,000 to \$20,000 offset, even for our small town, to mitigate the costs of hauling and handling, what have you.

So we recognize that value, and through education, we try to encourage our residents to avail themselves of basically what's a 24-hour a day, 7-day a week come and throw your stuff away opportunity for our residents, and it seems to work pretty well. We're not at the 40-percent threshold. I wish we could be. We're at about 30. Just a shade under 30, and working to get better. So I think a lot of small towns are aware that there are cost offsets and advantages, and through education primarily, versus mandates, we're trying to bring our citizens along.

REP. ROY: Thank you. Any other -- Representative

Bye.

REP. BYE: Good morning. Thank you for coming today. Thank you, Mr. Chair. I just want to ask you, you're saying this is a COST position, so all the small towns are saying this is a burden to them?

RALPH ENO: This is indeed a COST position. Whether or not it reflects 100 percent unanimity in terms of a burden, I could not say. I don't think the larger suburban towns that are close to our membership threshold are probably going to have an issue with this, as I said earlier, because I think a lot of them already offer both types of collection. It's more the smaller members where this is going to be a problem.

REP. BYE: Okay. I've been pretty deeply involved with this bill, and if memory serves me -- and you can correct me, because you're representing COST -- there was just one town that was offering curbside pickup but not curbside recycling. Is that your understanding?

RALPH ENO: I cannot speak definitively to the number, but I suspect that there are a very, very small number of rural towns, populations 4,000 or 5,000 or less, that are actually offering both.

REP. BYE: So my guess is probably 160 of our municipalities are currently offering both, whether it's private or public, based on my past experience.

RALPH ENO: I could try to refine the number for you, but I would hate to throw a number out for you now and have it be incorrect.

REP. BYE: Okay. Well, if you can get that for me, that will be great.

RALPH ENO: We will endeavor to do that.

REP. BYE: And just to follow-up with Senator Meyer's questions around your saying there will be a cost to towns, so if I understand your answer to him, what you're saying is that for a small town, there's no cost savings in recycling a portion of your solid waste versus other towns?

RALPH ENO: I hope that's not what I conveyed. I said Lyme does make some money off of recyclables and we're very aggressive education-wise to provide our residents an opportunity to do so. It's just that the method is significantly different than the one that's applied in the larger communities. We don't have municipal haulers and we do not provide curbside recycling at all.

REP. BYE: So you have private haulers in Lyme?

RALPH ENO: We have a private hauler that does MSW only. Recyclables are basically, as I said, a 24-hour-a-day drop-site facility permitted by DED, where people can come in and avail themselves of basically what's a single stream disposal methodology, and we make 15 to \$20,000 a year off of that, at about a 30 percent recapture rate.

REP. BYE: But you don't know what your recapture rate would be and what your profit would be if the hauler picked up recycling as well?

RALPH ENO: I think that might provide us some administrative or logistical difficulties in terms of making sure that it got to the proper place, and if it did not, if we had haulers

who weren't necessarily helpful, it might actually diminish our revenue stream because it might not be going to places where we have contracts to deal with recyclables.

REP. BYE: Okay. And then one last question. As I recall the bill process, which as always, we've met with every group around this bill trying to get consensus. When a town -- there was some objection from a small town, I believe it was Lyme, said we do a great job recycling, and so -- but this will impact us. So we changed the bill to say okay, if you do a great job recycling anyway, then we will add this provision to the bill so that you're not harmed, since you're doing a great job recycling. Is that your recollection of how --

RALPH ENO: That is indeed correct, and as I said in my testimony, we do appreciate that trigger. It's just a question of whether or not other small towns that might be impacted are at that state-wide average, and if they're not -- or if Lyme, for example, were to fall below that trigger, then obviously we would be faced with that mandate. And in these times, we find that to be just a little bit difficult, because there would be added costs associated, either directly on the town in terms of in service, or directly to our residents, who would have to pick up that cost.

