



**Substitute House Bill No. 6664**

**Public Act No. 23-170**

**AN ACT CONCERNING THE MANAGEMENT OF SOLID WASTE AND ESTABLISHING THE MIRA DISSOLUTION AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2023*) (a) For purposes of this section:

(1) "Department" means the Department of Energy and Environmental Protection;

(2) "Commissioner" means the Commissioner of Energy and Environmental Protection;

(3) "Beverage" means any carbonated beverage or noncarbonated beverage;

(4) "Carbonated beverage" has the same meaning as provided in section 22a-243 of the general statutes;

(5) "Noncarbonated beverage" has the same meaning as provided in section 22a-243 of the general statutes;

(6) "Plastic" means a manufactured or synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms;

***Substitute House Bill No. 6664***

(7) "Plastic beverage container" means any beverage container, as defined in section 22a-243 of the general statutes, that is made of plastic. "Plastic beverage container" does not include any label, cap, closure or other item affixed to the container. "Plastic beverage container" does not include any refillable beverage container, including any container that is sufficiently durable for multiple rotations of such container's original or similar purpose and that is intended to function in a system of reuse;

(8) "Post-consumer recyclable material" means a material or product generated by households or by commercial, industrial or institutional facilities in the role of an end-user of the material or product that can no longer be used for its intended purpose or that was returned from the distribution chain and has been separated from the solid waste stream for the purpose of collection and recycling;

(9) "Post-consumer recycled content" means the amount of post-consumer recyclable material used in the manufacture or production of a new product. "Post-consumer recycled content" does not include preconsumer or post-industrial secondary waste material, including, but not limited to, materials and by-products generated from and commonly used within an original manufacturing and fabrication process;

(10) "Producer" means any person responsible for compliance with minimum post-consumer recycled content requirements for a plastic beverage container, including: (A) Any owner or licensee of a brand or trademark for a plastic beverage container that is sold under such owner's or licensee's owned or licensed brand or trademark, regardless of whether such trademark is registered in this state; (B) the manufacturer of a plastic beverage container that lacks identification of a brand at the point of sale or the person who manufactures such plastic beverage container; and (C) if there is no other person described in this subsection over whom the state can constitutionally exercise jurisdiction, the person who imports or distributes the plastic beverage

**Substitute House Bill No. 6664**

container in or into the state;

(11) "Manufacturer" means any person that produces or generates a plastic beverage container. "Manufacturer" does not include: (A) Any government agency, municipality or other political subdivision of the state, (B) any organization registered under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, or (C) any producer that annually sells, offers for sale, distributes or imports into the country for sale in this state (i) less than one ton of plastic beverage containers each year, or (ii) plastic beverage containers that, in aggregate, generate less than one million dollars each year in sales in the state; and

(12) "Person" has the same meaning as provided in section 22a-2 of the general statutes.

(b) On and after January 1, 2027, plastic beverage containers sold, offered for sale or distributed in this state by each producer shall contain, on average and in the aggregate, not less than twenty-five per cent post-consumer recycled content.

(c) On and after January 1, 2032, plastic beverage containers sold, offered for sale or distributed in this state by each producer shall contain, on average and in the aggregate, not less than thirty per cent post-consumer recycled content.

(d) On or before December 31, 2032, the commissioner, in accordance with section 11-4a of the general statutes, shall submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment a report reviewing the minimum post-consumer recycled content requirements of this section. Such report shall include, but need not be limited to: (1) An evaluation of the requirements of this section; (2) any recommendations on future minimum post-consumer recycled content standards for plastic beverage containers; (3) any recommendations for the expansion of

***Substitute House Bill No. 6664***

post-consumer recycled content requirements to other packaging or product categories and the attendant percentage requirements recommended for each packaging or product category; and (4) an evaluation of any third-party certification methods existing for plastic beverage containers and whether such certification methods should be applied to future minimum post-consumer recycled content requirements.

(e) For the purposes of determining a producer's compliance with the minimum post-consumer recycled content requirements of this section, a producer may rely on state-specific data regarding plastic beverage container sales and material use, if available, or may alternatively rely on the same type of data applicable to a region or territory in the United States that includes this state. If a producer elects to rely on data regarding plastic beverage container sales and material use derived from data applicable to a region or territory in the United States that includes this state, the producer shall prorate that regional or territorial data to determine state-specific figures based on market share or population in a manner that ensures that the percentage of post-consumer recycled plastic calculated for plastic beverage containers sold in this state is the same percentage as calculated for that larger region or territory; and document in its report the methodology used to determine those state-specific figures.

