

---

Substitute House Bill No. 5686

**PUBLIC ACT NO. 87-544**

**AN ACT MANDATING RECYCLING IN MUNICIPALITIES, AND CONCERNING SOURCE REDUCTION PLANNING.**

Section 1. (NEW) On or before June 1, 1988, the commissioner of environmental protection shall revise the state-wide solid waste management plan adopted pursuant to section 22a-228 of the general statutes to include a strategy to recycle not less than twenty-five per cent of the solid waste generated in the state after January 1, 1991. Such strategy shall include, but not be limited to, the development of intermediate processing centers, recommendations for assigning municipalities to regional recycling programs, options for local compliance of municipalities with recycling requirements and the composting of solid waste. The commissioner shall consult with the Connecticut Agricultural Experiment Station on issues related to composting.

Sec. 2. (NEW) (a) On or before February 1, 1988, the commissioner of environmental protection shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes designating items that are required to be recycled. The commissioner may designate other items as suitable for recycling and amend said regulations accordingly.

(b) Any item designated for recycling pursuant to subsection (a) of this section shall be recycled by a municipality within three months of the establishment of service to such municipality by a regional processing center or local processing system.

Sec. 3. (NEW) (a) Each municipality with a municipal solid waste management plan approved pursuant to section 22a-227 of the general statutes shall submit a revision of such plan to the commissioner not more than nine months after the adoption of regulations pursuant to subsection (a) of section 2 of this act. Such revision shall provide for the methods by which the municipality will comply with said regulations and shall include, but not be limited to, a declaration of intent to process recyclable items on a regional or local basis. The commissioner shall approve or disapprove such revision in accordance with the procedure established in subsection (c) of said section 22a-227 for approval or disapproval of a municipal solid waste management plan.

(b) Any municipality which does not have a municipal solid waste management plan approved pursuant to section 22a-227 of the general statutes may submit a recycling plan to the commissioner. The time for filing, the content and the procedure for approval or disapproval of the recycling plan shall be the same as for a revision to a municipal solid waste management plan concerning recycling.

Sec. 4. (NEW) The commissioner of environmental protection, on

or after January 1, 1989, may order any municipality to deliver its recyclable items to a regional intermediate processing center that is consistent with the recycling strategy required under section 1 of this act if such municipality does not submit a revision to its municipal solid waste management plan or a recycling plan on or before the time for filing established by subsection (a) of section 3 of this act. The commissioner shall send a notice of the order to the chief executive officer of the municipality by certified mail, return receipt requested. The order shall be effective six months after receipt of the notice.

Sec. 5. (NEW) On or after January 1, 1990, but before March 1, 1990, the commissioner shall order a municipality to deliver its recyclable items to an operating or planned intermediate processing center if such municipality (1) has filed a declaration of intent pursuant to section 3 of this act to regionally process recyclable items and has failed to enter into a contract with an operating or planned regional intermediate processing center, or (2) has filed a declaration of intent pursuant to said section 3 to locally process recyclable items and the commissioner determines such municipality has failed to take the measures necessary to implement local processing by July 1, 1990.

Sec. 6. (NEW) On and after January 1, 1991, no item required to be recycled pursuant to regulations adopted under section 2 of this act shall be knowingly accepted by a landfill for disposal or by a resources recovery facility for incineration, except as provided in section 7 of this act.

Sec. 7. (NEW) No municipality shall be deemed not to comply with the recycling strategy of the state-wide solid waste management plan if noncompliance results from a contract entered into before the effective date of this act to deliver a minimum amount of solid waste to a waste-to-energy facility. Such municipality shall reduce the amount of solid waste delivered to such facility to the extent it is compensated by a state grant for such reduction or the contract is modified.

Sec. 8. (a) There is established a task force to study methods of packaging of consumer goods to reduce solid waste. In making its study, the task force shall consider the feasibility of plastics recycling and the imposition of a tax on the disposal of goods, by category, that are not recyclable.

(b) The task force shall consist of the members of the municipal solid waste recycling advisory council, established pursuant to section 22a-241 of the general statutes, as amended by section IO of this act, and six members as follows: One member appointed by the president pro tempore of the senate who is a seller of packaged goods, one member appointed by the majority leader of the senate who is a manufacturer of packaged consumer goods and four members of the general assembly, one each appointed by the speaker of the house of representatives, the majority leader of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives. The chairman of the municipal solid waste recycling advisory council shall be the chairman of the task force.