REP. BYE: Well, thank you for your testimony. I'll tell you the experience in my town, which is a larger town, but our town decided it would be worth the investment to buy every household -- so purchase every household a large, blue, single-stream recycling barrel. They figure they'll save a couple hundred thousand dollars in the first year. So I

understand it's a smaller town, but I think our goal with this bill is actually to find cost savings for the town.

And I believe -- it's my interpretation that based on what I've read with all different towns that if Lyme was able to implement this, there would be long-term savings. And we've tried to cater the bill to your individual town's circumstance and say okay, if you can recycle at the state average, you don't need to meet this mandate. So I just think we've been trying to work with Lyme and make this work, so I just want to make that point for the Committee. But I thank you for coming today.

RALPH ENO: And that is recognized and appreciated.

REP. BYE: Thank you. Representative Miller.

REP. MILLER: Thank you, Mr. Chairman, and good morning, sir.

RALPH ENO: Good morning.

REP. MILLER: You said -- and I hope I understood you correctly -- that you make \$20,000 on recyclables?

RALPH ENO: It ranges from year to year, but we're in the 15 to \$20,000 a year range in terms of our profit-sharing arrangement as it stands right now, yes.

REP. MILLER: Do you do cost analysis on this? The reason I ask is I know in my own municipality, you take a municipal worker. He may be \$40 or \$45,000 a year when you figure all the benefits and the wages and pensions and holidays, the whole can of worms. So I'm just wondering if you did do a cost analysis on

this.

And the second point I'd like to make is that about a year and a half ago, two years ago, everybody was recycling, because scrap steel was like a penny, a penny and a half a pound. So people who had never recycled, I'm talking about people on the street, they would go out and pick up this stuff and bring it to the scrap yards or wherever they bring it and sell it, get a penny, penny and a half a pound. But today, this stuff isn't worth 20, 25 cents for 100 pounds. So if you could just comment on the cost analysis or how you figure to make \$15,000 to \$20,000 a year on recycling. I'd appreciate it.

RALPH ENO: Well, the cost analysis isn't all that arduous. It's simply reflected in our budget on the income side. It is profit-sharing revenue that is paid back to the town from our recycling, with whom we have a contract. So it's fairly easy to track over the years, because you have actual numbers once your auditors are through with your budget review at the end of every fiscal year, and over the last four or five years, that history has shown that we're making between 15 and \$20,000 a year.

There are not a lot of municipal overhead costs as far as the handling of recyclables is concerned, because our town employees don't touch them. It's all 100 percent voluntary. People come and dispose of the materials at their leisure. The only cost that is reflected in terms of taxpayer outlay is the cost for the hall and the supplemental cost for the disposal which might not be offset by our rebates.

And to your point about values, again, this is

where things get somewhat problematic, because recyclables appear to be a very volatile commodity, and in a year's time, six months' time, you can have values going through the roof, and then they're in the tank, and it's very difficult to project a solid revenue stream for recyclables, so it's more just a bonus, or found money, if you will, for small town budgets, that here's an offset. Some years it will be better than others, but we're not doing it basically for the revenue. We're doing it because it's the right thing to do.

REP. MILLER: This point, this bill, then, it could be a mandate on your community and cost you something?

RALPH ENO: If we fell below the threshold. Again, we appreciate that the threshold is in there, but if for whatever reason the statewide average would go up, which is I think one of the intents of this bill, if I'm not doing a good job of educating our people, our voluntary system might not work anymore and we might then be faced with these costs.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Seeing none, thank you very much.

RALPH ENO: Thank you all very much.

REP. ROY: Representative Linda Schofield.