(f) (1) On or before April 1, 2026, each producer that offered for sale, sold, or distributed plastic beverage containers in or into the state in the previous calendar year shall register with the commissioner, individually, or through a third-party representative that registers with the Commissioner of Energy and Environmental Protection on behalf of a group of producers, in a form and manner prescribed by the Commissioner of Energy and Environmental Protection. At the time of registration, each producer shall submit an initial registration fee of five hundred dollars in a manner prescribed by said commissioner. Any

***Substitute House Bill No. 6664***

entity that becomes a producer for the first time on or after April 1, 2026, shall submit the registration and submit the initial registration fee required by this subparagraph not more than one hundred eighty days after such entity becomes a producer and shall register on the schedule specified in subdivision (2) of this subsection. Any producer that sold, offered for sale or distributed less than ten thousand plastic beverage containers or, in the aggregate, less than two hundred pounds of plastic that is not post-consumer recycled plastic shall not be required to pay the initial registration fee required by this subdivision.

(2) On or before April 1, 2031, and every five years thereafter, each producer that offered for sale, sold, or distributed plastic beverage containers in or into this state in the previous calendar year shall register with the Commissioner of Energy and Environmental Protection. In addition, each producer or representative submitting such a registration shall remit a registration fee in an amount to be determined by said commissioner. Such fee shall be scaled to reflect the market share of any such producer or representative during the preceding five calendar years, as determined using information provided in reports filed pursuant to subdivision (3) of this subsection, and shall be adequate to cover the department's cost to implement, administer, monitor and enforce the provisions of this section and shall be used exclusively for such purposes. The commissioner may modify the amount of such registration fee, including by setting a maximum amount for such fee, as necessary, to reflect updated implementation costs. Any producer that sold, offered for sale or distributed less than ten thousand plastic beverage containers or, in the aggregate, less than two hundred pounds of plastic that is not post-consumer recycled plastic, shall not be required to pay the registration fee required by this subdivision.

(3) Each producer shall submit a report to the Department of Energy and Environmental Protection, on or before April 1, 2026, and annually thereafter, identifying the brand names of the plastic beverage

***Substitute House Bill No. 6664***

containers represented in the report as well as the weight, in pounds, of post-consumer recycled plastic, the weight, in pounds, of plastic that is not post-consumer recycled plastic and the percentage of post-consumer recycled plastic in the total weight of all plastic beverage containers the producer sold, offered for sale or distributed for sale in this state in such prior calendar year. The form and manner of the report shall be prescribed by the commissioner and each report shall be certified and such certification signed by an authorized official of the producer.

(g) Not more than once per calendar year, a producer may seek from the commissioner a waiver from the requirements of this section by filing a written request on a form prescribed by the commissioner. In seeking any such waiver, the producer shall set forth the specific basis upon which the waiver is claimed, indicate any applicable timeframe for such waiver request, submit such proof as the commissioner determines to be necessary and provide any other information specified by the commissioner. The commissioner shall consider written waiver requests submitted between the first day of September and the first day of October of each calendar year, and any approved waiver shall take effect the first day of January of the following calendar year. The commissioner may approve a waiver. In making such a determination, the commissioner may consider factors including, but not limited to, the availability of feedstock.

(h) The Commissioner of Energy and Environmental Protection may participate in the establishment and implementation of a multistate clearinghouse to assist in carrying out the requirements of this section. Any such clearinghouse shall assist in coordinating reviews of producer registrations, waiver requests and certifications, recommend acceptable third-party certifications and implement state reporting activities and any other related functions pursuant to this section. Notwithstanding the requirements of subsection (f) of this section, if the commissioner

***Substitute House Bill No. 6664***

determines to participate in such a clearinghouse, such participation may provide producers the ability to register on a centralized portal offered by such clearinghouse in lieu of a state-specific portal provided such registration requirement shall not otherwise be affected by the use of any such centralized portal.

Sec. 2. (NEW) (*Effective July 1, 2023*) The Commissioner of Energy and Environmental Protection, on behalf of one or more municipalities, municipal authorities or regional solid waste authorities, may issue a request for proposals from providers of existing or proposed solid waste materials management services, including, but not limited to, reuse, recycling and composting, such as anerobic digestion, waste conversion, energy and fuel recovery. From such proposals, the commissioner may select one or more providers of existing or proposed solid waste materials management services and, acting on behalf of and with the consent of one or more municipalities, municipal solid waste authorities or regional solid waste authorities, may enter into an agreement for the management of solid waste from such municipalities or authorities at a facility of such existing or proposed solid waste materials management services, provided any such proposed facility will utilize anaerobic digester and fuel cell technology, or any other method that utilizes gas at the point of generation. In selecting such proposal, the commissioner may consider all relevant information, including, but not limited to the following factors: (1) Consistency of such proposal with the state's solid waste management plan; (2) the available capacity at an existing or proposed facility; (3) the fee to be charged for the management of such solid waste; (4) where any proposed facility is or will be located; and (5) the likelihood that a proposed facility will be authorized and constructed. Any agreement entered into pursuant to this section for the management of solid waste at a proposed facility shall be contingent on such facility receiving all required state and municipal permits and authorizations and commencing operation by a date specified in such agreement.

**Substitute House Bill No. 6664**

Sec. 3. Subsection (f) of section 22a-220 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) 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)]~~ (A) 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)]~~ (B) 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.