(c) The task force shall submit a report of its findings and recommendations to the general assembly on or before February 15, 1988.

\*Sec. 9. Section 22a-234 of the general statutes is repealed and the following is substituted in lieu thereof:

•See also P.A. 87-589, S. 50, 87.

(a) There is established an advisory board for solid waste management alternatives. The board shall consist of six members as follows: A person expert in health risk analysis, a professional engineer familiar with resources recovery technology, one person experienced in environmental monitoring, one person representing the council on environmental quality, one person representing an environmental group, one person representing a municipality where a resources recovery facility is located, [;] ONE PERSON REPRESENTING RECYCLING INDUSTRIES and the commissioner of health services or his designee. The members shall serve terms of three years and shall be appointed as follows: [Two] THREE by the governor, two by the speaker of the house of representatives and two by the president pro tempore of the senate. The appointment of the member representing the municipality where a resources recovery facility is located shall be approved by the chief elected official of such municipality. Each appointed member shall be entitled to reimbursement for reasonable and necessary traveling expenses incurred in the performance of his duties. The board shall elect a chairman from among its membership at the first meeting. The board shall meet at least once in each quarter of the calendar year and at such other times as the chairman deems necessary.

(b) The board shall report annually to the commissioners of environmental protection and health services on the status of the program regulating resources recovery facilities, including testing and sampling methodologies, standards achieved in the resources recovery industry, relevant research and testing programs and alternatives to resources recovery, including, but not limited to, source separation, recycling, innovative land disposal practices and bulky waste disposal alternatives. The board may make recommendations concerning criteria, testing methodologies and modifications to statutes and regulations. Notwithstanding the provisions of this section, the board shall immediately report to said commissioners any significant finding in resources recovery technology affecting public health.

(c) The board may receive funds from any source and expend such funds as may be necessary to carry out its duties. The board may seek funding and provide financial support to organizations for activities concerned with solid waste management.

Sec. 10. Section 22a-241 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) There shall be established a municipal solid waste recycling program. The commissioner of environmental protection, in consultation and coordination with the [task force] ADVISORY COUNCIL established under subsection (c) of this section, shall develop a plan for such program. The plan shall (1) be consistent with the state-wide solid waste management plan adopted pursuant to section 22a-228, (2) give priority in all parts of the plan to regional approaches to the recycling of solid waste, (3) provide for grants from the municipal solid waste recycling trust fund established under subsection (d) of this section to municipalities for purposes which may include but shall not be limited to (A) the acquisition or lease of land, easements, structures, machinery and equipment, for solid waste recycling facilities, (B) the planning, design, construction and improvement of solid waste recycling facilities, (C) the purchase or lease of collection equipment

and materials for municipalities and homeowners to carry out municipal recycling programs and (D) the support and expansion of municipal solid waste recycling programs, (4) establish standards for municipalities which shall effect the maximum level of recycling and source separation, condition each grant to a municipality under subdivision (3) of this subsection on the adoption of such standards by the municipality and give priority in the making of such grants to municipalities which, on July 17, 1986, require residents and businesses to separate recyclables from solid waste, (5) provide for the development of intermediate centers for the processing of solid waste recyclables, giving priority to sites where waste-to-energy facilities are located or planned to be located, (6) provide for financial assistance from the municipal solid waste recycling trust fund for the development of such centers and (7) review existing contracts entered into by municipalities for the delivery of solid waste to waste-to-energy facilities and provide financial incentives to such municipalities for the coordination of such contracts with the municipal solid waste recycling program.

(b) The commissioner of environmental protection, in consultation with such [task force] ADVISORY COUNCIL, shall submit the plan developed under subsection (a) of this section to the governor and the general assembly not later than January 1, 1987, and, if the general assembly adopts a resolution approving such plan, the commissioner shall implement the municipal solid waste recycling program not later than April 1, 1987, in accordance with the provisions of such plan, and the commissioner shall adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of such program. IN IMPLEMENTING SUCH PROGRAM THE COMMISSIONER SHALL UTILIZE PRIVATE RECYCLING MARKETS TO THE EXTENT FEASIBLE.