REP. SCHOFIELD: You might remember this bill from last year. Obviously others have referenced it. It did pass this committee 28 to 2. We did work with folks last year in CCM and in and in many other organizations, as well, to refine the language and make it acceptable to as many parties as possible, so it did pass the House with very bipartisan support 141 to

4. Unfortunately, it never did get called into Senate and it died on the Senate calendar.

The bill is focused, as you know, on making it more convenient to recycle and incentivizing people to recycle. The goal is to reduce Connecticut's solid waste and increase our recycling rates. I feel that the bill makes a very rational start, including a number of different actions that I'll summarize for you. I worked with Representatives Bye and Camillo and Johnson very closely on the bill this year, and a number of stakeholders, to try to craft a bill that addresses everyone's concerns.

I specifically want to address the concern of the gentleman prior to me. We did work with CCM as much as we could last year to make this language as acceptable as possible, and as he noted, we put in a caveat for his particular town. There are no other towns that might fall afoul of the mandate. Lyme was the only one, according to the DEP survey that was done, and I'm happy to share that survey with you.

And I want to point out that the towns actually save money not only by selling the recyclable materials, but by reducing their tipping fees, and that's a big component of the savings. Every time you pick a truck load of trash, you're paying tipping fees somewhere in the \$70 range. It varies depending upon where you're going. Any amount of weight you can push into a recycling stream rather than a trash stream saves you that tipping fee. And in some cases, you actually get money back on recycling. Not in all cases, but at a minimum, it saves you on that tipping fee. So there's savings in both ways.

Believe me, those of us who are working on the bill are all very strongly opposed to creating burdensome mandates for the towns in this economic environment in which we find ourselves. So that's not our goal. I'm happy to work with COST and CCM, and the last thing we want to do is create more mandates.

But that said, there are ways to improve recycling rates in a way that's beneficial to the towns as well as to the environment, as Senator Meyer pointed out. Do you want me to run through a quick summary of what's in the bill or -- I guess not, given the bell.

REP. ROY: I don't think so. Senator Meyer.

SENATOR MEYER: Linda, thanks so much for your leadership on this one. I'm just -- as you were recounting the history of failing in the Senate last year, I'm just thinking back to why that happened, because I know that I was pushing the bill hard, but it didn't make it. Hopefully we'll get it through this session.

We had another additional concept in recycling. That was creating a bank. Do you remember that? We put that in some other legislation. This bill doesn't actually create a bank, as such, for the recycling. Do you think the bill would be strengthened if we did put in a bank concept?

REP. SCHOFIELD: We took it out last year because of the budget situation and didn't consider it again this year because of the budget situation. You're right. What we had originally was the concept of creating a pool of funds that could be drawn down by towns in order to adopt, at their discretion, new approaches to recycling, whether that would be

single stream or pay-as-you-throw or any other innovative approach that held the potential for increasing recycling.

The difficulty is coming -- and it was meant to be a revolving-loan fund. We actually took it out and put it into a bill last year that had a funding stream, which was the tax on paper and plastic bags in stores, so that it was self-contained and wouldn't add to our budget woes. But that bill never made it, and I think we're all quite concerned about the budget and don't want to do anything that adds to costs at this point. So if you come up with a great way to fund it, we'll be thrilled to do it.

I think it would be helpful for towns to have some of that up-front money to invest in the blue barrels that Representative Bye was talking about that are essential for doing the pay-as-you-go or single stream kind of approach. Actually, the barrels aren't necessary for pay-as-you-throw. Towns can do pay-as-you-throw with very little up-front costs, and that's something I would encourage them to consider.

REP. ROY: Thank you. Representative Bye.

REP. BYE: Thank you, Mr. Chair. Good morning, Representative Schofield.

REP. SCHOFIELD: Good morning, Representative Bye.

REP. BYE: Thank you for all your good work on this.

REP. SCHOFIELD: I feel so formal.

REP. BYE: For all your good work, too, on this bill over the past couple of years. It's been

a very collaborative process. You've worked with a lot of legislators, a lot of towns, CCM, that kind of thing. As I look at the statement of purpose -- and I don't know if you have it in front of you, but it says to expand municipal reports concerning recycling. Is that your understanding of part of the purpose of this bill?