(2) A municipality may, by the adoption of a municipal ordinance or



***Substitute House Bill No. 6664***

other enforceable legal instrument to which the municipality is a party, identify recyclable solid wastes not described in subdivision (1) of this subsection, including, but not limited to, food scraps, food processing residues, yard waste and other suitable recyclable organic material for diversion to recycling facilities designed for the processing and beneficial use of such wastes. For the purposes of this section and section 22a-220a, as amended by this act, "food scraps" or "food processing residues" does not include unused food that is suitable for sale or donation for human or animal consumption.

Sec. 4. Subsection (a) of section 22a-220a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The legislative body of a municipality may designate the area where solid waste generated within its boundaries by residential, business, commercial or other establishments shall be disposed. The disposal of such solid waste at any other area is prohibited, except that a municipality may approve, in writing, disposal at another area, either within or outside the boundaries of such municipality, prior to disposal. A municipality may refuse to approve disposal at another area if such disposal would adversely affect its solid waste disposal program. The legislative body of a municipality may also designate where the following items generated within its boundaries from residential properties shall be taken for processing or sale: (1) Cardboard, (2) glass, food and beverage containers, (3) leaves, (4) metal food and beverage containers, (5) newspapers, (6) storage batteries, (7) waste oil, [and] (8) plastic food and beverage containers, (9) food scraps, and (10) food processing residues. The processing or sale of such items at any other area shall be prohibited, except that a municipality may approve, in writing, processing or sale elsewhere, either within or outside the boundaries of such municipality, prior to processing or sale. A municipality may refuse to approve processing or sale elsewhere if such

**Substitute House Bill No. 6664**

processing or sale would adversely affect its recycling program. For purposes of sections 22a-208e, 22a-208f, 22a-220, as amended by this act, this section, sections 22a-220c, 22a-241b, 22a-241e, and subsection (c) of section 22a-241g, residential property means real estate containing one or more dwelling units but shall not include hospitals, motels or hotels.

Sec. 5. Section 22a-226e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) On and after January 1, 2014, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from an authorized source-separated organic material composting facility and that generates an average projected volume of not less than one hundred four tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(2) On and after January 1, 2020, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from an authorized source-separated organic material composting facility and that generates an average projected volume of not less than fifty-two tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(3) On and after January 1, 2022, each commercial food wholesaler or

***Substitute House Bill No. 6664***

distributor, industrial food manufacturer or processor, supermarket, resort or conference center that is located not more than twenty miles from either an authorized source-separated organic material composting facility an authorized transfer station or any collection location authorized to receive source-separated organic materials, and that generates an average projected volume of not less than twenty-six tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material.

(4) On and after January 1, 2025, each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort, conference center or institution that generates an average projected volume of not less than twenty-six tons per year of source-separated organic materials shall: (A) Separate such source-separated organic materials from other solid waste; and (B) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility that has available capacity and that will accept such source-separated organic material. For the purposes of this section "institution" means any establishment engaged in providing hospitality, entertainment or rehabilitation and health care services, and any hospital, public or private educational facility or correctional facility.

(b) Any such wholesaler, distributor, manufacturer, processor, supermarket, institution, resort or conference center that performs composting of source-separated organic materials on site or treats source-separated organic materials via on-site organic treatment equipment permitted pursuant to the general statutes or federal law shall be deemed in compliance with the provisions of this section.

**Substitute House Bill No. 6664**

(c) Any permitted source-separated organic material composting facility that receives such source-separated organic materials shall report to the Commissioner of Energy and Environmental Protection, as part of such facility's reporting obligations, a summary of fees charged for receipt of such source-separated organic materials.

(d) Not later than January 1, 2022, the Commissioner of Energy and Environmental Protection shall establish a voluntary pilot program for any municipality that seeks to separate source-separated organic materials and ensure that such source-separated organic materials are recycled at authorized source-separated organic material composting facilities that have available capacity and that will accept such source-separated organic material.

(e) On or before March 1, 2025, and annually thereafter, each wholesaler, distributor, manufacturer, processor, supermarket, resort, conference center or institution that is subject to the provisions of this section shall submit a report to the Department of Energy and Environmental Protection in electronic format. Such report shall summarize such entity's amount of edible food donated, the amount of food scraps recycled and the organics recycler or recyclers and associated collectors used.

Sec. 6. Section 22a-232 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) There shall be paid to the Commissioner of Revenue Services by the owner of any resources recovery facility one dollar per ton of solid waste processed at the facility beginning on the date of commencement of commercial operation of the facility for calendar quarters commencing on or after October 1, 1987, until September 30, 2003. For calendar quarters commencing on and after October 1, 2003, the owner of any resources recovery facility shall pay to the Commissioner of Revenue Services one dollar and fifty cents per ton of solid waste

**Substitute House Bill No. 6664**

processed at such facility.

(b) Each owner of a resources recovery facility subject to the assessment as provided by this section shall submit a return quarterly to the Commissioner of Revenue Services, applicable with respect to the calendar quarter beginning October 1, [1987] 2023, and each calendar quarter thereafter, on or before the last day of the month immediately following the end of each such calendar quarter, on a form prescribed by the commissioner, together with payment of the quarterly assessment determined and payable in accordance with the provisions of subsection (a) of this section.

