

HAULERS

Sec. 22a-220a (d)(2) – On or before July 31,2011 and annually thereafter collectors shall report information to municipalities for the previous fiscal year, on a form provided by DEEP. Such report shall include information regarding solid waste (including recyclables) hauled from within the borders of the municipality including the type of waste, first destination; amount delivered directly to an out-of-state destination or end-user; etc.

Sec. 22-220a (f) – A collector shall be liable for a civil penalty of not more than \$2,500 for each violation and not more than \$10,000 for a subsequent violation if the collector:

- a. Dumps more than one cubic foot of solid waste at one time in an area not designated for such disposal by a municipality; or
- b. Knowingly mixes other solid waste with items designated for recycling pursuant to 22a-241b, or pursuant to municipal ordinance

Sec. 22a-220c (a) – Each municipality shall notify haulers of recycling requirements. After such notice, collectors are required to notify the municipal recycling contact about any customer believed to be discarding designated recyclables with solid waste.

Upon request of the municipality, a hauler shall provide a warning notice to customers suspected of violating separation requirements.

Haulers shall also assist the municipality in identifying persons responsible for creating solid waste loads containing significant amounts of recyclables which were detected by the receiving resource recovery or solid waste facility.

Sec. 22a-220c (b) – The owner or operator of a resource recovery facility or solid waste facility receiving a load of solid waste containing a significant quantity of designated recyclables, shall notify the driver of the vehicle delivering the load and the municipality where the load originated. Such facility owners and operators shall conduct periodic, unannounced inspections of loads delivered to the facility and shall conduct additional inspections upon the request of the DEEP commissioner.

Sec. 22a-241b (c) - Each person who generates solid waste from a residential property shall, in accordance with subsection (f) of section 22a-220, separate designated recyclable items from other solid waste.

Sec. 22a-241b (d) - Every person who generates solid waste from a property other than a residential property shall make provision for and cause the separation of designated recyclable items from other solid waste through the use of separate collection containers for designated recyclable items i.e. other solid waste and designated recyclable items cannot be mixed together in the same collection containers.

Sec. 22a-241b (e) - No person shall knowingly combine previously segregated designated recyclable items with other solid waste.

MUNICIPALITIES

Sec. 22a-220. (Formerly Sec. 19-524n). Municipal provisions for solid waste disposal. Toxic or hazardous waste disposal. Recycling goal. Municipal representative. Report to commissioner. Program deficiencies.

(a) Each municipal authority shall make provisions for the safe and sanitary disposal of all solid wastes which are generated within its boundaries, including septic tank pumpings, sludge from water pollution abatement facilities and water supply treatment plants, solid residues and sludge from air pollution control facilities and solid wastes from commercial, industrial, agricultural and mining operations, and its share of the solid waste remaining after any recycling facility holding a permit has processed its solid waste, but excluding wastes which are toxic or hazardous. Solid waste generated by any recycling facility holding a permit shall be apportioned to each municipality by weight in direct proportion to the solid waste received from each municipality. No municipality shall be responsible for any hauling costs resulting from the residue from such recycling facility. The recycling facility shall be responsible to pay tipping fees for returned residue at the uniform rate annually established by the solid waste facility for the appropriate category of recycling residue. Such disposal may be in areas within its own boundaries or arrangements may be made for disposing of these wastes in any other municipality. The safe and sanitary disposal of toxic or hazardous wastes shall be the responsibility of the generator and shall be accomplished in a manner approved by the commissioner. In complying with this section, a municipal authority may, by action of its legislative body, provide for the levying of a charge for the disposal, processing or sale of solid wastes brought to a disposal facility or facilities or to a facility or facilities for the processing or sale of recyclable items designated pursuant to section 22a-241b, or pursuant to a municipal ordinance or other enforceable legal instrument, which facilities shall be provided by said municipal authority, by persons other than those in the employ of the municipality while in the course of such employment.

(b) Each recycling facility shall maintain records necessary to make the determinations required under subsection (a) of this section. Such records shall include, but not be limited to, the amount of solid waste derived from each municipality and the amount of residue apportioned to each municipality.

(c) Any municipality, or its agent, whose solid waste is processed at a recycling facility, or any solid waste facility which accepts residue from a recycling facility may, at any reasonable time, inspect the recycling facility, including any records concerning the amount of solid waste received and residue returned.

(d) If any municipality, regional authority or regional solid waste facility fails to receive proper residue allocation, it may institute and maintain a civil action for injunctive relief in any court of competent jurisdiction to require proper residue allocation. The court shall have the power to grant such injunctive relief upon notice and hearing.

(e) Nothing in this section shall be construed to abrogate or in any way interfere with any agreement entered into by any municipal authority with another municipality prior to April 9, 1976.