REP. SCHOFIELD: No. Thank you for pointing that out. The language that's in the bill itself -- I didn't bring my reading glasses, I apologize. I'm having a hard time seeing.

REP. BYE: Do you want some?

REP. SCHOFIELD: No, that's all right. But the language that's in the bill does two things, and it was an outcome after much negotiation with stakeholders on both sides. The stakeholders on one side being CCM, who would like to see us, and this was our goal, reducing the burden on towns for reporting. And the stakeholder on the other side being for DEP and CRRA, who need a certain amount of information in order to carry out their responsibilities.

And so the language was a compromise that resulted in eliminating the burden for those towns, the reporting burden for those towns who really are not involved. Like my town, for example, Simsbury, is not involved in trash or recycling. The residents subscribe directly to one of two different trash haulers who serve our area, and so the reporting burden is taken away from those kinds of towns and left directly between CRRA and the haulers. So it does reduce the burden for those towns.

The flip side is it did add, for those towns

that send their trash out of state, it adds a requirement that they report where they're sending it and I think the quantity of what they're sending. So it's not a huge addition, but for those towns -- and again, that was a need of DEP and CRRA.

REP. BYE: So it's my understanding that the goal of this bill is actually to reduce the amount of paperwork that towns need to do, and we work closely with DEP and continue to work with them on that.

REP. SCHOFIELD: And believe me, if there are other ideas that anyone has for how to do that, we would welcome those ideas.

REP. BYE: Yeah, and I would also welcome input from the chairs and others who are familiar, because my understanding of our solid waste management plan is what it encourages us to do is simply to report solid waste. How much are you throwing away, because our goal is to reduce that. So that could be even simpler. So going forward as we look at this bill, hopefully we can find some ways to make the reporting even easier. Thank you so much for your testimony and your work on this.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Seeing none, Linda, thank you very much. Has Representative Janowski arrived? She has not. Then Barbara Henry from Roxbury with the Council of Small Towns.

BARBARA HENRY: Thank you, Mr. Chairman. Yes, I am the First Selectman in the Town of Roxbury and also the Vice-Chairman of COST, Council of Small Towns, as well as Chairman of the Northwest Council of Government, or COG.

SB206

80
ch/mb/gbr ENVIRONMENT COMMITTEE

March 1, 2010
10:30 A.M.

REP. ROY: Thank you.

Representative Lambert.

REP. LAMBERT: Thank you, Mr. Chairman. I apologize, because I was late and I'm going through my papers here. The DEP, have they testified in favor of this bill this morning?

PAUL HOAR: Not this morning, as far as I know, and I don't exactly know what their position is. I was trying to reach them earlier today, but I don't know it. However, they have been supportive very much in the past when the initial bill came forth for the mandate, or the grants in 2007, 2006, they were supportive, especially because of the 15 PPM reduction in sulfur for transportation diesel. And in many cases, they've said they would be very supportive of any effort that would accelerate the reduction of heating oil from 3,000 parts per million of sulfur to 15 PPM, specifically on that substance, and also, given the other reductions of the gasses besides sulfur, I think they would be very supportive of it as well.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Seeing none, thank you very much, Paul. Kachina Walsh-Weaver followed by Caroline Sterns. Okay, Kachina, you want to comment on four bills? You got three minutes. Impress me.

KACHINA WALSH-WEAVER: I know. I've been practicing. Okay. Very quickly, thank you, members of the Committee for allowing me the opportunity to testify. I'm Kachina Walsh-Weaver. I'm Senior Legislative Associate for CCM.

HB5240 HB5120
SB206 HB5122

First bill I would like to say that CCM supports is Senate -- sorry, Raised House Bill 5240, An Act Concerning Affordable Housing Developments in Environmentally Regulated Areas. This has been part of CCM's legislative program this year, as it has been in past years, and would provide a special exemption from the Affordable Housing Land Use Appeals Act for certain protected properties, and we hope that this would -- we believe that this would help substantially in protecting environmentally-sensitive areas.