(c) Whenever such assessment is not paid when due, a penalty of ten per cent of the amount due or fifty dollars, whichever is greater, shall be imposed, and such assessment shall bear interest at the rate of one per cent per month or fraction thereof until the same is paid. The Commissioner of Revenue Services shall cause copies of a form prescribed for submitting returns as required under this section to be distributed throughout the state. Failure to receive such form shall not be construed to relieve anyone subject to assessment under this section from the obligations of submitting a return, together with payment of such assessment within the time required.

(d) Any person or municipality liable for the service fee for solid waste delivered to a facility whose owner is subject to [the] an assessment imposed by subsection (a) of this section shall reimburse the owner for any assessment paid for the solid waste delivered by such person or municipality. [The] Such an assessment shall be a debt from the person or municipality responsible for paying such service fee to the owner.

(e) The provisions of sections 12-548 to 12-554, inclusive, and section 12-555a shall apply to the provisions of this section in the same manner and with the same force and effect as if the language of said sections 12-

**Substitute House Bill No. 6664**

548 to 12-554, inclusive, and section 12-555a had been incorporated in full in this section, except that to the extent that any such provision is inconsistent with a provision in this section and except that the term "tax" shall be read as "solid waste assessment".

(f) Two million eight hundred thousand dollars of the proceeds from the assessments imposed pursuant to subsection (a) of this section shall be deposited by the Commissioner of Revenue Services into the General Fund and any remaining funds from such assessments shall be deposited by the commissioner into the sustainable materials management account established in section 16-244bb, as amended by this act.

Sec. 7. Subsection (a) of section 22a-241l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, ["customer" means a business and] "collector" means any person offering collection services for solid waste or designated recyclable [item collection services] items and "designated recyclable items" means any items designated for recycling or to be recycled pursuant to: (1) Subsection (a) of section 22a-241b, or (2) a municipal ordinance or other enforceable legal instrument to which a municipality is a party.

Sec. 8. (NEW) (*Effective July 1, 2023*) (a) There is established the MIRA Dissolution Authority. The Connecticut Waste Authority shall constitute a successor authority to the Materials Innovation and Recycling Authority in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

(b) Wherever the words "Materials Innovation and Recycling Authority" are used in any public or special act of 2023 or in the following sections of the general statutes, the words "MIRA Dissolution

**Substitute House Bill No. 6664**

Authority" shall be substituted in lieu thereof: 1-79, 1-120, 1-124, 1-125, 3-24d, 3-24f, 7-329a, 12-412, 12-459, 16-1, 16-245, 16-245b, 22a-208a, 22a-208v, 22a-209h, 22a-219b, 22a-220, as amended by this act, 22a-241, 22a-260, 22a-263a, 22a-263b, 22a-268a, 22a-268b, 22a-268g, 22a-270a, 22a-272a, 22a-282, 22a-283, 22a-284, 32-1e and 32-658.

(c) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such conforming, technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 9. (NEW) (*Effective July 1, 2023*) (a) In addition to the purposes, powers and responsibilities vested in the MIRA Dissolution Authority pursuant to chapter 446e of the general statutes, the MIRA Dissolution Authority shall: (1) Identify the immediate environmental needs and knowledge necessary for future redevelopment of the authority's properties located at 300 Maxim Road in Hartford and 100 Reserve Road in Hartford, (2) engage representatives of the city of Hartford and other stakeholders, as appropriate, with respect to the future of the properties identified in subdivision (1) of this subsection, (3) continue to operate the authority's transfer stations until acceptable alternatives, operated by entities other than the authority, become available, as determined by the Commissioner of Energy and Environmental Protection, and (4) wind down the authority's operations and activities in an orderly and responsible manner, that may include, but is not limited to, the marketing and sale of the authority's surplus real and personal property.

(b) Not later than January 1, 2024, the authority shall submit a report, in accordance with the provisions of section 11-4a of the general statutes to the Secretary of the Office of Policy and Management and the joint standing committees of the General Assembly having cognizance of matters relating to the environment and planning and development. Such report shall include a plan and timeline for the activities set forth

**Substitute House Bill No. 6664**

in subdivisions (1) to (3), inclusive, of subsection (a) of this section.

(c) The authority and any other state agency may enter into one or more memoranda of understanding that will facilitate the authority's purposes, powers and responsibilities under chapter 446e of the general statutes and subsection (a) of this section, provided any such memorandum of understanding shall terminate as of June 30, 2025.

Sec. 10. (NEW) (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the provisions of sections 8 to 15, inclusive, of this act shall not be construed to modify the liability of any person who: (1) Established a resources recovery facility, (2) created a condition or who is maintaining any such facility or condition that may reasonably be expected to create a source of pollution to the waters of the state, or (3) is the certifying party to the transfer of such a facility.