(c) There is established [a task force to assist in the development of the municipal solid waste recycling program. The task force] AN ADVISORY COUNCIL TO ADVISE THE COMMISSIONER OF ENVIRONMENTAL PROTECTION ON IMPLEMENTATION OF THE MUNICIPAL SOLID WASTE RECYCLING PROGRAM. THE ADVISORY COUNCIL shall consist of: The secretary of the office of policy and management, or his designee; the commissioner of economic development, or his designee; the chairman of the Connecticut resources recovery authority, or his designee; one person representing a municipality having a population of not more than ten thousand, one person representing a municipality having a population of more than ten thousand but not more than fifty thousand, one person representing a municipality having a population of more than fifty thousand but not more than one hundred thousand and one person representing a municipality having a population of more than one hundred thousand, one each of whom shall be appointed by the president pro tempore of the senate, the minority leader of the senate, the speaker of the house of representatives and the minority leader of the house of representatives; two members of the public, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the president pro tempore of the senate; [and four] TWO PERSONS REPRESENTING RECYCLING INDUSTRIES, ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE BY THE MAJORITY LEADER OF

THE HOUSE OF REPRESENTATIVES, ONE PERSON REPRESENTING AN ENVIRONMENTAL ORGANIZATION TO BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND ONE PERSON REPRESENTING BUSINESS AND INDUSTRY TO BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, AND SIX members of the general assembly [, two of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the president pro tempore of the senate] TO BE APPOINTED AS FOLLOWS: TWO BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, TWO BY THE PRESIDENT PRO TEMPORE OF THE SENATE, ONE BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND ONE BY THE MINORITY LEADER OF THE SENATE. The members of the task force shall elect a chairman, who shall be one of the members appointed by the speaker of the house of representatives or by the president pro tempore of the senate.

(d) There is established a fund to be known as the "municipal solid waste recycling trust fund". The fund shall contain any moneys required by law to be deposited in the fund and shall be held separate and apart from all other moneys, funds and accounts. Investment earnings credited to the assets of said fund shall become part of the assets of said fund. Any balance remaining in said fund at the end of any fiscal year shall be carried forward in said fund for the fiscal year next succeeding.

(e) The commissioner of environmental protection may accept and receive on behalf of said fund any available federal, state or private funds. Any such funds shall be deposited in said fund.

(f) The proceeds of said fund shall be applied to the municipal solid waste recycling program established under subsection (a) of this section, provided (1) not more than fifty thousand dollars shall be allocated, for the fiscal year ending June 30, 1987, to the commissioner of environmental protection for the implementation of such program,- [and] (2) not more than one hundred thousand dollars shall be allocated for the expenses of the [task force] ADVISORY COUNCIL established under subsection (c) of this section, (3) NOT MORE THAN TWO AND ONE-HALF PER CENT SHALL BE ANNUALLY ALLOCATED TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR COSTS INCURRED IN THE ADMINISTRATION OF SUCH PROGRAM AND (4) NOT MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE ALLOCATED TO THE COMMISSIONER OF ENVIRONMENTAL PROTECTION FOR THE FISCAL YEAR ENDING JUNE 30, 1988, AS FOLLOWS: ONE HUNDRED FIFTY THOUSAND DOLLARS SHALL BE EXPENDED FOR MARKETING STUDIES OF RECYCLED PRODUCTS AND ONE HUNDRED THOUSAND DOLLARS SHALL BE EXPENDED FOR THE STUDY OF REUSE OR RECYCLING OF ASH FROM RESOURCES RECOVERY FACILITIES.

Sec. 11. The municipal solid waste recycling advisory council shall study state purchasing procedures. The commissioner of administrative services, or his designee, shall be a member of the council on matters pertaining to state purchasing procedures. Said advisory council shall submit, on or before February 15, 1988, recommendations to the joint standing committee on the environment for a schedule of minimum

purchases of recyclable material, including recommendations on a pricing advantage for recycled goods purchased under competitive bidding.

Sec. 12. Subsection (c) of section 2c-2b of the general statutes is amended by adding subdivision (13) as follows:

(NEW) (13) Municipal Solid Waste Recycling Advisory Council, established under section 22a-241 of the general statutes as amended by section 10 of this act.

Sec. 13. This act shall take effect from its passage, except that sections 1 to 7, inclusive, shall take effect October 1, 1987.

Approved July 2, 1987

# HEINONLINE

Citation: 1987 vol. 3 1299 1987



Content downloaded/printed from  
HeinOnline (<http://heinonline.org>)  
Tue Sep 9 11:22:16 2014

- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <http://heinonline.org/HOL/License>
- The search text of this PDF is generated from uncorrected OCR text.