Second bill is Proposed House Bill 5120 having to do with private and municipal recycling, zoning ordinances and solid waste collection contracts. We have submitted testimony on this. It's rather lengthy, so I won't go through all of it, but just to say that we've been working with proponents of the bill. We do think it is a good idea what they are trying to accomplish in terms of increasing recycling. We do have some concerns about this, particularly as we testified on DEP's bill last week, we think that the expanded recycling items, that there should be some sort of caveat included in there that adequate and sufficient in-state disposal options are available. First in order to make sure that the recycling of these expanded items does not actually cost the state money.

We also have a variety of concerns in here. There's a requirement that separate collection containers be used for solid waste and recyclable items. I know that there are some haulers that require residents to place their recyclable items into the solid waste bin on a day other than when solid waste is being picked up. This section would negate that, but I believe the language could be crafted to

make that a little bit more understandable and not have adverse impact.

We are very much aware of the Lyme issue, and we think that there are a variety of ways that this could be addressed. We'd like to draw your attention that the exemption provided in Section 5 would be negated by Section 7, and we have discussed this with the proponents of the bill and would work with them to craft the language properly. We are going to go back to local planning and zoning officials about Section 4 to make sure that this language isn't too expansive and that it doesn't have unintended consequences that come from this.

And just as an ending to this piece, we want to say that we've always been supportive of measures that would encourage increased recycling in Connecticut and will work with proponents of the bill to gather the needed information to assure that this goal is achieved but that no new unfunded mandates are implemented and no unintended consequences happen.

Very quickly, moving on to Senate Bill 206, which we support, we believe this would provide authority to local governments to regulate and restrict the proposed legislation of telecommunications towers within its boundaries. This has been something that we have long supported and fought for. And then lastly, we want to lend our support to the paint stewardship pilot program. We've signed on as a supporter of that program. We think it would go a long ways towards recycling and reducing costs.

HB 5122

REP. ROY: Well done.

KACHINA WALSH-WEAVER: Just a little bit over the

Martin Mador followed by Grace
Hvasta-Petrarca.

MARTIN MADOR: Good afternoon, members of the
Committee. I'm Martin Mador. I'm here
testifying as the volunteer legislative chair
of the Connecticut Sierra Club. If the -- if
the sticker doesn't give away why I'm here,
perhaps my save the children tie will.

It's late in the day. Rather than reading my
testimony, which is full of fabulous arguments
for the four bills we're supporting, let me
just mention we strongly support the paint
recycling bill, 5122. Sierra is a member of
the Connecticut Products Stewardship Council.
We think it's a great bill. We also support
the recycling bill and you heard quite a bit
about that from Representative Schofield
before.

HB 5120

So let me spend the remaining few seconds on
the few two toxics bills and perhaps I'll
address some of the issues that I've heard
raise this afternoon. The federal government
dropped the ball since TSCA. There's no
question of this. TSCA was supposed to have
been an end, a beginning and, in fact, it's
really been the end. So we feel the highly
important for the states to take the role here
in making sure that we're not exposed to these
toxic chemicals.

HB 5126

HB 5130

Last week in Commerce, Representative Cafero
said -- and this is a quote -- he would like
to get government out of the way. I think it
was an unfortunate comment and I want to make
it clear that we really feel the exact
opposite. We think there's a really strong
role for the government in getting toxic
issue -- in addressing toxics issues.

OFFICE OF
THE SELECTMEN
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TESTIMONY
RAISED BILL 5120
AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING,
ZONING ORDINANCES & SOLID WASTE COLLECTION CONTRACTS

Good morning Chairman Meyer, Chairman Roy and members of the committee. Thank you for the opportunity to testify before you today.

My name is Ralph Eno. I am First Selectman in the Town of Lyme and a member of the Connecticut Council of Small Towns Board of Directors. My remarks reflect COST's position on Raised Bill 5120: An Act Concerning Private and Municipal Recycling, Zoning Ordinances and Solid Waste Collection Contracts.