(b) Notwithstanding the requirements of sections 22a-134a to 22a-134e, inclusive, 22a-134h and 22a-134i of the general statutes, any conveyance of real property or business operations authorized or required by the provisions of sections 8 to 15, inclusive, of this act, from the Materials Innovation and Recycling Authority to the MIRA Dissolution Authority, or from the Connecticut Waste Authority to the Department of Administrative Services shall not constitute the transfer of an establishment for purposes of chapter 445 of the general statutes.

(c) (1) Notwithstanding the requirements of section 22a-60 of the general statutes, upon transfer of ownership or oversight of a permitted facility owned or operated by the Materials Innovation and Recycling Authority to the Connecticut Waste Authority any permits or licenses held by the Materials Innovation and Recycling Authority shall be deemed to be transferred to the Connecticut Waste Authority and shall continue in full force and effect.

(2) Notwithstanding the requirements of section 22a-60 of the general



**Substitute House Bill No. 6664**

statutes, upon transfer of ownership or oversight of a permitted facility owner or operated by the MIRA Dissolution Authority to the Department of Administrative Services, any permits or licenses held by the MIRA Dissolution Authority shall be deemed to be transferred to the Department of Administrative Services and shall continue in full force and effect.

Sec. 11. (NEW) (*Effective from passage*) The funds possessed by the Materials Innovation and Recycling Authority, established pursuant to section 22a-260a of the general statutes, shall not constitute surplus revenues and shall be deemed necessary to provide support for the authority's properties systems and facilities, including any environmental remediation of such properties, systems and facilities. Such funds shall not be distributed or redistributed to the users of the authority's services. Users of the authority's services shall be liable for the environmental remediation costs of the authority's properties, systems and facilities if, and to the extent, any funds were distributed or redistributed by the authority to such users on or after January 1, 2023.

Sec. 12. (*Effective July 1, 2023*) Notwithstanding any provision of the general statutes, the sum of two million dollars shall be transferred from the resources of the MIRA Dissolution Authority and shall be deposited into a nonlapsing account of the General Fund established by the Secretary of the Office of Policy and Management. Moneys in the account shall be allocated in such amounts and at such times as determined by the Secretary of the Office of Policy and Management to fund activities related to the provisions of sections 8 to 15, inclusive, of this act.

Sec. 13. Section 22a-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) There is hereby established and created a body politic and corporate, constituting a public instrumentality and political

***Substitute House Bill No. 6664***

subdivision of the state of Connecticut established and created for the performance of an essential public and governmental function, to be known as the [Materials Innovation and Recycling] MIRA Dissolution Authority. The authority shall not be construed to be a department, institution or agency of the state.

(b) On and after [June 1, 2002, the] July 1, 2023, the terms of the board of the Materials Innovation and Recycling Authority shall terminate and the powers of the [authority] MIRA Dissolution Authority shall be vested in and exercised by a board of directors, which shall consist of eleven directors as follows: [Three appointed by the Governor, one of whom is a municipal official of a municipality having a population of fifty thousand or less and one of whom has extensive, high-level experience in the energy field; two appointed by the president pro tempore of the Senate, one of whom is a municipal official of a municipality having a population of more than fifty thousand and one of whom has extensive high-level experience in public or corporate finance or business or industry; two appointed by the speaker of the House of Representatives, one of whom is a municipal official of a municipality having a population of more than fifty thousand and one of whom has extensive high-level experience in public or corporate finance or business or industry; two appointed by the minority leader of the Senate, one of whom is a municipal official of a municipality having a population of fifty thousand or less and one of whom has extensive high-level experience in public or corporate finance or business or industry; two appointed by the minority leader of the House of Representatives, one of whom is a municipal official of a municipality having a population of fifty thousand or less and one of whom has extensive, high-level experience in the environmental field. No director may be a member of the General Assembly. The appointed directors shall serve for terms of four years each, provided, of the directors first appointed for terms beginning on June 1, 2002, (1) two of the directors appointed by the Governor, one of the directors appointed by the

***Substitute House Bill No. 6664***

president pro tempore of the Senate, one of the directors appointed by the speaker of the House of Representatives, one of the directors appointed by the minority leader of the Senate and one of the directors appointed by the minority leader of the House of Representatives shall serve an initial term of two years and one month, and (2) the other appointed directors shall serve an initial term of four years and one month. The appointment of each director for a term beginning on or after June 1, 2004, shall be made with the advice and consent of both houses of the General Assembly. The Governor shall designate one of the directors to serve as chairperson of the board, with the advice and consent of both houses of the General Assembly. The chairperson of the board shall serve at the pleasure of the Governor. Any appointed director who fails to attend three consecutive meetings of the board or who fails to attend fifty per cent of all meetings of the board held during any calendar year shall be deemed to have resigned from the board. Any vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment for the balance of the unexpired term. As used in this subsection, "municipal official" means the first selectman, mayor, city or town manager or chief financial officer of a municipality, or a municipal employee with extensive public works or waste management and recycling experience that has entered into a solid waste disposal services contract with the authority and pledged the municipality's full faith and credit for the payment of obligations under such contract.] (1) The Governor, or the Governor's designee, (2) the Secretary of the Office of Policy and Management, or the secretary's designee, (3) the Commissioner of Administrative Services, (4) the Commissioner of Energy and Environmental Protection, or the commissioner's designee, (5) one appointed by the president pro tempore of the Senate, (6) one appointed by the speaker of the House of Representatives, (7) one appointed by the majority leader of the House of Representatives, (8) one appointed by the majority leader of the Senate, (9) one appointed by the minority leader of the Senate, (10) one appointed by the minority leader of the House of Representatives, and