(f) On and after January 1, 1991, each municipality shall, consistent with the requirements of section 22a-241b, make provisions for the separation, collection, processing and marketing of items generated

within its boundaries as solid waste and designated for recycling by the commissioner pursuant to subsection (a) of section 22a-241b. It shall be the goal to recycle twenty-five per cent of the solid waste generated in each municipality provided it shall be the goal to reduce the weight of such waste by January 1, 2000, by an additional fifteen per cent by source reduction as determined by reference to the state-wide solid waste management plan established in 1991, or by recycling such additional percentage of waste generated, or both. The provisions of this subsection shall not be construed to require municipalities to enforce reduction in the quantity of solid waste. On or before January 1, 1991, each municipality shall: (1) Adopt an ordinance or other enforceable legal instrument setting forth measures to assure the compliance of persons within its boundaries with the requirements of subsection (c) of section 22a-241b and to assure compliance of collectors with the requirements of subsection (a) of section 22a-220c, and (2) provide the Commissioner of Energy and Environmental Protection with the name, address and telephone number of a person to receive information and respond to questions regarding recycling from the department on behalf of the municipality. The municipality shall notify the commissioner within thirty days of its designation of a new representative to undertake such responsibilities. A municipality may by ordinance or other enforceable legal instrument provide for and require the separation and recycling of other items in addition to those designated pursuant to subsection (a) of section 22a-241b.

(g) A municipality may contract with a municipal authority, another municipality, a regional entity, the Materials Innovation and Recycling Authority, a nonprofit organization, a private contractor or any combination thereof for assistance in complying with the requirements of this section.

(h) On or before September 30, 2010, and annually thereafter, each municipality, or its designated regional agent, shall provide a report to the Commissioner of Energy and Environmental Protection describing the measures taken during the preceding year to meet its obligations under this section. The commissioner shall provide each municipality with a form for such report by July 1, 2010. Such form may be amended from time to time. Such report shall include, but not be limited to, (1) a description of the efforts made by the municipality to promote recycling, (2) a description of its efforts to ensure compliance with separation requirements, (3) an identification of the first destinations that received solid waste, including recyclable material generated in the municipality's borders, and (4) the actual or estimated amount of such disposed solid waste and recyclable material that has been delivered to a first destination that is out of state or a Connecticut end user. If such amounts of recyclable material or solid waste are unknown to the municipality, the municipality shall provide the commissioner with the contact information of the collector who transported such recyclable material or municipal solid waste. For the purposes of this subsection, "collector" has the same meaning as in section 22a-220a.

(i) Each municipality shall designate a municipal or regional agent to receive from collectors of solid waste and recyclable items and from operators of resources recovery facilities and solid waste facilities the notices required to be sent to the municipality pursuant to section 22a-220c.

(j) On and after January 1, 1991, the commissioner may issue an order, in accordance with the procedures set forth in section 22a-225, to enforce the requirements of this section and section 22a-241e. If the commissioner determines that a municipality is making insufficient progress in implementing a recycling program he may issue a notice of recycling program deficiency. Thirty days after issuance of said notice the commissioner shall meet with the chief executive officer of the municipality to discuss the deficiency, the municipality's explanations thereof and remedial steps. The

municipality at such meeting may cite impediments to the accomplishment of recycling program goals including, but not limited to, the following: The availability of markets; the availability of local processing systems; the availability of regional processing centers; the desirability of alternate utilization techniques; impacts on public health or the environment associated with recycling; or severe economic impact. If the commissioner, after considering such impediments, determines deficiencies still exist which should be remedied, he shall give the municipality further notice and an opportunity to implement remedial steps within ninety days of the receipt of such notice. **If after expiration of the ninety-day remedial period, the commissioner determines that the municipal recycling program remains deficient in meeting statutory requirements he may hold a hearing and issue an order.** No such order which imposes a duty on the municipality to appropriate funds for the budget of such municipality so as to comply with the order shall be effective earlier than the first fiscal year beginning after five months following the date of issuance of such order.

GENERATORS

Sec. 22a-220a (i) – Any person other than a collector who dumps the wrong type of material into a recycling collection container shall be guilty of an infraction as provided for in chapter 881b. Any municipal police officer may issue a summons for this type of violation.

Sec. 22a-241b (c) – Each person who generates solid waste from a residential property shall, in accordance with subsection (f) of Sec. 22a-220, separate designated recyclable items from other solid waste.

Sec. 22a-241b (d) – Every person who generates solid waste from a property other than a residential property shall make provision for and cause the separation of designated recyclable items from other solid waste through the use of separate collection containers for designated recyclable items i.e. other solid waste and designated recyclable items cannot be mixed together in the same collection containers.

Sec. 22a-241b (e) - No person shall knowingly combine previously segregated designated recyclable items with other solid waste.

Sec. 22a-241i – A municipality may impose a penalty not to exceed \$500 for each violation by a commercial establishment of recycling separation requirements.

I am asking you to co-sponsor SJ 35, "Resolution Proposing an Amendment to the State Constitution to Protect Real Property Held or Controlled by the State."

Public lands like Connecticut's State Parks and Forests are important to me, and yet these special public places are vulnerable every year to being sold, traded, or given away by the General Assembly without appropriate input from the public. That is wrong and needs to be fixed.

SJ 35 would allow me to vote at the ballot box to amend our state constitution to require that before state-owned public lands could be conveyed, there would be a public hearing and a 2/3rds vote for lands held by the Department of Energy & Environmental Protection and the Department of Agriculture. Connecticut's public lands should never be sold, traded, or given away without input from the public, and I'd appreciate your support of SJ 35.