

PA12-188

HB5540

House	6407-6416	10
Planning & Development	1228-1230, 1365-1366	5
<u>Senate</u>	<u>4441, 4497-4499</u>	<u>4</u>
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**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 4
1024 - 1366**

2012

SENATOR CASSANO: You're welcome.

Mayor Tom Dunn and then Denise McNair.

Welcome.

THOMAS G. DUNN: Good morning. Good morning, Senator Cassano, Representative Gentile and members of the Planning and Development Committee. I'm Thomas Dunn, Mayor of the Town of Wolcott and also vice president of the Bristol Resource Recovery Facility Operating Committee, otherwise known as BRRFOC and I am joined today by Denise McNair, Town Manager of Berlin and Treasurer of -- of BRRFOC and Joanthan Bilmes our Executive Director also from BRRFOC.

In addition we have Bob DeCrescenzo of the law firm Updike, Kelly & Spellacy to assist with technical questions, if any, regarding the proposed legislation.

The BRRFOC is made up of 14 towns and cities in Connecticut representing over 10 percent of the state's population on behalf of -- on behalf of the Bristol Committee representing written testimony supporting Raised House Bill No. 5540, AN ACT TRANSFERRING CERTAIN POWERS OF THE BRISTOL RESOURCE RECOVERY FACILITY OPERATING COMMITTEE TO THE WEST CENTRAL CONNECTICUT SOLID WASTE AND RECYCLING BOARD but we -- we are requesting that you modify the language in a number of areas as outlined in document attached to our written testimony.

At present the contracting municipalities of the BRRFOC receive long-term solid waste

disposal services through their membership in this agency and the vast majority of such municipalities also receive long-term recycling services through their membership in the sister organization known as the Tunxis Recycling Operating Committee, TROC. The inter-community agreement supporting these arrangements were adopted over 20 years ago and need to be updated to allow us to plan for the future and facilitate our ability to meet new solid waste disposal challenges including cost-effective compliance with the state solid waste management plan.

The existing and inter-community agreements do not provide a sufficiently durable platform to support stable, long-term answers to the problem of safe waste disposal and recycling. As our communities look ahead to the next generation of long-term solid waste solutions, we need the robust legal structure provided by this legis -- this legislation.

We're working on an appropriate name for the new board that properly reflects the region's missions and goals. Today we are asking you to amend this bill with the enclosed technical corrections and thank you for the support of Raised House Bill 5540 and we're here to answer any questions that you might have.

SENATOR CASSANO: Questions?

Seeing none, I'll just comment that probably the -- the greatest secret that our mayors have to deal with as far as the general public is the future of disposal of solid waste and I'm glad to see you've come forward to

testify. We need 169 cities and towns together to recognize the seriousness of this problem and where we're going because we don't have an answer to the future and so hopefully this bill will be the beginning of that process and again clearly Bristol needs to be involved in those discussions if we have state-wide discussions to move on this.

THOMAS G. DUNN: Absolutely.

SENATOR CASSANO: Thank you for your testimony.

THOMAS G. DUNN: Thank you too.

SENATOR CASSANO: Senator Roraback there you are, saved the best for last.

SENATOR RORABACK: Thank you, Mr. Chairman.

Good morning, Senator Cassano --

SENATOR CASSANO: Good morning.

SENATOR RORABACK: -- Representative Gentile, distinguished members of the Planning and Development Committee. For the record my name is Andrew Roraback, State Senator for the 30th District. I'm here briefly to thank the Committee for raising two important bills. First let me speak to House Bill 5538.

HB 5537

As many of you know the Legislature wisely, several years ago, passed a bill exempting from the imposition of the property tax people -- devices used for alternative energy. So if someone puts a solar panel on their house, we don't allow the tax assessor to impose

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For those on this side of the aisle upon recess we'll be caucusing in Room 209. Thank you.

SPEAKER DONOVAN:

Thank you, sir.

Representative Sharkey, do you care to speak again?

REP. SHARKEY (88th):

Yes Mr. Speaker. With that I'd move that we recess subject to the call of the chair.

SPEAKER DONOVAN:

Motion is for recess subject to the call of the chair.

Any objection? Hearing none, the House stands in recess.

(Chamber at ease.)

Deputy Speaker Orange in the Chair.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call Calendar Number 288.

THE CLERK:

On page 12, Calendar 288, Substitute for House Bill Number 5540, AN ACT TRANSFERRING CERTAIN POWERS OF

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THE BRISTOL RESOURCE RECOVERY FACILITY OPERATING
COMMITTEE TO THE WEST CENTRAL CONNECTICUT SOLID WASTE
AND RECYCLING BOARD, favorable report by the Committee
on Planning and Development.

DEPUTY SPEAKER ORANGE:

Representative Linda Gentile.

REP. GENTILE (104th):

Good evening, Madam Speaker.

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

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint
committee's favorable report and passage of the bill.

Will you remark, Representative Gentile?

REP. GENTILE (104th):

Thank you, Madam Speaker.

Madam Speaker, the Clerk has an amendment, LCO
Number 5024. I would ask the Clerk to please call the
amendment and that I be granted leave of the Chamber to
summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk kindly call LCO 5024 which will be
designated as House Amendment Schedule A?