***Substitute House Bill No. 6664***

(11) one appointed by the mayor of Hartford. Additionally, the Hartford City Council may appoint not more than five members to the board, each of whom shall serve a term that is coterminous with that of the applicable appointing authority.

(c) The Governor, or the Governor's designee, shall serve as the chairperson and shall, with the approval of the other directors, appoint a president of the authority who shall be an employee of the authority and be paid a salary prescribed by the directors. The president shall supervise the administrative affairs and technical activities of the authority in accordance with the directives of the board.

(d) Each appointed director shall be entitled to reimbursement for such director's actual and necessary expenses incurred during the performance of such director's official duties.

(e) [Directors] Appointed directors may engage in private employment, or in a profession or business, subject to any applicable laws, rules and regulations of the state or federal government regarding official ethics or conflict of interest.

(f) Six directors of the authority shall constitute a quorum for the transaction of any business or the exercise of any power of the authority. [ provided, two directors from municipal government shall be present in order for a quorum to be in attendance.] For the transaction of any business or the exercise of any power of the authority, and except as otherwise provided in this chapter, the authority may act by a majority of the directors present at any meeting at which a quorum is in attendance. [If the legislative body of a municipality that is the site of a facility passes a resolution requesting the Governor to appoint a resident of such municipality to be an ad hoc member, the Governor shall make such appointment upon the next vacancy for the ad hoc members representing such facility. The Governor shall appoint, with the advice and consent of the General Assembly, ad hoc members to

***Substitute House Bill No. 6664***

represent each facility operated by the authority provided at least one-half of such members shall be chief elected officials of municipalities, or their designees. Each such facility shall be represented by two such members. The ad hoc members shall be electors from a municipality or municipalities in the area to be served by the facility and shall vote only on matters concerning such facility. The terms of the ad hoc members shall be four years.]

[(g) The board may delegate to three or more directors such board powers and duties as it may deem necessary and proper in conformity with the provisions of this chapter and its bylaws. At least one of such directors shall be a municipal official, as defined in subsection (b) of this section, and at least one of such directors shall not be a state employee.]

[(h)] (g) Appointed directors may not designate a representative to perform in their absence their respective duties under this chapter.

[(i) As used in this section, "director" includes such persons so designated, as provided in this section, and such designation shall be deemed temporary only and shall not affect any applicable civil service or retirement rights of any person so designated.]

[(j)] (h) The appointing authority for any director may remove such director for inefficiency, neglect of duty or misconduct in office after giving the director a copy of the charges against the director and an opportunity to be heard, in person or by counsel, in the director's defense, upon not less than ten days' notice. If any director shall be so removed, the appointing authority for such director shall file in the office of the Secretary of the State a complete statement of charges made against such director and the appointing authority's findings on such statement of charges, together with a complete record of the proceedings.

[(k)] (i) The authority shall [continue as long as it has bonds or other

**Substitute House Bill No. 6664**

obligations outstanding and until its existence is terminated by law. Upon the termination of the existence of the authority, all its rights and properties shall pass to and be vested in the state of Connecticut] terminate on July 1, 2026. Upon the termination of the authority, all of such authority's rights and properties shall pass to and be vested in the state of Connecticut in accordance with the provisions of section 15 of this act.

[(l)] (j) The directors, members and officers of the authority and any person executing the bonds or notes of the authority shall not be liable personally on such bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof, nor shall any director, member or officer of the authority be personally liable for damage or injury, not wanton or wilful, caused in the performance of such person's duties and within the scope of such person's employment or appointment as such director, member or officer.

[(m) Notwithstanding any other provision of the general statutes, it shall not constitute a conflict of interest for a trustee, director, partner or officer of any person, firm or corporation, or any individual having a financial interest in a person, firm or corporation, to serve as a director of the authority, provided such trustee, director, partner, officer or individual shall abstain from deliberation, action or vote by the authority in specific respect to such person, firm or corporation.]

Sec. 14. Subsection (b) of section 22a-262 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(b) [These] The purposes of this section and subsection (a) of section 9 of this act shall be considered to be operating responsibilities of the authority, in accordance with the state-wide solid waste management plan, and are to be considered in all respects public purposes.