Our primary concern still centers on provisions in section 5 of the bill. In past iterations the measure required any municipality providing curbside MSW collection to provide the same service for recyclables. COST perceived this as an unfunded mandate and testified in opposition. The present version includes a much appreciated exemption trigger if a community exceeds the statewide recycling average, but the mandate kicks in if it were to fall below that threshold.

COST recognizes the importance of reaching the state's targeted goal removing forty (40) per cent of our recyclables from our solid waste stream. It will reduce costs and ease pressure on precious landfill capacity. However, our members do not believe this is the time to create any new and potentially costly mandates with municipal budgets and the property taxpayers who fund them already pressed to the limit in our challenging economic times. Further, subsection b of section 5 poses difficulty as well. If a municipality does not provide its residents with curbside MSW pick up, the recycling collection mandate falls on the private haulers performing that service. These additional costs will undoubtedly be passed directly on to residents who will have no choice in the matter.

The legislative intent of 5120 is laudable, but that said the timing is problematic. Our cities and towns are making heroic efforts to avoid placing any additional burdens on our taxpayers as we struggle at all levels of government to get through this epic recession. COST respectfully asks that the committee think long and hard before including the new mandates in this bill.

Thank you for your time and consideration and I would be happy to try to answer any questions.



State of Connecticut
HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

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MEMBER
 EDUCATION COMMITTEE
 HUMAN SERVICES COMMITTEE
 INSURANCE AND REAL ESTATE COMMITTEE

HB-5120: AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING,
ZONING ORDINANCES AND SOLID WASTE COLLECTION CONTRACTS
 March 1, 2010

Chairman Roy, Chairman Meyers, and esteemed members of the Committee, thank you for the opportunity to testify on behalf of HB 5120, and thank you for raising it as a committee bill.

You may recall this bill from last year. It passed this committee 28-2. We then worked with the folks who voted no here last year to make it acceptable to them before it went to the House, where it passed with bipartisan support 141-4. Unfortunately, it was never called in the Senate and died on the calendar.

Europeans recycle 60% of their waste stream, while we only recycle 30%. Why? Public education and expectations, as well as infrastructure. Walk down a European street or even a Colorado street and you'll see not only trash bins, but recycling bins. We tell people to recycle, but there are no recycle bins in most public spaces. So people throw bottles, cans, paper, and everything else into the trash, or worse, on the ground. You need only look around the LOB and into the trash bins here to see that this is true.

The current law says we have to recycle. But, currently, in some towns, residents have to pay extra for recycling. Or they're given a tiny receptacle for recycling and a huge one for trash. So they just throw everything in the trash and pay less for violating the law. In most public spaces, there are trash barrels but no places to dispose of recyclable materials. Obviously the incentive is to not recycle, since we make it both inconvenient and more expensive to obey the existing law.

And how many of you have discovered that after years of carefully separating your office paper from the trash, that when you stay late at night you see the cleaning company dump

your trash and your recyclable paper all into the same bin? I have and it's very discouraging.

We must do better. And we can do better! And it isn't complicated....it's pretty basic.

This bill is focused on making it convenient to recycle and incentivizing people to recycle. The goal is to reduce CT's solid waste and increase our recycling rates.

This bill makes a rational start by including a set of actions that most everyone can support. Reps Bye, Camillo, and Johnson and I have worked collaboratively with a variety of stakeholders in crafting the bill, including DEP, bottlers, trash haulers, the business community, environmental advocates, grocers, CRRRA, CCM, and others. And we have tried to craft bill language that addresses everyone's concerns while still moving the ball forward.