THE CLERK:

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LCO 5024, House A, offered by Representatives
Hurlburt, Giegler, et al.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to
summarize.

Hearing no objection, Representative Gentile.

REP. GENTILE (104th):

Thank you, Madam Speaker.

Madam Speaker, this is an amendment that is a
strike all amendment and strikes the underlying bill.
The amendment requires the Department of Energy and
Environmental Protection to allow the choice of in
state or out-of-state disposal of municipal solid waste
in the -- in the agency's solid waste management plant
under certain circumstances.

To the extent munci -- municipal solid waste is
shipped out-of-state, municipalities may, in fact,
realize savings as an out-of-state dispo -- disposal
options are anticipated to result in lower tip fees for
municipalities.

Madam Speaker, in November of this year contracts
that approximately 70 of our cities and towns have will
expire with the Connecticut Resources Recovery
Authority and this bill will allow them, the first time

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in several decades, the opportunity to explore other ap
-- options and, Madam Speaker, I would move for passage
of the amendment.

DEPUTY SPEAKER ORANGE:

Adoption.

REP. GENTILE (104th):

Adoption of the amendment, I'm sorry.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption.

Will you remark?

Representative Gentile?

REP. GENTILE (104th):

Thank you, Madam Speaker.

Madam Speaker, in the last six months the
Department of Energy and Environmental Protection has
taken the position that prohibits the disposal of
municipal solid waste in out-of-state landfills. The
DEEP suggests that municipal solid waste must be
deposited at a waste to energy plant or a resource
recovery plant here in the state. Now the solid waste
management plan is a document meant to provide
guidance and guidelines, not to fine the policy of the
State of Connecticut.

The amendment -- this amendment clarifies that the

option to landfill municipal solid waste to out-of-state facilities remains available as it has for many years. Furthermore the amendment pro -- provides that landfilling is permissible so long as the material goes to a properly permitted facility out-of-state and that efforts are made to examine options with waste to energy facilities.

Madam Speaker, I urge passage.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

Would you care to remark further on the amendment before us?

Representative Aman.

REP. AMAN (14th):

Thank you, Madam Speaker.

Looking at the bill as it's been amended and since it's a strike all I'll make the comments on the amendment itself rather than when we get to the bill.

First one, through you Madam Speaker, to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. AMAN (14th):

Yes, to the proponent, it's my understanding that

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currently there are approximately 12 sponsors of this bill, members of this Legislative body that has sponsored this particular piece of legislation.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker, that is correct and that -- that is a joint amendment so it is on both sides of the aisle.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Also it's my understanding that currently the -- a variety of towns do send solid waste to facilities outside the State of Connecticut. I've heard that Massachusetts, New York, Pennsylvania and Ohio I think are the ones that I've heard more often but there have been a variety of states that have been taking in MSW from our municipalities.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Gentile.

REP. GENTILE (104th):

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Madam Speaker, through you, that is the common practice.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Yes, also this bill calls for our trash to energy plants to be --

DEPUTY SPEAKER ORANGE:

Amendment, Representative.

REP. AMAN (14th):

I'm sorry, the amendment calls for -- within the language that MSW should be looked at and sent to our trash to energy plants but when it says that they must make an effort to utilize these plants that one of the questions when it's about utilization is a comparison of the cost.

So that when a -- to utilize would also mean that if a town could save significant money by shipping out that they would not have to use the trash to energy plant for disposal.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Gentile.

REP. GENTILE (104th):

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Through you, Madam Speaker, that is my understanding of the bill as well.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Yes, the -- as I said earlier it's been proposed by many of the towns that are currently doing this. They would like to be able to continue to do it and this makes it very clear that regulations should not be drafted that would prohibit it.

So I do encourage my -- members of the General Assembly to approve the amendment which will shortly become the bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you sir.

Will you care to remark further?

Representative Floren of the 149th. Good evening.

REP. FLOREN (149th):

Thank you, Madam Speaker.

I guess I'm a newly minted member of the solid waste coalition, bipartisan that it is, but anyway I -- I think this is a -- a very good initiative especially in this economy giving a city or a town an option on a

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way to save money and still remain environmentally viable I think is a very good thing and I'm very supportive of this.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Madam.

Will you care to remark further on the amendment before us? Will you care to remark further on the amendment?

If not, let me try your minds. All those in favor please signify it by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you care to remark further on the bill as amended? Will you care to remark further on the bill as amended? Will you care to remark?

If not staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll

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call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER ORANGE:

Have all the members voted? Have all the members voted? Please check the board to determine if your vote has been properly cast. If so the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5540, as amended by House A.

Total number voting	134
Necessary for passage	68
Those voting Yea	134
Those voting Nay	0
Those absent and not voting	17

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk.

The bill, as amended, passes.

Will the Clerk please call Calendar Number 208.

THE CLERK:

On page 37, Calendar 207, Substitute for House

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Thank you, Madam President.

Calendar page 15, Calendar 464, House Bill 5344, move to place that item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 17, Calendar 475, House Bill 5550. Move to place that item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 18, Calendar 480, House Bill 5258, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 23, Calendar 514, House Bill 5540, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 24, Calendar 521, House Bill 5343, move to

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(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



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Bills placed on the Consent Calendar on May 9, 2012

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5148
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- 5550
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Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

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Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

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At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.