**Substitute House Bill No. 6664**

Sec. 15. (NEW) (*Effective July 1, 2025*) The Department of Administrative Services shall constitute a successor agency to the MIRA Dissolution Authority in accordance with the provisions of subsections (a) to (d), inclusive, and subsection (f) of section 4-38d and section 4-38e of the general statutes.

Sec. 16. Subsections (a) and (b) of section 16-244bb of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an account to be known as the sustainable materials management account which shall be a separate, nonlapsing account within the General Fund. The account shall contain moneys collected by the alternative compliance payment for Class II renewable portfolio standards pursuant to subsection (h) of section 16-244c, as amended by this act, and subsection (k) of section 16-245 and moneys deposited pursuant to subsection (f) of section 22a-232, as amended by this act. The Commissioner of Energy and Environmental Protection shall expend moneys from the account for the purposes of the program established under this section, provided the commissioner may also pledge such moneys for revenue bonds the proceeds of which shall be used to support waste infrastructure projects described in this section.

(b) On and after January 1, 2023, the Commissioner of Energy and Environmental Protection shall establish and administer a sustainable materials management program to support solid waste reduction in the state through the provision of funding from the sustainable materials management account for purposes, including, but not limited to, grants, revolving loans, technical assistance, consulting services and waste characterization studies, to support programs and projects implemented by entities, including, but not limited to, municipalities, nonprofits and regional waste authorities. Funding from such program may be used to support the development of infrastructure necessary for the management of solid waste materials at upgraded, expanded or

***Substitute House Bill No. 6664***

proposed facilities selected pursuant to section 2 of this act. Such programs and projects shall promote affordable, sustainable and self-sufficient management of waste within the state by reducing solid waste generation or diverting solid waste from disposal, consistent with the state-wide solid waste management plan established pursuant to section 22a-228.

Sec. 17. (NEW) (*Effective from passage*) Notwithstanding the provisions of sections 22a-228 and 22a-241a of the general statutes, respectively, any proposed revision to the state-wide solid waste management plan or the Comprehensive Materials Management Strategy shall be submitted by the Commissioner of Energy and Environmental Protection to the joint standing committee of the General Assembly having cognizance of matters relating to the environment for approval prior to implementation of any such revision. Upon receipt of any such proposed revision, said committee shall hold a public hearing on any such proposed revision not later than fifteen days after such receipt. Not later than thirty days after such receipt, said committee may meet to vote to approve, reject or amend such proposed revision. In the event the committee does not meet, the proposed revision shall be deemed approved. In the event said committee rejects any such proposed revision, the commissioner may file such rejected proposed revision with the clerks of the House of Representatives and the Senate for consideration of the approval, by resolution, of such rejected proposed revision by the members of the General Assembly. If the General Assembly is in session, it shall vote to approve or reject such rejected proposed revision not later than thirty days after the date of filing. If the General Assembly is not in session when such rejected proposed revision is filed, it shall be submitted to the General Assembly not later than ten days after the first day of the next regular session or special session called for such purpose. The rejected proposed revision shall be deemed rejected by the General Assembly if the General Assembly fails to vote to approve or reject such proposed revision not later than thirty



**Substitute House Bill No. 6664**

days after such filing.

Sec. 18. (NEW) (*Effective from passage*) Not later than October 1, 2023, the Commissioner of Energy and Environmental Protection shall issue a request for information to obtain information on systems for the processing of solid waste that is generated in the state and that is not otherwise diverted from the state's solid waste stream in accordance with the provisions of the state-wide solid waste management plan and the Comprehensive Materials Management Strategy. Such request for information shall seek information on such systems that include, but are not limited to, gasification systems that convert such solid waste into gas through a chemical reaction that does not consist of burning. Such request for information shall require the receipt of such information by the Department of Energy and Environmental Protection not later than November 15, 2023. Any presentation of materials in relation to such request for information shall be made to the commissioner not later than January 15, 2024. Not later than February 1, 2024, the commissioner shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment that includes recommendations for the issuance of a request for proposals concerning such systems that is based on the commissioner's review of all information received in connection with such request for information. In forming such recommendations, the commissioner shall additionally consider the: (1) Potential environmental impacts of any such system to the air, water and soils of the state, (2) consistency of any such system with the greenhouse gas emissions goals of the state, (3) municipal costs potentially associated with the utilization of any such system for the processing of solid waste in the state, (4) effectiveness of any such system to process all solid waste in the state that is not otherwise diverted from the state's solid waste stream, (5) ability to convert any existing state-owned or operated facility to utilize any such system without state subsidization of such conversion and while

**Substitute House Bill No. 6664**

substantially decreasing any environmental or public health impacts of such converted facility to any environmental justice community, and (6) reasonable likelihood of siting one or more facilities that utilize any such system in a community other than an environmental justice community.