Key components of this year's bill include:

- A reduction in the data reporting burden for those towns where trash removal is handled through subscription, rather than by the town itself.
- The addition of plastics 1&2, as well as boxboard, to the list of things to be recycled. (92% of towns already recycle magazines and other paper, 88% recycle plastics 1&2. Only 29 towns do not already recycle boxboard.) By getting residents to recycle these additional items, the towns will actually save money on tipping fees, by moving weight from the trash truck to the recycling truck.
- The enforcement of existing recycling laws on office cleaning companies, with appropriate fines for non-compliance.
- Prohibits towns from having a zoning ordinance that conflicts with recycling efforts, as sometimes happens as a result of old zoning rules regarding the footprint allowed for businesses to store trash on their property until pick up time.
- A requirement for towns and trash haulers to offer curbside pickup of recycling if they provide curbside pick-up of trash. Further, this bill would prohibit trash haulers from charging more to residents or businesses who elect curbside recycling.
- A requirement that will make recycling more convenient in public places, by assuring that there will be recycling bins wherever there are trash bins in public venues where trash is generated.
- A requirement for commercial waste removal contracts to specify with the next contract renewal or within 2 years, whichever comes first, how recyclables will be collected, in addition to solid waste. By explicitly establishing a plan with each business for removal of recyclables, it will be less tempting for businesses to just throw materials into the trash bin.

CT boasts many beautiful landscapes. Being an avid outdoors-person myself, preserving our natural beauty is a priority for me. For me it is a tragedy to look on the side of our roadways and hiking trails and see litter, whether it's a soda can or a fast food wrapper.

It's an equal tragedy to see us waste energy and natural resources by throwing away recyclable goods, at a time when electricity prices, petroleum prices, and de-forestation are issues driving global conflicts.



**CONNECTICUT
CONFERENCE OF
MUNICIPALITIES**

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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.

Testimony of the Connecticut Resource Recovery Authority
Re: HB 5120, AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING,
ZONING ORDINANCES AND SOLID WASTE COLLECTION CONTRACTS
and
HB 5122, AN ACT ESTABLISHING A PAINT STEWARDSHIP PILOT PROGRAM
Before the Environment Committee
March 1, 2010

Thank you for the opportunity to present testimony regarding two bills, House Bill 5120, AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING, ZONING ORDINANCES AND SOLID WASTE COLLECTION CONTRACTS and HB 5122 AN ACT ESTABLISHING A PAINT STEWARDSHIP PILOT PROGRAM.

The Connecticut Resources Recovery Authority supports many of the concepts outlined in HB 5120. Regarding the proposed changes to the municipal reporting requirements as outlined in Section 2 (h), CRRA supports this language which should ensure the proper reporting of solid waste and recycling deliveries. CRRA also recognizes the concern some towns have with regard to such reporting and would recommend leaving current statutes alone if the language in Section 2 (h) does not move forward.

Regarding Section 3 (a) (2) 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.

In terms of allowing towns to collect and deliver recyclables from businesses to CRRA's recycling centers, we would support the concept to encourage more recycling, including commercial recycling. However, CRRA does not want to interfere with the private sector recycling efforts if such recycling is already taking place.

We support the recycling of all plastics and other potentially recyclable items as long as there are the necessary markets willing to purchase the recycled materials to make into other products. Without viable markets to purchase and recycle other materials into new products, however, these materials would have no place to be recycled.

Concerning HB 5122, CRRA supports the concept of a paint stewardship program. This would be another method for increasing opportunities for end of life recycling, providing much-needed savings for municipalities, and provide for the safe disposal of paints and stains. Currently paint comprises at least 30% of all municipal Household Hazardous Waste collection costs. Paint manufacturers would financially support the program and be responsible for its implementation with no fiscal impact to the state.

Thank you for the opportunity to present CRRA's comments on these two pieces of legislation.

**JOINT
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HEARINGS**

**ENVIRONMENT
PART 3
659 – 995**

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.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 5
1346 – 1678**

2010



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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.

**JOINT
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HEARINGS**

**PROGRAM
REVIEW AND
INVESTIGATIONS
PART 3
592 -- 871**

2010



**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.