Sec. 19. Subdivision (1) of subsection (h) of section 16-244c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2024*):

(h) (1) Notwithstanding the provisions of subsection (b) of this section regarding an alternative standard service option, an electric distribution company providing standard service, supplier of last resort service or back-up electric generation service in accordance with this section shall contract with its wholesale suppliers to comply with the renewable portfolio standards. The Public Utilities Regulatory Authority shall annually conduct an uncontested proceeding in order to determine whether the electric distribution company's wholesale suppliers met the renewable portfolio standards during the preceding year. On or before December 31, 2013, the authority shall issue a decision on any such proceeding for calendar years up to and including 2012, for which a decision has not already been issued. Not later than December 31, 2014, and annually thereafter, the authority shall, following such proceeding, issue a decision as to whether the electric distribution company's wholesale suppliers met the renewable portfolio standards during the preceding year. An electric distribution company shall include a provision in its contract with each wholesale supplier that requires the wholesale supplier to pay the electric distribution company an amount of: (A) For calendar years up to and including calendar year 2017, five and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period, (B) for calendar years commencing on January 1, 2018, up to and including the calendar year commencing on January 1, 2020, five and one-half cents per kilowatt hour if the wholesale supplier

**Substitute House Bill No. 6664**

fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources, [and] (C) for calendar years commencing on and after January 1, 2021, four cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class I renewable energy sources, and two and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources, and (D) for calendar years commencing on and after January 1, 2024, three cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period for Class II renewable energy sources. The electric distribution company shall promptly transfer any payment received from the wholesale supplier for the failure to meet the renewable portfolio standards to the Clean Energy Fund for the development of Class I renewable energy sources, provided, on and after June 5, 2013, any such payment shall be refunded to ratepayers by using such payment to offset the costs to all customers of electric distribution companies of the costs of contracts and tariffs entered into pursuant to sections 16-244r, 16-244t and 16-244z, except that, on or after January 1, 2023, any such payment that is attributable to a failure to comply with the Class II renewable portfolio standards shall be deposited in the sustainable materials management account established pursuant to section 16-244bb, as amended by this act. Any excess amount remaining from such payment shall be applied to reduce the costs of contracts entered into pursuant to subdivision (2) of this subsection, and if any excess amount remains, such amount shall be applied to reduce costs collected through nonbypassable, federally mandated congestion charges, as defined in section 16-1.

Sec. 20. Subdivision (2) of subsection (a) of section 16-245n of the

**Substitute House Bill No. 6664**

general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) "Clean energy" means solar photovoltaic energy, solar thermal, geothermal energy, wind, ocean thermal energy, wave or tidal energy, fuel cells, landfill gas, hydropower that meets the low-impact standards of the Low-Impact Hydropower Institute, hydrogen production and hydrogen conversion technologies, low emission advanced biomass conversion technologies, alternative fuels, used for electricity generation including ethanol, biodiesel or other fuel produced in Connecticut and derived from agricultural produce, food waste or waste vegetable oil, provided the Commissioner of Energy and Environmental Protection determines that such fuels provide net reductions in greenhouse gas emissions and fossil fuel consumption, usable electricity from combined heat and power systems with waste heat recovery systems, thermal storage systems, other energy resources and emerging technologies which have significant potential for commercialization and which do not involve the combustion of coal, petroleum or petroleum products, [municipal solid waste] or nuclear fission, financing of energy efficiency projects, projects that seek to deploy electric, electric hybrid, natural gas or alternative fuel vehicles and associated infrastructure, any related storage, distribution, manufacturing technologies or facilities and any Class I renewable energy source, as defined in section 16-1;

Sec. 21. (NEW) (*Effective from passage*) For the purpose of financing any solid waste facility described in section 2 of this act, bonds may be issued by the Connecticut Green Bank as environmental infrastructure bonds pursuant to section 16-245n of the general statutes, as amended by this act, and sections 16-245kk to 16-245mm, inclusive, of the general statutes, as amended by this act. The Commissioner of Energy and Environmental Protection may enter agreements with the Connecticut Green Bank to effectuate the issuance of such bonds, including, but not

**Substitute House Bill No. 6664**

limited to, the pledge of moneys for revenue bonds to support the solid waste facilities described in section 2 of this act.

Sec. 22. Subsection (g) of section 16-245mm of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Notwithstanding any other provision contained in this section, the aggregate amount of bonds secured by such special capital reserve fund authorized to be created and established by this section shall not exceed [two hundred fifty] five hundred million dollars.

Sec. 23. (*Effective from passage*) Not later than July 1, 2024, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Energy and Environmental Protection, shall submit recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and energy and technology, in accordance with section 11-4a of the general statutes, regarding the feasibility and advisability of creating a new quasi-public state agency, state waste authority or other entity for purposes that include, but are not limited to, the development of new solid waste infrastructure and the operation and maintenance of new or existing solid waste infrastructure. Such recommendations shall be made in consultation with any municipalities, municipal authorities, regional waste authorities or private sector operators of solid waste companies participating in a request for proposals pursuant to section 2 of this act.

Sec. 24. Section 22a-265a of the general statutes is repealed. (*Effective July 1, 2023*)

Sec. 25. Sections 22a-260 to 22a-284, inclusive, of the general statutes and sections 8 and 9 of this act are repealed. (*Effective July 1, 2025*)